



Legislative Testimony
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Written Testimony Supporting House Bill 6734, An Act Concerning the Decriminalization of Possession of Small Amounts of Psilocybin, and House Bill 6787, An Act Concerning the Prosecution of Cannabis-Related Cases and Modification of Sentences for Cannabis-Related Offenses

Senator Winfield, Representative Stafstrom, Ranking Members Kissel and Fishbein, and distinguished members of the Judiciary Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in support of House Bill 6734, An Act Concerning the Decriminalization of Possession of Small Amounts of Psilocybin, and House Bill 6787, An Act Concerning the Prosecution of Cannabis-Related Cases and Modification of Sentences for Cannabis-Related Offenses.

Drug use is fundamentally an issue of public health, something the criminal legal system is neither appropriate for nor equipped to handle. The ACLU-CT opposes criminal prohibition of drugs, including psilocybin and cannabis. Not only is prohibition a proven failure as a drug control strategy, but it subjects otherwise law-abiding citizens to arrest, prosecution, and incarceration for what they do in private. In trying to enforce the War on Drugs, the government violates the fundamental rights of privacy and personal autonomy guaranteed by our Constitution. There are better ways to control drug use, like harm reduction, that will ultimately lead to a healthier and freer society.

In the late 19th century, cannabis was put to various medicinal uses and was used recreationally.¹ But around the turn of the century, temperance movements sought

¹ *Against Drug Prohibition*, ACLU (accessed Feb. 28, 2023), <https://www.aclu.org/other/against-drug-prohibition>.

prohibition of both alcohol and other drugs.² But prohibition did nothing to end drug use—instead, people were arrested and imprisoned for doing what they had previously done without government interference.³ Prohibition, in turn, led to a black market under the control of organized crime.⁴ In response, states and eventually the federal government replaced alcohol prohibition with laws regulating the quality, potency, and commercial sale of alcohol. Federal drug policy has remained strictly prohibitionist, even as a growing number of states legalize recreational and medicinal cannabis and decriminalize the use of other drugs. Between 1968 and 1992, the annual number of drug-related arrests increased from 200,000 to over 1.2 million, with one third of arrests on cannabis possession charges.⁵ Rather than arrest people for using drugs, we should decriminalize and invest in prevention, research, education, and social programs that address substance use disorder, permanent poverty, unemployment, and a lack of affordable housing. This includes the decriminalization of psilocybin. The ACLU-CT supports House Bill 6734, and urges this Committee to do the same.

We also support the legalization of cannabis at the state and federal level. Our state made history in 2021 by legalizing cannabis but still has a long way to go in making reparations for its direct role in prosecuting and incarcerating mostly people of color for cannabis crimes. Our support for full decriminalization and record erasure is rooted in our opposition to the racist history of enforcement of cannabis offenses in Connecticut.⁶ Laws criminalizing cannabis impose the hardships of an arrest and arrest record, and often prison terms, on otherwise law-abiding people,⁷ who are disproportionately young, poor, and people of color.⁸ Because of systemic racism, Black people, particularly, have been harmed by this disparity. In 2010, prior to

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *The War on Marijuana in Black and White*, ACLU (June 2013),

https://www.aclu.org/sites/default/files/field_document/1114413-mj-report-rfs-rel1.pdf

⁷ *Marijuana Arrests & Punishments*, ACLU, (accessed Feb. 22, 2023), <https://www.aclu.org/other/marijuana-arrests-punishments>.

⁸ ACLU, *supra* note 1.

decriminalization, Black Connecticut residents were three times more likely to be arrested for cannabis possession than whites,⁹ despite similar rates of cannabis use to white residents.¹⁰ Criminalization of cannabis has been selectively enforced by police, and this enforcement has relied on entrapment, illegal searches, and other methods that violate civil liberties.¹¹

The ACLU-CT fully supports House Bill 6787 and House Bill 6734 but recognizes that they are only beginning steps towards reckoning with the vast generational harm of drug prohibition. No person should be prosecuted or remain in prison for drug-related crimes, nor, as is the case with cannabis, should any person be burdened with a criminal history for the use of a now-decriminalized drug. The ACLU-CT urges this Committee to support House Bill 6787, House Bill 6734, and other legislation to end the failed War on Drugs and erase records of all cannabis convictions.

⁹ *Id.*

¹⁰ Center for Behavioral Health Statistics and Quality, *2016 National Survey on Drug Use and Health: Detailed Tables*, at Table 1.32B. Substance Abuse and Mental Health Services Administration (Sept. 7, 2017), <https://www.samhsa.gov/data/sites/default/files/NSDUH-DefTabs-2016/NSDUH-DefTabs-2016.pdf>.

¹¹ ACLU, *supra* note 1.