

# Urge legislators to vote “Nay” on HB 2194

**HB 2194 - Legalizing the home cultivation of cannabis** is being heard in Executive Session, Monday, 1/29,2024, 8 AM, before the House Regulated Substances and Gaming Committee. A majority of the committee needs to vote “Nay” on the bill to end its consideration by the 2024 legislature.

## What would HB 2194 do?

In short, **HB 2194** would

- Legalize growing and possession by persons aged 21 and over of six cannabis plants and the cannabis and cannabis products derived from those plants.
- Creates a class 1 civil infraction for the production or knowing possession of more than six but fewer than 16 cannabis plants.
- Modifies real property seizure and forfeiture provisions in the Uniform Controlled Substances Act (UCSA) related to cannabis.

## **2194 provides no guidance for where plants can be grown**

For medical cannabis, state law stipulates reasonable limits such as not being able to grow in areas “readily seen by normal unaided vision or readily smelled from a public place or the private property of another housing unit.” But there are no limits in HB 2194 for where could be grown.

## **2194 would make cannabis vulnerable to youth access and theft**

Home grows could be in areas that are frequented by children or not regularly monitored and accessible to children, meaning there are opportunities for theft and illegal use by youth. The bill does not require home grow products to be locked up or to be protected from access by youth.

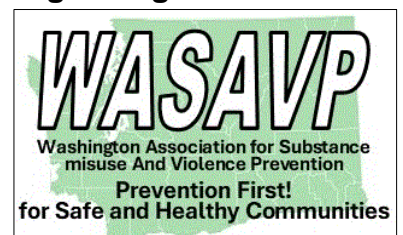
## **2194 will cost the state money at a time when there are huge budget uncertainties**

Home grows will likely reduce sales through state-licensed cannabis retailers by at least \$635,000 according to the Office of Financial Management. This

Please contact Scott Waller, [tumh2o99@comcast.net](mailto:tumh2o99@comcast.net), if you have questions.



Woman reading to children in front of cannabis home grow. Image from a 2106 article in Big Buds, a pro-cannabis website, “The Secret Service: Sharing Your Secret Cannabis Garden With Your Children.”



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reduction in revenues would come at a time when the legislature is also considering shifting 32 percent of Dedicated Cannabis Account funds from the state general fund to other uses and where there are at least three initiatives on the November ballot that could significantly reduce the state budget.

### **Six plant limits will be impossible to enforce.**

The numerical limits for home grown plants in the law would be almost impossible to enforce. The law is vague about which law enforcement agencies would have jurisdiction over home grows. Local law enforcement doesn't have the officers and would need search warrants to effectively monitor home grows. Further, there would be no quality control or protection from dangerous additives with home grows.

### **Home grown cannabis could be used to trade for goods or services.**

The provisions in the bill are not strong enough to prohibit diversions of home grow products in exchange for money, goods, or services.

### **Grows could happen in rentals without landlord permission.**

HB 2194 says that up to six plants could be grown on “the premises of the housing unit occupied by the person.” If an individual were living in an apartment or other rental, this bill would authorize them to grow six plants even if the landlord disapproves and would burden the landlord with the expense of monitoring and enforcing any “no home grow” policies they have in leases, legal costs for removing an offending tenant, and clean-up costs for damage caused by home grows. This could chase landlords out of the rental market at a time when we have a housing crisis.

### **What can you do?**

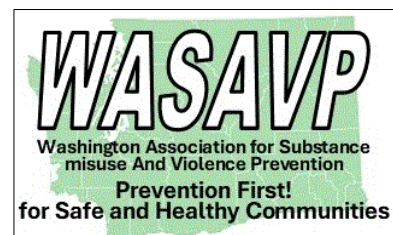
One of the things you can do is tell members of the House Regulated Substances and Gaming Committee to vote “Nay” on HB 2194. A majority of that committee needs to vote against this bill to end its consideration by the 2024 legislature. A large turnout of prevention advocates supporting the bill will get noticed by legislators.

You can contact legislators yourself if you are doing that after your paid work hours and using your own equipment. Do not name your coalition or organization if you receive public funding. Members of your coalition or organization can also reach out. So anytime this weekend, you could communicate with the legislators. Identify yourself as a private citizen concerned about the impact of substance misuse and violence on youth.

There are three good ways to communicate your support of this bill to legislators.

1. Send an email to the legislator and their legislative aide. Here is suggested text for an email:

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“Dear Representative \_\_\_\_\_. My name is \_\_\_\_\_ and I am a private citizen concerned about the impact of substance misuse and violence on our youth.

Please vote “Nay” on Monday, 1/29, on HB 2194 because there are no restrictions about where the six plants could be grown, the six-plant limit is totally unenforceable, youth could easily access plants and products, and landlords would not have any say about whether a tenant could grow cannabis plants in the rentals they own.” Add stories you know of problems people have experienced from home grows, e.g., smell, increased traffic, etc.

2. Write out a message like the email (above) and call the legislator’s phone number. If someone answers, read your message to them. If not, leave it as a message.
3. Call the Legislative Hotline, 1-800-962-6000, and tell them you want to leave a message for the members of the House Regulated Substances and Gaming Committee to vote “Nay” on HB 2194 because it is unenforceable and will place an undue

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