



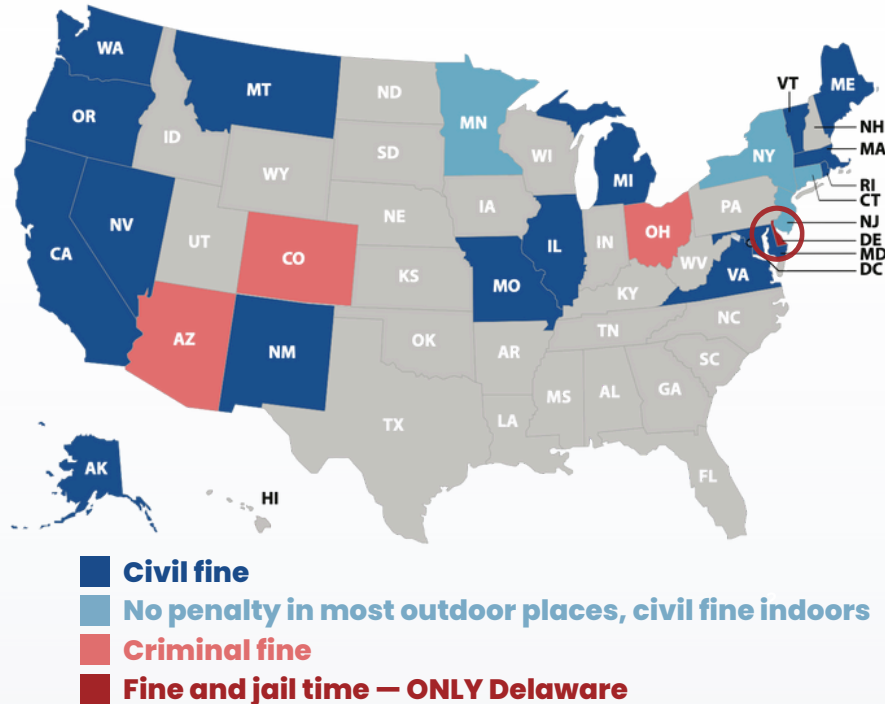
# MAKE CANNABIS CONSUMPTION IN PUBLIC A CIVIL OFFENSE

Rep. Eric Morrison's HB 252 would impose a more reasonable penalty on the public consumption of cannabis, reducing it from up to five days in jail and a criminal conviction to a civil fine. This would bring the penalty in line with other legalization states and Delaware's treatment of smoking tobacco where it is prohibited.

## A fine is an adequate deterrent and proportionate penalty.

Delaware is the *only* legalization state that imposes possible jail time for the public consumption of cannabis. This is also out of step with Delaware's treatment of secondhand tobacco smoke, which is far more dangerous. The CDC reports tobacco smoke causes disease and premature death among people who do not smoke. Smoking tobacco in prohibited locations in Delaware is punishable by a civil fine, while consuming cannabis in public — including *outdoors* — carries up to five days in jail and a criminal record.

## Penalties for Public Consumption in Legalization States



## Jail time and a criminal conviction for cannabis smoking in a legal state is draconian.

Criminal records have life-altering consequences, which often slam the door on opportunity and makes it hard to overcome a mistake and rehabilitate. This severe collateral damage is inappropriate for a low-level offense like consuming cannabis in public. There should be consequences, however, they should be proportionate to the offense. Individuals who get a criminal charge for consuming cannabis in public in their legal state should not have to potentially lose their job, custody of their child, and substantial amounts of money to lawyer fees.

## Cannabis laws continue to be unequally enforced.

Cannabis prohibition was borne of racism, and its enforcement has been marked by racial inequality. That has continued post-legalization. According to the FBI's Crime Data Explorer, since Delaware legalized cannabis for adults, 340 Black individuals and 156 white individuals were arrested for cannabis possession in Delaware. Meaning, Black Delawareans are arrested at almost double the rate of white Delawareans, despite only being 24% of Delaware's total population. The harsh, life-altering penalties of possible jail time and a criminal record disproportionately impact Black Delawareans.

## HB 252's new penalty structure for cannabis:

- Civil fine up to \$50 first offense
- Civil fine up to \$100 for a second or subsequent offense