



Working to Reform Marijuana Laws

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## Minnesota (2022): HF 1355, Testimony in support of penalty reductions and expungement for marijuana-related offenses

My name is Jax James and I serve as the State Policy Manager for the National Organization for the Reform of Marijuana Laws (NORML). I would like to thank the Transportation Finance and Policy Committee for considering HF 1355. NORML is supportive of legislative efforts to reduce criminal penalties for cannabis-related offenses as well as facilitate the expungement of criminal records for such convictions.

House File 1355 seeks to reduce penalties for the limited possession of non-flower cannabis products, authorizes the expungement of felony records for marijuana offenses if the charge would not remain a felony after the passage of this bill, provides for the automatic expungement of lower-level cannabis offenses, and aims to restore second amendment rights to those with personal cannabis convictions, among other provisions.

According to Minnesota NORML, Minnesota decriminalized flower cannabis in the 1970s, but did not include any other forms of cannabis such as edibles or concentrates, meaning that individuals caught with these products could face felony charges instead of petty misdemeanor tickets. This is increasingly problematic because the trends in Minnesota's consumption are shifting heavily toward non-flower cannabis, resulting in more felony charges instead of petty misdemeanor tickets. **In 2013, Minnesota's Drug Task Forces (VCETs) seized 353 grams of non-flower cannabis. In 2021, that number ballooned to 580,533 grams of edibles and wax and 91,461 THC vape cartridges.**

Penalty reduction for the limited possession of cannabis and the possession of cannabis products is urgently needed in order to address the gaps within existing legislation. Starting with Oregon in 1973, more than half of US states and the District of Columbia have decriminalized minor marijuana possession offenses, including the state of Minnesota. Low-level marijuana possession offenders, many of them young people, should not be saddled with a criminal record and the lifelong penalties and stigma associated with it. There is no evidence to suggest that Minnesota should not expand these practices for non-flower cannabis products.

The expungement of cannabis-related criminal records goes hand-in-hand with penalty reduction. People with otherwise clean records do not deserve for the rest of their life to be derailed because of an erroneous marijuana conviction that would not have been prosecuted today. [Twenty-four states](#) and the District of Columbia have expungement or record sealing laws relating to marijuana with millions of people having been impacted by such policy reform.

Considerations for penalty reduction and the subsequent assumption that marijuana consumption may increase have been addressed by multiple states, many of which have had decades to refine cannabis policy. Recent data suggests that the expansion of cannabis access is associated with lower rates of opioid abuse and mortality, and does not negatively impact workplace safety, teen use, or motor vehicle safety. In fact, a [2020 study](#) from Traffic Injury Prevention demonstrates that access to cannabis is not associated with upticks in motor vehicle accidents: "We found no significant differences in pedestrian-involved fatal motor vehicle crashes between legalized cannabis states and control states following medical or recreational cannabis legalization. Washington and Oregon saw immediate decreases in all fatal crashes (-4.15 and -6.60) following medical cannabis legalization. ... Overall findings do not suggest an elevated risk of total or pedestrian-involved fatal motor vehicle crashes."





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Furthermore, in 2021, The American Surgeon analyzed [data](#) from multiple state trauma centers over a 12-year period to determine: “There did not appear to be a relationship between the legalization of marijuana and the likelihood of finding THC in patients admitted after MVC. ... There was no apparent increase in the incidence of driving under the influence of marijuana after legalization.”

Previous analyses have consistently reported [no changes](#) in traffic safety following the enactment of cannabis liberalization laws. Data trends have been less consistent following the imposition of statewide adult-use legalization laws, with some jurisdictions showing [minor changes over time](#) and [others showing no changes](#).

When enacted properly, cannabis legislation can address the risks of THC impairment with evidence-based and scientific data. Voters do not desire replacing nearly a century of criminalization with a marijuana free-for-all. They are aware of the reality that marijuana possesses some potential level of risk and that there exists the potential for abuse, particularly among young people. In fact, it is precisely because of this reality that NORML believes that society ought to regulate its use, production, and dispensing accordingly.

NORML urges Minnesota lawmakers to thoughtfully consider the penalty reduction precedents set by the state in the 1970s and pass HF 1355 to address existing issues within the state’s cannabis laws.

