

Peggy Scott
Assistant Minority Leader

District 31B



Minnesota House of Representatives

August 7, 2023

The Honorable Tim Walz
Governor of Minnesota
130 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

The Honorable Melissa Hortman
Speaker of the House of Representatives
Minnesota House of Representatives
463 State Office Building
St. Paul, MN 55155

The Honorable Kari Dziedzic
Senate Majority Leader
Minnesota Senate
3113 Minnesota Senate Building
St. Paul, MN 55155

via electronic delivery

Dear Governor Walz, Speaker Hortman, and Majority Leader Dziedzic:

We are disappointed in your unwillingness to address glaring defects in the 2023 Marijuana Legalization law. In the days since our initial letter, it has become clearer that Minnesota Democrats still do not understand the full implications of the new law - particularly when it comes to keeping kids away from drugs.

In addition to Democrats' stated intent of decriminalizing marijuana consumption for minors, the legalization bill contains additional dangerous gaps, contradictions, and loopholes as it relates to consumption of marijuana products:

HF 100 Incentivizes Minors to Consume Marijuana. The bill's author, Sen. Lindsey Port, stated in an interview with MinnPost that decriminalization for young people was "intentional" and that "prohibition doesn't work." Once outraged parents and community leaders started asking questions, the tune changed and supporters began claiming that a non-criminal statutory penalty applies to youth marijuana consumption.

Without reinstatement of clear consequences, law enforcement is left to wonder whether the default penalty statute is a viable avenue for punishing minor consumption - and whether the equivalent of a parking ticket is really a deterrent.

Moreover, decriminalizing marijuana for kids results in a peculiar disparity in the state's penalties for underage consumption of marijuana and alcohol, the latter of which is punishable as

a misdemeanor or even a gross misdemeanor in some circumstances. The preferential treatment of marijuana products in HF 100 may create a legal incentive for minors to use the drug.

HF 100 Reduces Penalties for Illegal Sale to Minors. The House author of HF 100, Rep. Zack Stephenson, claims the bill includes severe penalties for selling marijuana products to underage persons. However, the bill's penalties for illegal sale to minors are significantly lighter compared to the former penalties under the controlled substance act.

The previous punishment for the illegal sale of marijuana to a person under 18 years of age was up to 20 years imprisonment and a penalty of up to \$250,000.

The new penalties for illegal sale, including to a minor, range from up to one to five years of imprisonment and a penalty of up to \$3,000 to \$10,000 depending on the age disparity between the seller and buyer. It's clear that, contrary to Rep. Stephenson's statements, HF 100 significantly reduced the penalties for selling drugs to minors. Minn. Stat. 152.023, Minn. Stat. 152.0264.

HF 100 Enables Criminals Who Exploit Minors. HF 100 imposes only a petty misdemeanor or misdemeanor for the illegal sale of marijuana products if the seller is a minor. Anyone can see this slap-on-the-wrist penalty will encourage organized criminals to exploit teenagers and young adults as sellers in the illegal market.

HF 100 Lets Negligent Adults Off the Hook. For decades, Minnesota's alcohol regulations have imposed civil liability on adults who allow underage kids to get drunk on their property and the underage kid causes harm to another person. Minn. Stat. 340A.90. Social host liability laws are an important deterrent against reckless situations where adults allow underage kids to get drunk and drive.

HF 100 fails to extend the same liability to parents and other adult hosts who allow kids to get high on marijuana products and drive or engage in other behavior that results in harm or death.

HF 100 Makes It Easier to Get Away with Driving While High. According to new reporting by Peter Callaghan of MinnPost, HF 100 exacerbated a loophole for marijuana-impaired drivers. Attorneys are already advising drivers to, absent a warrant, refuse field sobriety and blood tests that are vital to convicting high drivers given the lack of a breath test equivalent for marijuana.

Prior to passage, it was widely noted that HF 100's timeline for marijuana legalization was far ahead of law enforcement technology. Nevertheless, the bill was pushed along into law. Now the consequences will come home to roost - putting Minnesota's youth at even greater risk.

We believe in rehabilitation, treatment, and second chances, but HF 100 provides no serious penalties of last resort for illegal possession, consumption, or sale by a minor. And it enables adults to exploit minors or act in a negligent manner toward minor intoxication. Reinstating serious penalties will show that our state takes underage consumption seriously and does not tolerate the exploitation of young people for illegal drug trafficking.

HF 100 is poorly crafted, inconsistent, and in need of immediate remedy to avoid preventable damage. Please don't let partisan allegiances get in the way of resolving issues that are important to parents, law enforcement, and community leaders across our state.

Sincerely,



Peggy Scott
State Representative, District 31B



Lisa Demuth
House Minority Leader



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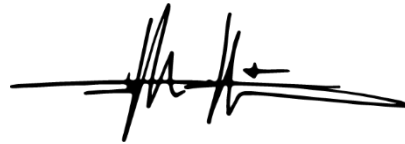
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