

MICHAEL H. DAUB

ATTORNEY AT LAW
10249 YELLOW CIRCLE DRIVE
SUITE 102
MINNETONKA, MN 55343

TELEPHONE: (612) 333-1943
E-MAIL: michael@daublelegal.com

February 16, 2021

Representative Zack Stephenson
509 State Office Building
St. Paul, MN 55155

In Re: HF 600

Dear Representative Stephenson,

I am a drug and substance use disorder policy expert. I am grateful for the opportunity to comment on HF 600 which proposes to regulate adult-use cannabis. There are aspects of HF 600 which I support and some that I oppose.

Dr. Karen Randall, a Pueblo, Colorado emergency department physician who specializes in cannabis science and medicine states that “the legalization of marijuana has damaged, rather than helped,” her home state. She goes on to state that, “I think the public needs to know that we are not okay...the grand experiment is not going well. I don’t think the public is hearing about this as they should be.” She adds, “State government has not only ignored scientific findings about marijuana’s effects to push sales, but failed in the regulatory responsibility it promised would accompany legislation.” In support of her statements, she focused on high potency cannabis products, a marked increase in medical problems, misguided impressions of cannabis’ benefits, increased homelessness, and a growing population of chronic, cannabis dependent users.

Minnesota sits at a crossroads. Cannabis legalization brings with it difficult legal and policy challenges. Although Minnesota partially decriminalized cannabis in 1976, the legalization movement never gained much momentum. In 2014, Minnesota legalized medical cannabis. Although the federal law criminalizing cannabis, the Controlled Substances Act of 1970 (“CSA”) remains in effect, the budding experiment to legalize cannabis has not withered on the vine. Legalization efforts have taken root nationally, spreading like a weed.

In 2021, the effort to legalize cannabis in Minnesota is reaching a new high following the budding cannabis legalization experiments in other states. It is not likely to burn out. The haze of public

Representative Zack Stephenson
February 16, 2021
Page Two

support for some kind of legalization has spread. Some states and the federal government continue to oppose legalization, resulting in an amalgamation of conflicting laws and regulations.

Some Minnesota politicians, scholars, lawyers, business people and others are now trying to legalize cannabis possession, cultivation, and sale even though the federal government forbids those activities. Most agree that as long as the federal government chooses not to enforce its anti-cannabis laws, states may allow legal and medical cannabis. A myriad of employment, probation, banking, tax, and regulatory issues complicate the process.

There is an ever-increasing body of evidence that cannabis has a negative impact on public health, including mental health and substance use disorders that are amplified when legalization occurs. Legalization is also accompanied by increased numbers of car accidents, hospital use, drug trafficking arrests, incarceration costs, lost productivity in the workplace and a steady if not increasing wafting of illegal sales across state lines. Legalization has never succeeded in eliminating illegal trafficking of cannabis.

No matter where you stand in the cannabis legalization debate, having more information is critical to making the best decisions for the future of Minnesota. Proponents of legalization, including some legislators, minimize the risk, simply ignore clear-cut science, or enable misinformation about the danger of cannabis to the public health. The National Academies of Sciences, Engineering, and Medicine reported nearly 100 conclusions related to the health effects of cannabis. The Rocky Mountain High Intensity Drug Trafficking Area has reported about the legalization of cannabis in Colorado as has the Colorado Department of Public Health, the Colorado Division of Criminal Justice, Department of Public Safety and the Colorado Department of Public Health and Environment. The National Institute on Drug Abuse (“NIDA”) has reported about the risks of cannabis use. The Substance Abuse and Mental Health Services Administration (“SAMHSA”) has reported about the risks of cannabis use. The Office of the Surgeon General has issued an advisory about the effect of cannabis use on the developing brain and during pregnancy. The New England Journal of Medicine has reported about the adverse health effects of cannabis use. The Journal of Pediatrics has reported about unintentional cannabis ingestion in children. Evidence-based research cannot be ignored.

Lawmakers must also develop a sense of the breadth of costs associated with cannabis legalization. Economic benefits including tax revenue, jobs, and overall sales will need to be contrasted with social costs, including the cost of mitigating the effects of legalization, including costs to the healthcare system and the environment.

Many proponents champion legalization as a solution for real issues that disproportionately affect communities of color. They cite the prevalence of minority groups arrested or jailed for minor

Representative Zack Stephenson
February 16, 2021
Page Three

possession charges as reason sufficient to legalize cannabis. They insist that legalization would, in part, reduce the number of people of color who are jailed for minor possession. Unfortunately, the evidence is that legalization does not remedy the problem.

Many of the same proponents of legalization support legalization as a way to redress economic or social injustice. You should consider whether social justice can be addressed without full-scale legalization. There is substantial evidence that social justice has not been advanced through legalization.

I believe that we must end the false dichotomy that there are only two options when it comes to drug policy: legalization or criminalization. To be blunt, the overall goal of drug policy should be to reduce drug use and connect those who are suffering from substance use disorders with recovery resources. Your choices are not between locking up users and fostering a for-profit industry.

The economic benefits of legal cannabis are debated as often as the other arguments. Some assessments of the increased costs to government in terms of public health and public safety indicate that they are equal to or outweigh any financial benefits. It is predicted that the price of cannabis will continue to drop as more production is added. When coupled with the inability to eradicate the illegal cannabis market, questions persist about whether U.S. farmers can compete with those in other countries as the legalization movement spreads globally.

I believe it is time to hasten the end of low-level cannabis possession offenses. It is also time to expunge criminal convictions for low-level possession offenses. A person who makes one mistake in their past should not have their future destroyed. The recent Minnesota House Select Committee on Racial Injustice Report supports these initiatives.

Help to those afflicted with cannabis use disorder should be readily available. Treatment for substance use disorder should expand as well, with dedicated revenue from any cannabis tax revenues supporting it. Educational campaigns focusing on scientific findings illustrating the danger to public health from cannabis should be immediately expanded regardless whether or not legalization proceeds.

The federal government cannot continue to ignore cannabis legalization. In my opinion, the 117th Congress is not likely to do so. Federal legislation is pending which should facilitate more research and regulation to protect the public from the public health consequences of state legalization efforts.

Representative Zack Stephenson
February 16, 2021
Page Four

Thank you for the opportunity to be heard.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael H. Daub". The signature is stylized with a large, sweeping initial "M" and "D".

Michael H. Daub

MHD/kcf