

Labor and Public Employees Committee

JOINT FAVORABLE REPORT

Bill No.: HB-6377

AN ACT CONCERNING LABOR PEACE AGREEMENTS AND A MODERN AND
Title: EQUITABLE CANNABIS WORKFORCE.

Vote Date: 3/25/2021

Vote Action: Joint Favorable Substitute

PH Date: 2/9/2021

File No.:

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SPONSORS OF BILL:

Labor and Public Employees Committee

REASONS FOR BILL:

Working class and minority communities have suffered from unequal enforcement of laws regarding the criminalization of cannabis as a result of the federal war on drugs.

RESPONSE FROM ADMINISTRATION/AGENCY:

SHAWN WOODEN, TREASURER, STATE OF CONNECTICUT

Shawn testified that the bill's focus on racial equity was the right focus at a crucial time. Shawn spoke to the long lasting and radiating effects of the war on drugs and draconian "tough on crime" policies and called for bold action to ensure racial equity.

NATURE AND SOURCES OF SUPPORT:

JOSEPH ACCETTULLO, FOUNDER & PRESIDENT, NEW ENGLAND CRAFT CANNABIS ALLIANCE

Joseph testified that the criminalization of homegrown cannabis would undermine any potential policy, but this bill addresses that through its homegrow provisions. The bill also focuses on an equitable legalization of cannabis by aiding the communities which were most damaged by the war on drugs. Joseph also urged the creation of a "Cannabis Control Commission" to ensure a cannabis legalization process which is focused on social justice.

BRIAN ANDERSON, LEGISLATIVE COORDINATOR, COUNCIL 4 AFSCME

Brian testified that all workers should be reserved the basic human right of organizing a union, and that federal laws don't adequately protect that right. This bill gives common sense protections to workers.

WILDALIZ BERMUDEZ, COUNCILWOMAN, HARTFORD

Wildaliz testified that this bill presents the most comprehensive plan to correct the harm done to working class communities and communities of color by the criminalization of cannabis. Cannabis legalization presents new economic opportunities which this bill attempts to direct towards those disadvantaged communities.

CARL CHISEM, PRESIDENT, CONNECTICUT EMPLOYEES UNION INDEPENDENT, SEIU LOCAL 511

Carl testified on behalf of CEUI, Local 511, whom joins UFCW in supporting the legalization of recreational cannabis contingent on labor peace agreements as a condition of licensure and renewal. Labor peace agreements are an effective way to protect businesses, workers, and consumers while ensuring diversity.

MARK ESPINOSA, PRESIDENT, UNITED FOOD AND COMMERCIAL WORKERS UNION LOCAL 919

Mark testified that UFCW has pioneered the equitable growth of the cannabis industry, and to the equity inherent in labor peace agreements. Labor peace agreements will ensure that the communities which have been adversely affected by the prohibition of cannabis will be the ones who benefit from its legalization.

BRIAN ESSENER, PHARMACIST

Brian testified to the corrective measures in this bill which combat the legacy of the racist war on drugs. A pre-emptive labor peace agreement requirement prevents future disputes and sets expectations from day one. This bill may contain too many layers of government oversight and bureaucracy, but equity oversight is necessary. "Host Community Agreements" may bar equity applicants and allow a backdoor for corruption, regardless of provisions attempting to prevent this.

SARAH GERSTEN, EXECUTIVE DIRECTOR AND GENERAL COUNSEL, LAST PRISONER PROJECT

Sarah testified that any plan for cannabis legalization must be equitable. Any state which receives tax revenue from a legal cannabis industry has an ethical imperative to ensure that those who suffered the effects of previous discriminatory enforcement policies are afforded every opportunity to benefit from its legalization.

OMAR GREEN

Omar testified in support of the corrective measures taken by this bill to address equity concerns for individuals impacted by discriminatory prohibition enforcement in a legal cannabis industry.

LEANNE HARPIN

Leanne testified to the historically racist origins of the war on drugs and its discriminatory enforcement which lasts to this day. Marijuana is less dangerous than alcohol and is not a gateway to opioid abuse. Connecticut stands to gain more tax revenue through the legalization of recreational cannabis.

JIM PERRAS, CEO, HOME BUILDERS & REMODELERS ASSOCIATION OF CONNECTICUT, INC.

Jim testified on behalf of the HBRA-CT that Section 30 (a)(2) may be inadvertently violated by landlords while attempting to discover information on non-marijuana related criminal convictions, suggesting that the bill be amended to address this concern.

KERI HOEHNE, EXECUTIVE VICE PRESIDENT, UNITED FOOD AND COMMERCIAL WORKERS LOCAL 371

Keri testified on behalf of the UFCW that they support the legalization of recreational cannabis only with the inclusion of labor peace agreements as a requirement for licensure and renewal. Labor peace agreements allow workers to determine whether or not they want union representation in an orderly and fair process. Labor peace agreements keep workers and consumers safe, and other states have already implemented similar kinds of labor peace agreement requirements in the cannabis industry.

MELISSA KEILTY & SAMUEL EVANS, MASTER OF SOCIAL WORK STUDENTS, UCONN SCHOOL OF SOCIAL WORK – UCONN STUDENTS FOR SENSIBLE DRUG POLICY, HARTFORD

Melissa and Samuel testified on behalf of the UConn Students for Sensible Drug Policy Hartford regarding Sections twelve and fourteen which protect people with previous cannabis related arrests or convictions from discriminatory exclusion from cannabis related activities. They highlight the discriminatory enforcement of drug war policy which has resulted in the criminalization of some communities and not others.

SETEVE KENNEDY, CONNECTICUT TEAM LEADER, IRAQ AND AFGHANISTAN VETERANS OF AMERICA

Steve testified to offer suggestions to ensure veterans impacted by the war on drugs are included in the equity provisions of the bill. Some servicemembers have been "less-than-honorably" discharged for cannabis use, which may have been used to treat service-connected medical conditions. Servicemembers who have been less-than-honorably discharged are subject to a loss of benefits and discrimination in civilian life, much like a criminal conviction.

JOSEPH LACHANCE, CT NORML, CANNAHEALTH

Joseph testified to aspects of the bill's equity provisions which help to correct some of the effects of the war on drugs.

SAL LUCIANO, PRESIDENT, CONNECTICUT AFL-CIO

Sal testified to the necessity of equity provisions in an emerging recreational cannabis industry and the importance of labor peace agreements. Collective bargaining agreements can also help to address equity concerns.

DUNCAN MARKOVICH, OWNER AND CO-FOUNDER, BETTER WAYS LLC

Duncan testified on many potential provisions regarding equity, industry regulation, and individual rights. Two major issues in the medicinal cannabis retail sector are a fear of cannabis related drug testing by employers and the need for health insurance companies to cover the costs of products.

MASHANTUCKET PEQUOT TRIBAL NATION

The Mashantucket Pequot Tribal Nation submitted testimony on Section 23 of the bill which allows Connecticut to enter interjurisdictional compacts with Tribes and other governments, regarding cannabis, to enable cross-border regulation and commerce. They testified to the implementation and success of this type of legislation in other states, and how it could help to enhance public health and safety and ensure a well-regulated cannabis market in Connecticut.

KELLY MCCONNEY MOORE, INTERIM SENIOR POLICY COUNSEL, AMERICAN CIVIL LIBERTIES UNION OF CONNECTICUT

Kelly testified on ACLU-CT's support for full decriminalization of cannabis at every step in the production, distribution, and consumption processes citing the racist history of criminalization enforcement. Kelly praised the bill's equity provisions and offered suggestions on how to expand upon them.

SARAH NOON, UNITED STATES FEDERAL POLICY LIAISON, STUDENTS FOR SENSIBLE DRUG POLICY

Sarah testified to the scope of the bill, which addresses the totality of discrimination from the war on drugs. Sarah stated that a criminal history or previous disciplinary action should not interfere with anyone's right to a higher education and praised Section 29 of the bill, which defines protections related to educational institutions, financial aid, and student loans, as a step in the right direction.

MARY JANE OATMAN, FOUNDER AND EXECUTIVE DIRECTOR, INDIGENOUS CANNABIS COALITION

Mary Jane testified by applauding the bill as a pivotal step in the process towards the reclamation of the Indigenous (women's) cordage economies for Indigenous peoples and as a recognition of Connecticut's Indigenous families as contemporary, thriving communities. The bill provides solutions to the issues created by failed prohibition policies. Section 32 is a critical protection for Tribal sovereignty which will allow them to safely and compliantly engage in cannabis economies.

JASON ORTIZ, PRESIDENT, MINORITY CANNABIS BUSINESS ASSOCIATION

Jason testified that the bill helps to facilitate social equity in the cannabis industry by addressing the near totality of discrimination inherent in the war on drugs. Jason highlighted several sections of the bill which addressed protections rather than punishments for youth, and cooperation with and respect for our tribal nations.

ANTHONY M. PERRONE, INTERNATIONAL PRESIDENT, UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION

Anthony testified that the bill would strengthen communities, create good jobs, and bring reparative justice. Anthony also praised labor peace agreements as a means to ensure well-paid, safe, family-sustaining jobs, help to bring about equity in the workplace, and to ensure public health and product safety.

RONALD PETRONELLA, PRESIDENT, UFCW LOCAL 371

Ronald testified on the unique opportunities presented by the legalization of recreational cannabis to create an entirely new industry in Connecticut and to ensure its workforce is

diverse and is offered family-sustaining incomes through labor peace agreements and ultimately, unionization.

RAFAEL ROSARIO, OWNER, BASEMENT GHOST MEDIA

Rafael testified by sharing an experience about his work as a job developer at a men's halfway house trying to help justice impacted people find employment. One man he was helping to find employment for was surprised at how some people were making millions by selling a substance for which some of his roommates had been imprisoned, highlighting the importance of the equity provisions of the bill.

EMILY SABO, BUSINESS AGENT/ORGANIZER, UNITED FOOD AND COMMERCIAL WORKERS UNION LOCAL 919

Emily testified that the bill will create a framework to create jobs with good wages and benefits in a growing industry. Labor peace agreements allowing workers to make a choice on whether to unionize free from coercion will result in better pay, benefits, and equity in the industry.

DAVID SERRANO

David testified to the difficulties faced by communities of color as a result of the drug war and its radiating societal effects. David spoke against a limited and competitive licensing process for cannabis growers, and in favor of home grow provisions as a means to achieve equity in an industry which has thus far excluded those most damaged by the war on drugs.

SHALEEN TITLE, CO-FOUNDER, CANNABIS REGULATORS OF COLOR COALITION

Shaleen testified that from 2017 to 2020 she served as a commissioner of the Massachusetts Cannabis Control Commission for her expertise in social justice and policy issues. She praised the bill's equity and community investment provisions as being a good application of the lessons she's learned from her experiences in Massachusetts.

DEVAUGHN WAR, SENIOR LEGISLATIVE COUNSEL, MARIJUANA POLICY PROJECT

DeVaughn testified on behalf of the Marijuana Policy Project that they support all objectives of the bill but cautioned against "host community agreements," stating that they ultimately thwart equity. DeVaughn cited Massachusetts as having issues as a result of their requirement for applicants to sign host community agreements with municipalities, particularly for small businesses.

DENISE WEEKS, GLASTONBURY

Denise testified to her experience as a volunteer in Hartford working with people who have been victims of the war on drugs. She highlighted the importance of the bill's equity provisions and called the bill an important step in repairing the harm done to the families affected by the war on drugs.

CARLY WOLF, STATE POLICIES COORDINATOR, NATIONAL ORGANIZATION FOR THE REFORM OF MARIJUANA LAWS

Carly testified that the bill would establish a comprehensive social equity program focused on reducing barriers to entry into the cannabis industry and reinvestment in communities affected by the war on drugs. Testimony spoke to the discriminatory enforcement of drug war policy and praised the bill's home-grow provision.

BRANDON WYATT, BOARD SECRETARY, MINORITY CANNABIS BUSINESS ASSOCIATION

Brandon testified on a brief history of sharecropping in the colonial United States, where a landowner divides their land into smaller parcels and accepts labor in exchange for farming privileges or payments in crops produced – known as a crop lien. The farmers, which were overwhelmingly minority, would not develop any equity or appreciation through ownership of the land, and prosperous landowners would charge the farming families a fee to live in a house on the property – an arrangement known as tenant farming. Brandon praised this bill for avoiding an economic situation like this type of sharecropping.

STACY ZIMMERMAN, SERVICE EMPLOYEES INTERNATIONAL UNION CONNECTICUT STATE COUNCIL

Stacey submitted testimony in support of a number of bills being considered by the committee and applauded the committee for proposing legislation on such important matters.

NATURE AND SOURCES OF OPPOSITION:

THE CONNECTICUT MEDICAL CANNABIS COUNCIL

The CT Medical Cannabis Council testified that the labor peace agreement requirement for obtaining and maintaining licensure in Connecticut's cannabis program risks creating legal uncertainty and disruptions for the program and the public. There are many questions surrounding the legality of such a requirement from the federal and state level, and no comfort or lesson can be taken from its implementation in other states. The legality of similar labor peace agreement requirements, which have been implemented in other states, has not yet been litigated or affirmed.

FINE FETTLE DISPENSARY

Fine Fettle dispensary testified that it is a local and diverse company which provides its employees with compensation and benefits beyond the industry standard and without external costs. They agree with the purpose of the bill, but not the means. They outline proposed changes to ensure equity through community aid, diverse hiring initiatives, and diverse ownership.

ERIC GJEDE, VICE PRESIDENT OF GOVERNMENT AFFAIRS, CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION

Eric testified that the CBIA opposes section three of the bill. Section three would invalidate employment policies which may otherwise restrict an employee's cannabis use in or outside of the course of their employment. Marijuana has been proven to impair judgment and certain cognitive abilities. Other states protect the employer's right to conduct pre-employment and post screening drug tests and enforce off-site cannabis use policies.

JOINT TESTIMONY OF GENERAL DYNAMICS ELECTRIC BOAT, RAYTHEON TECHNOLOGIES CORPORATION, AND SIKORSKY, A LOCKHEED MARTIN COMPANY

The companies submitted testimony describing how legalizing marijuana for recreational use would limit their eligible labor talent pool. Marijuana impairs certain cognitive abilities and motor skills, which makes it unsafe for manufacturing workers to use at work. Section three of the bill may result in an employee who is under the influence engaging in safety-sensitive work. They suggest amendments to protect an employer's good faith belief that an employee

used, possessed, or was impaired by, any drug while at work from civil action and to establish a defined threshold to determine impairment.

THE CONNECTICUT CONFERENCE OF MUNICIPALITIES

CCM submitted testimony urging considerations regarding public health and safety before legalization. CCM urged adoption of a number of proposed provisions which would allow municipalities more freedom and control over recreational cannabis operations within their jurisdiction.

NATIONAL SAFETY COUNCIL

The National Safety Council submitted testimony urging the committee to consider public safety as their primary concern regarding this bill, and all others, by preserving an employer's right to maintain a substance-free workplace.

BARRY SAMPLE, SENIOR DIRECTOR OF SCIENCE AND TECHNOLOGY, QUEST DIAGNOSTICS EMPLOYER SOLUTIONS

Barry testified on behalf of Quest Diagnostics to express concerns with provisions of the bill that limit an employer's ability to maintain a truly drug-free workforce for safety-sensitive employees. It is insufficient to only prohibit employees from using, or being under the influence of, cannabis while at work. Current tests cannot differentiate between whether an employee is currently under the influence or has recently used cannabis but is not currently under the influence.

NATHAN TINKER, SECRETARY, ACADEMY OF MEDICAL MARIJUANA DISPENSARIES

Nathan testified on behalf of the AMMD that they support a thoughtful social equity program in Connecticut's cannabis industry, whether it remain only medical or expand to recreational use. They're willing to offer mentoring and business development support for entrepreneurs. However, they're concerned with lowering the costs of medical marijuana for patients and fear that the bill would do the opposite.

Reported by: Mike Antonakos, Assistant Clerk Date: 4/9/2021