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ACLU OF RI POSITION: OPPOSE

**TESTIMONY ON 22-S 2371,
AN ACT RELATING TO FOOD AND DRUGS – MEDICAL MARIJUANA ACT
March 14, 2022**

The ACLU of Rhode Island is strongly opposed to this legislation which would require a background check for a swath of individuals engaged with the industry of medical marijuana – in both a business and patient capacity – and would render these individuals ineligible for engagement with the industry should they have been convicted of any felony offense. Such a practice would not only be highly discriminatory, it could needlessly prevent individuals from accessing employment or medication on the basis of an irrelevant or outdated criminal record check.

Our organization, along with many others, has long expressed concerns about the barriers that a criminal record check can place on formerly incarcerated or justice involved individuals who are otherwise eminently qualified for various jobs. The preclusion from employment that this bill would place on individuals with felony offenses, however, is particularly concerning given the profound and discriminatory impact that the criminalization of marijuana has had on BIPOC communities. To bar some individuals – who may have been previously criminalized for offenses which are rapidly becoming legal across the country – from professional opportunities in that same industry could exacerbate persisting disparities by only allowing certain individuals to access the economic benefits of the medical marijuana industry.

Yet, aside from the harmful ways that this bill could exclude qualified individuals from employment, this legislation would further strip patients from accessing important medication solely for having *any* felony offense on their record. The ability for an individual to take medication that they require to manage a health condition should not be dependent on whether they are able to pass a criminal background check. This provision is unnecessary and cruel and would exclude individuals from an important medical resource based on an expansive and possibly outdated criminal record check.

At a time when our General Assembly is not only considering the social justice implications of recreational marijuana legalization but is concurrently examining the ways in which our criminal justice system perpetuates discriminatory practices, the passage of this legislation would signify a serious undermining of both of those reforms. We therefore strongly urge rejection of this bill.

Thank you for your consideration.