

New Solutions Campaign

Promoting Fair & Effective Criminal Justice • Strengthening Families & Communities

New Jersey’s marijuana laws have had a disproportionate impact on communities of color. Marijuana legalization in New Jersey must be fair and equitable and must address past disproportionate harms to communities of color.

African Americans are three times more likely to be arrested for marijuana possession than whites even though both use marijuana at the same rates. Due to the way Latinos are identified in the criminal justice system, there is insufficient data on disparities for this community. However, anecdotal evidence suggests similar disparities. In addition to the severe long-term consequences of a marijuana conviction, marijuana laws have been used to support biased policies like stop and frisk, racial profiling and the deportation of people of color.

As New Jersey considers legalizing, taxing and regulating marijuana, fairness and equity demand a system that provides a level playing field and addresses past harms.

Fair and equitable reform must include policies that encourage full participation in the industry by communities disproportionately harmed by marijuana prohibition and must repair past harms, including:

- Protections for those who apply for a license or employment in the industry who have prior arrests and/or convictions – an individual may not be denied a license or employment solely because of a prior arrest and/or conviction;
- Access to the industry for individuals from different socioeconomic backgrounds, including:
 - A licencing structure that provides a path for small business owners to enter the market; and
 - Fees for applications and other costs for entering the industry must be scaled and reasonable to allow for a competitive and diverse market.
- Requirement that the state shall actively seek to achieve a diverse industry, including:
 - An emphasis on racial, ethnic, gender and geographic diversity among license holders. The state must encourage applicants who qualify as minority or women’s businesses to apply for licensure; and
 - No location restrictions for marijuana businesses that result in a lack of business opportunity and job creation in urban areas.
- Provisions intended to repair communities most harmed by marijuana prohibition, including:
 - A portion of tax revenue generated by marijuana legalization shall be invested in those communities disproportionately harmed by marijuana prohibition; and
 - Automatic and retroactive expungement for all arrests and convictions that are no longer a crime under the new law.
- Penalties for marijuana activities that occur outside the new legal system must be civil penalties rather than criminal to avoid the continuation of a system that disproportionately harms communities of color.

Sponsored by

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