



MICHAEL V. LAWLER  
Assemblyman  
97<sup>th</sup> District

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

RANKING MINORITY MEMBER:  
Governmental Operations

COMMITTEES ON:  
Aging  
Banks  
Housing  
Education

January 25, 2021

The Honorable Andrew M. Cuomo  
Governor of New York State  
New York State Capitol Building  
Albany, NY 12224

Hon. Carl E. Heastie  
Speaker of the New York State Assembly  
Legislative Office Building, Room 932  
Albany, NY 12248

Hon. Andrea Stewart-Cousins  
Majority Leader of the New York State Senate  
Legislative Office Building, Room 907  
Albany, NY 12247

Dear Governor Cuomo, Speaker Heastie, and Majority Leader Stewart-Cousins:

We write to express our strong opposition to the inclusion of public policy decisions once again being part of the state budget.

As in years past, there are many public policy decisions that require and would benefit from robust discussion and debate, and would engender more public support if they were done with transparency and a willingness to address legitimate concerns, rather than have to be fixed through chapter amendments or new legislation in successive years.

As our state continues to grapple with an unprecedented public health crisis and fiscal challenges, now more than ever, our residents deserve an honest, robust debate about the path forward, including on the critical issue of the legalization of marijuana for recreational use.

Having studied this issue for many years, we have significant and grave concerns about moving forward with legalization, especially through the budget process, where discussion and debate will be limited and the public will not have the opportunity to fully engage in this important public health decision.

In addition, we would like to bring to your attention significant issues that should be addressed in any legislation you may consider. Specifically:

- 1) Modern strains of marijuana are far, far more potent in Tetrahydrocannabinol (THC) levels than strains from decades past. For reference, in the 1980's THC levels were around 3%, while today, THC levels average nearly 20%. Derivatives of marijuana in edibles and vaping can contain upwards of 98% THC.
- 2) Of the states that have legalized recreational use of marijuana, only one has put a cap on the potency level of marijuana.
- 3) The higher potency of THC has led to negative health consequences, specifically the higher levels of THC have led to Marijuana/Cannabis Use Disorder (addiction) in 1-in-3 who used marijuana in the past year. Amongst children aged 12-17, Marijuana Use Disorder increased by 25% after recreational marijuana was legalized in states across the country. With the rise of vaping, annual marijuana vaping more than doubled amongst 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> graders.
- 4) Past year and past month young adult (18-25) use in legal states outpaces such use in non-legal states. Teen use past month marijuana vaping has also increased dramatically in legalized states.
- 5) Regular users of higher potency marijuana are five times more likely to develop psychosis. Previously, regular users of a lower potency strain of marijuana were three times more likely to develop psychosis.
- 6) Marijuana legalization has been heavily linked to an increase in car accidents and motor vehicle fatalities. In Washington and Colorado, marijuana-impaired driving fatalities more than doubled since legalization. Hundreds, and perhaps thousands, more New Yorkers will die every year in marijuana-related motor vehicle accidents if legalization is rammed through.
- 7) Legalizing marijuana will jeopardize public safety and significantly impact the ability of law enforcement to do their jobs. Furthermore, there are no available tests that can determine whether someone is impaired by inhaling or ingesting marijuana.
- 8) According to a Washington State study, one in five drivers are "stoned," an increase from one in ten drivers prior to legalization.
- 9) Marijuana legalization has shown no significant correlation to a decrease in jail population. In both Colorado and Washington, D.C., following the legalization of marijuana, prison populations remained stagnant, or even increased. Furthermore, in the Commonwealth of Virginia, official records indicate only seven prisoners were there as a result of simple possession of marijuana.

- 10) Despite the effort by states like Illinois to ensure social equity as part of the legalization of marijuana, no state has been able to successfully create a social equity licensing program. In fact, major corporations and well-financed individuals have and continue to control the marketplace in these states.
- 11) Since legalization, hospitalizations and calls to poison control centers for marijuana related incidents have increased over 100% in Colorado, among other states.
- 12) The rate by which children age five and younger have been exposed to marijuana has increased by 147.5% in just over a decade.
- 13) Since legalization, there has been a significant increase in the number of workplace positivity cases, ranging from 38% to 136% increase in states across the country. Given that New York is the only state left without comparative negligence for workplace injuries, this will have a dramatic increase on the number of incidents, as well as the cost of insurance.
- 14) Finally, and not inconsequentially, the revenue promised by legalization of marijuana has fallen significantly short of budget projections in these states. For instance, in California, it resulted in 92% less revenue than projected, during the 2017-2018 fiscal year.

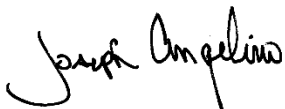
It is our sincere hope that you will take these concerns into account when considering any legislation to legalize marijuana and that you will put the health, safety, and well-being of our residents ahead of any budget and revenue considerations. Additionally, creating an adequate regulatory framework to address these concerns has proven difficult across the country and requires more time and attention than the budget process will allow.

We therefore implore you to remove this proposed legislation from the budget and move it forward as a stand-alone bill, that can be discussed and debated through the proper legislative process.

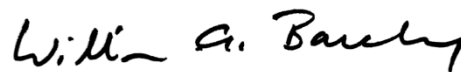
Sincerely,



Michael V. Lawler  
97<sup>th</sup> Assembly District



Joseph Angelino  
122<sup>nd</sup> Assembly District



Will Barclay  
Assembly Minority Leader



Kenneth D. Blankenbush  
117<sup>th</sup> Assembly District



Karl Brabenec  
98<sup>th</sup> Assembly District



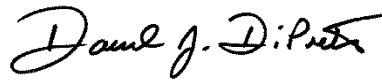
Keith P. Brown  
12<sup>th</sup> Assembly District



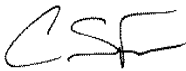
Kevin M. Byrne  
94<sup>th</sup> Assembly District



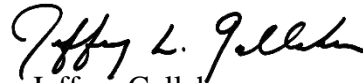
Joseph P. DeStefano  
3<sup>rd</sup> Assembly District



David DiPietro  
147<sup>th</sup> Assembly District



Christopher S. Friend  
124<sup>th</sup> Assembly District



Jeffery Gallahan  
131<sup>st</sup> Assembly District



Andrew Goodell  
150<sup>th</sup> Assembly District



Stephen M. Hawley  
139<sup>th</sup> Assembly District



Joshua Jensen  
134<sup>th</sup> Assembly District



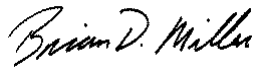
John Lemondes, Jr.  
126<sup>th</sup> Assembly District



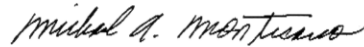
Brian Manktelow  
130<sup>th</sup> Assembly District



David G. McDonough  
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Brian D. Miller  
101<sup>st</sup> Assembly District




Michael A. Montesano  
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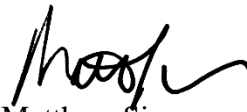
Philip A. Palmesano  
132<sup>nd</sup> Assembly District



Edward P. Ra  
19<sup>th</sup> Assembly District



John J. Salka  
121<sup>st</sup> Assembly District



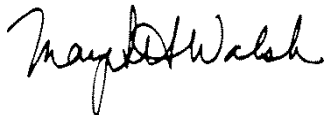
Matthew Simpson  
114<sup>th</sup> Assembly District



Christopher Tague  
102<sup>nd</sup> Assembly District



Mark Walczyk  
116<sup>th</sup> Assembly District



Mary Beth Walsh  
112<sup>th</sup> Assembly District

cc: Dr. Howard Zucker, Commissioner, New York State Department of Health  
Robert F. Mujica Jr., Director, New York State Division of Budget  
Hon. Peter Harckham, Senate Chairman, Alcohol and Substance Abuse Committee  
Hon. Fred Akshar, Senate Minority Ranker, Alcohol and Substance Abuse Committee  
Hon. Phil Steck, Assembly Chairman, Alcohol and Substance Abuse Committee  
Hon. Keith Brown, Minority Ranker, Alcohol and Substance Abuse Committee