

Determining the social equity impact of altering residential cannabis agriculture regulations.

HB 1443 - 2021-22

**Concerning social equity within the cannabis
industry.**

WHAT IS SOCIAL EQUITY ?

DOES HOME GROWING FIT INTO THE TOPIC AND
PURPOSES OF SOCIAL EQUITY?

SOCIAL EQUITY GOALS

- REDUCE THE ACCUMULATED HARM SUFFERED BY INDIVIDUALS, AND FAMILIES
- REDUCE THE ACCUMULATED HARMS LOCAL AREAS SUBJECT TO SEVERE IMPACTS FROM THE HISTORICAL APPLICATION AND ENFORCEMENT OF ((MARIJUANA)) CANNABIS PROHIBITION AND LAWS.

CAN HOME CULTIVATION OF CANNABIS FURTHER SOCIAL EQUITY GOALS?

IF SO, HOW CAN THAT BE MEASURED?

TWO ASPECTS

- HOMEGROWING IN LINE WITH PURPOSES OF 502
- IS THERE CURRENTLY INEQUITY IN THE APPLICATION OF THE PROHIBITION OF HOME CULTIVATION?

1502 AND HOME CULTIVATION OF CANNABIS

“Personal cultivation by adults absolutely is in the spirit of the new approach envisioned by the drafters and sponsors of I-502. The primary motivation for putting I-502 on the ballot was to end the criminalization of cannabis use, growing, and provision, and begin moving us in a new, public health-focused direction. Prohibiting adults from cultivating their own cannabis for personal use is inconsistent with that overarching goal.”

-ALISON HOLCOMB, ACLU WASHINGTON, SPONSOR OF NEW APPROACH WASHINGTON, AND RELENTLESS ADVOCATE FOR ENDING MASS INCARCERATION

MEASURING INEQUITY IN THE APPLICATION AND ENFORCEMENT OF HOME CULTIVATION PROHIBITION

- WHAT IS DIFFICULT TO MEASURE IS THE CUMULATIVE, GENERATIONAL HARM
- WHAT CAN BE MEASURED IS A LEVEL OF ARRESTS BY AFFECTED COMMUNITIES.

***PER HB 1443**

DISPROPORTIONATELY IMPACTED AREA IS A CENSUS TRACT OR COMPARABLE GEOGRAPHIC AREA WITH HIGH RATES OF:

(1) POVERTY AND UNEMPLOYMENT;

(2) PARTICIPATION IN INCOME-BASED OR STATE PROGRAMS; AND

(3) ARREST, CONVICTION, OR INCARCERATION RELATED TO THE SALE, POSSESSION, USE, CULTIVATION, MANUFACTURE, OR TRANSPORT OF CANNABIS.

NIBRS - Incident –based reporting system.

1. crime code “cultivation” (different from “possession”)
2. by year - 2012 – 2020 (no data available past 2019)
3. by race of arrestee
4. by county
5. manually by garden size

Copy of 2012-2019 Marijuana Cultivating Arrests-1 - Microsoft Excel

	G	H	I	J	K	L	M
37	Male	Asian	Marijuana	26	Dosage Units/Item	Cultivating/Manufacturing/Pul	Summoned/Cited
38	Male	Asian	Marijuana	26	Dosage Units/Item	Cultivating/Manufacturing/Pul	Summoned/Cited
39	Male	Asian	Marijuana	26	Dosage Units/Item	Cultivating/Manufacturing/Pul	Summoned/Cited
40	Female	Asian	Marijuana	26	Dosage Units/Item	Cultivating/Manufacturing/Pul	Summoned/Cited
41	Male	Asian	Marijuana	26	Dosage Units/Item	Cultivating/Manufacturing/Pul	Summoned/Cited
42	Male	Asian	Marijuana	26	Dosage Units/Item	Cultivating/Manufacturing/Pul	Summoned/Cited
43	Male	Asian	Marijuana	26	Dosage Units/Item	Cultivating/Manufacturing/Pul	Summoned/Cited
44	Male	Asian	Marijuana	26	Dosage Units/Item	Cultivating/Manufacturing/Pul	Summoned/Cited
45	Female	Asian	Marijuana	8	Dosage Units/Item	Cultivating/Manufacturing/Pul	Summoned/Cited
46	Female	Black or African	Marijuana	6	Dosage Units/Item	Cultivating/Manufacturing/Pul	Summoned/Cited
47	Male	Black or African	Marijuana	8	Dosage Units/Item	Cultivating/Manufacturing/Pul	Summoned/Cited
48	Male	Black or African	Marijuana	16	Dosage Units/Item	Cultivating/Manufacturing/Pul	Taken Into Custody
49	Male	Black or African	Marijuana	5	Number of Plants	Cultivating/Manufacturing/Pul	Taken Into Custody
50	Male	Black or African	Marijuana	7	Number of Plants	Cultivating/Manufacturing/Pul	Taken Into Custody
51	Male	Black or African	Marijuana	6	Number of Plants	Cultivating/Manufacturing/Pul	Taken Into Custody
52	Female	Black or African	Marijuana	1302	Number of Plants	Cultivating/Manufacturing/Pul	Taken Into Custody
53	Unknown	Unknown	Marijuana	45	Number of Plants	Cultivating/Manufacturing/Pul	Summoned/Cited
54	Unknown	Unknown	Marijuana	45	Number of Plants	Cultivating/Manufacturing/Pul	Summoned/Cited
55	Unknown	Unknown	Marijuana	45	Number of Plants	Cultivating/Manufacturing/Pul	Summoned/Cited
56	Unknown	Unknown	Marijuana	45	Number of Plants	Cultivating/Manufacturing/Pul	Summoned/Cited
57	Female	Unknown	Marijuana	373	Number of Plants	Cultivating/Manufacturing/Pul	On-View Arrest

Ready Count: 106 82%

CURRENT STATE OF THE LAW

- PERSONAL CULTIVATION OF CANNABIS OF ANY NUMBER OF PLANTS FOR PERSONAL USE REMAINS A CLASS C FELONY.
- CULTIVATION OF CANNABIS FOR MEDICAL USE AS AUTHORIZED BY A TREATING PHYSICIAN ALSO REMAINS A CLASS C FELONY, HOWEVER, AN AFFIRMATIVE DEFENSE CAN BE ASSERTED IN COURT
- THE LAW IS SILENT ON LANDLORD-TENANT RIGHTS CONCERNING GROWING AND ARE CONTROLLED BY LEASE CONTRACT. HOWEVER, GROWING IN FEDERAL HOUSING IS STRICTLY PROHIBITED

RESULTS

CLEARLY, THE PROHIBITION OF HOME CULTIVATION HAS HAD DISPARATE IMPACTS

COMPARATIVE CHANCE OF BEING ARRESTED, BY RACE *

	2012	2013	2014	2015	2016	2017	2018	2019	average
White	/	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Black	/	4.232	1.512	.756	7.237	3.540	2.592	15.378	5.035
Hispanic	/	1.433	0	1.295	.296	3.517	2.542	7.780	2.409

* *within the parameters of HB 1019*

WHAT MIGHT A HOME GROW BILL LOOK LIKE ?

FACTORS TO CONSIDER

- *CHANGING THE DETAILS WILL CHANGE THE EFFECT ON A BILLS SOCIAL EQUITY IMPACT*
- *THERE WILL BE MULTIPLE STAKEHOLDERS WITH DIFFERENT INTERESTS. SEARCH FOR COMMON INTERESTS*
- *A BILL THAT DOES NOT PASS CANNOT HELP ANYONE. CONSIDER THE INPUT AND CONCERNS OF OTHER STAKEHOLDERS, EVEN IF YOU DO NOT ADOPT THEIR IDEAS.*
- *CONSIDER UNINTENDED CONSEQUENCES.*

HB 1019 ALLOWING RESIDENTIAL MARIJUANA AGRICULTURE

- 1. SIX PLANTS PER ADULT**
- 2. 15 PLANTS MAX IN A HOUSING UNIT.**
- 3. PLANTS MUST BE MARKED TO OWNER.**
- 4. LANDLORDS AND PROPERTY OWNERS CAN PROHIBIT GROWING.**
- 5. NO GROWING IN FOSTER HOMES OR DAY CARES.**
- 6. PLANTS MUST REMAIN OUT OF PUBLIC VIEW. ODOR CONTROL.**
- 7. CLARIFIES ENFORCEMENT AUTHORITY. PROVIDES THAT THE LIQUOR AND CANNABIS BOARD HAS NO AUTHORITY**
- 8. MODIFIES THE SEIZURE AND FORFEITURE STATUTE AS IT APPLIES TO MARIJUANA.**
- 9. ADDS A DEFINITION OF “COMMERCIAL ACTIVITY” TO THE UNIFORM CONTROLLED SUBSTANCES ACT.**

LASTLY - HOME CULTIVATION OF CANNABIS
IS NOT AN EXPERIMENT

16 STATES, PLUS WASHINGTON D.C. ALREADY ALLOW IT

WE KNOW THE EFFECTS OF ALLOWING HOME CULTIVATION

WE KNOW ENDING PROHIBITION KEEPS PEOPLE OUT OF JAIL

**—PARTICULARLY THOSE FROM DISPROPORTIONATELY
AFFECTED COMMUNITIES**

WE ALREADY KNOW ALLOWING HOME GROWS DOES NOT
INCREASE CRIME OR INCREASE USE BY CHILDREN.

AS A SOCIAL EQUITY TOOL, ENDING THE PROHIBITION ON HOME CULTIVATION OF CANNABIS IS NOT PREFERENTIAL TO ANYONE, BECAUSE IT WOULD BE A RIGHT AFFORDED TO EVERYONE EQUALLY.

HOWEVER, BECAUSE, AS I HAVE SHOWN, THIS PROHIBITION HARMS SOME COMMUNITIES SO DISPROPORTIONATELY, ENDING THIS PROHIBITION WOULD ALSO CORRECT THESE HARMS TO THESE COMMUNITIES TO A DISPROPORTIANATE BENEFIT.

QUESTIONS ?

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