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September 25, 2026

Senator Nick Miller, Chair
PA Senate Democratic Policy Committee
Senator Sharif Street, 3rd Senate District

The Philadelphia District Attorney's Office supports legislation to legalize adult-use recreational cannabis. Currently, approximately half of all U.S. States, as well as Washington D.C. and several U.S. territories have legalized adult-use recreational cannabis. Several other states have decriminalized it, meaning, significantly lessened the penalties, or changed the penalties into civil fines rather than criminal. The benefits of legalization are numerous.

Policing and Judicial Resources.

Many of the states who have legalized adult-use recreational cannabis have drafted statements of legislative findings extolling the benefit to policing and judicial resources. This is important to establish legislative intent in the event that interpretation of the legislation is ever challenged in the court system. Clearly stating judicial intent can save judicial resources and time by limiting costly litigation.

For Example, Alaska Statute § 17.38 declares that the purpose of legalization is "in the interest of allowing law enforcement to focus on violent and property crimes, and to enhance individual freedom, the people of the state of Alaska find and declare that the use of marijuana should be legal for persons 21 years of age or older."

Contrary to the racially inflammatory "reefer madness" stereotypes that initially led to the prohibition, studies have actually shown that cannabis legalization does not lead to any increase in violent crime or property crime.¹

Philadelphia is a great case example.

¹ Ruibin Lu et al., The Cannabis Effect on Crime: Time-Series Analysis of Crime in Colorado and Washington State, 38 Justice Quarterly 565 (2019) (<https://www.tandfonline.com/doi/full/10.1080/07418825.2019.1666903>). *See also* Guangzhen Wu et al., Effects of recreational marijuana legalization on clearance rates for violent crimes: Evidence from Oregon, 100 Intl. J. Drug Policy (2022) (<https://www.sciencedirect.com/science/article/abs/pii/S0955395921004461>).

In 2013, Philadelphia recorded 4,317 arrests for marijuana possession and averaged over 300 monthly arrests.² In October 2014, when the city decriminalized possession of less than 30 grams, those arrests declined by 78% in the first month.³ From 2015 to the present, those arrests have never exceeded more than 100 per month.⁴ This reduction in cases has also allowed police and prosecutor resources to be reallocated to more serious offenses.

Shortly after the decriminalization, the Philadelphia Inquirer estimated the city was on track to save “\$3.75 million over the course of a year,” simply because the enforcement process of issuing citations was significantly less expensive than subjecting individuals to criminal proceedings.⁵ Other states have seen similar reductions – Prior to New Jersey’s cannabis legalization in 2021, marijuana accounted for 60% of all drug arrests; after legalization, it now accounts for just 2% of drug related arrests (as of 2024).⁶

These numbers all lead to a simple conclusion: Legalization would allow police, prosecutors, and courts to allocate resources towards more important priorities, while yielding significant savings for taxpayers in municipalities across Pennsylvania.

Public Health

In 2022, Philadelphia had over 1,400 deaths from opioid overdoses. Last year, while that number was much lower at 921, the number was still more than 3 times the rate of deaths by homicide in the city, yet that crisis continues to receive significantly less resources.

Studies indicate that the use of marijuana, both medical and adult-use without a prescription, could drastically reduce the number of opioid deaths. According to sources compiled by the National Drug Early Warning System and NORML, “Philadelphia saw 1,086 people referred into treatment for marijuana during 2015, comprising 22.6% of total admissions that year. In 2019 that number fell to 213 admissions for marijuana, comprising just 6.9% of the total. Drug treatment resources seem to have immediately shifted to more pressing cases in Philadelphia. From 2015 to 2019, the total percent of admissions for heroin shifted from 25.1% to 46% and the total admissions for prescription opiates doubled. Nationwide, the percentage of individuals entering treatment primarily for cannabis dropped roughly 20% between 2020 and 2024.”⁷

The decrease in cannabis admissions into Philadelphia’s publicly funded treatment programs allowed crucial resources to be reallocated to support people with more serious substance abuse disorders, rather than applied punitively against people who test positive for THC.

Best Legislative Practices and considerations.

1. **Automatic expungement of qualifying offenses**, with a secondary mechanism included which would allow for petitions to the courts.

² Pennsylvania [Crime Data Tool by Jacob Kaplan](#)

³ [Philly420: Marijuana arrests fall 78 percent in Philadelphia](#), Philadelphia Inquirer

⁴ Pennsylvania [Crime Data Tool by Jacob Kaplan](#)

⁵ [Philly420: Marijuana arrests plummet in Philly after decriminalization](#), Philadelphia Inquirer

⁶ [New Jersey Marijuana Arrests](#), NORML.

⁷ <https://www.samhsa.gov/data/sites/default/files/reports/rpt57179/2024-teds-annual-report.pdf>

Expungement should be **automatic** for all past marijuana offenses regardless of weight or amount. Requiring each individual to petition the court would be a large waste of court time and resources. However, the ability to petition the court via the Post Conviction Relief Act could also ensure that the process works for any individuals who are for some reason missed or left out by an automated process.

In Massachusetts' adult use cannabis legislation, expungement was conditioned on judicial process alone. Almost 10 years later, the Governor had to issue a blanket pardon for misdemeanor marijuana offenses because so many of the impacted individuals did not have adequate access to the courts, or the financial means to address filing fees and other costs associated with the process. Other state governors have had to conduct mass pardons, but the legislature here has the opportunity to do that itself.

2. DUI law.

Pennsylvania should avoid the mistake of some states in the manner in which it considers cannabis intoxication in its driving under the influence statutes. A determination of guilt which is based solely upon whether there is "any detectable amount" in a person's system is unintelligent. Cannabis can remain detectable in a person's system for weeks after consumption and long after the effects that make a person incapable of safe driving have elapsed. Therefore, the traffic code should reflect the situationally based "incapable of safe driving" standard enumerated in the DUI general impairment statute at 75 Pa.C.S. § 3802(a)(1), rather than relying on a particular amount of THC in a person's system.

3. Licensing and social equity.

Most states have included in their legislation some sort of social equity plan to address the harms caused by the prior prohibition and enforcement of marijuana. If the issuance of licenses are limited to first come first serve, large-scale producers have a greater opportunity to corner the market. A social equity provision should include a number or percentage of licenses for persons from communities who have been disproportionately harmed by cannabis prohibition and enforcement. Those social equity licenses should include the cultivation (growing), manufacture and packaging, testing license, as well as retail.

In Connecticut's statute, a "Social Equity Council" was created to "promote and encourage full participation in the cannabis industry by persons from communities that have been disproportionately harmed by cannabis prohibition and enforcement." The Delaware Marijuana Control Act requires each license applicant to include a plan to outline diversity goals, including plans to hire and recruit people of color, women, and veterans. In California, there is specific language in their legislation that prohibits the monopolization of cannabis commerce. Individuals who own or partly own licenses in cultivation, manufacture, testing facilities, or retail, cannot own licenses or have ownership interests in companies that have the other licenses. This would ensure healthy competitive job growth in the Commonwealth and prevent large businesses from swallowing up the entire industry.

Pennsylvania should NOT exclude individuals who have prior criminal records for drug possession or distribution offenses from participating in the industry. These individuals are some of the people

who have the most to gain from access to the lawful employment created by legalization, and the Commonwealth would equally benefit from their gainful employment.

4. Public spaces for consumption.

It is important to include in the legislation, places where adults over the age of 21 can consume cannabis. Given the skyrocketing price of housing, many people most impacted by marijuana over-policing are also likely to be renters, and may be prevented from smoking in their homes by their landlords. This, in turn, leads to public consumption (similar to cigarettes). Without safe and legal spaces to consume marijuana, this process can lead to unnecessary negative legal repercussions, counterproductive to the goals of legalization.

This does not have to be on the street. Several states, such as New Jersey, have recently opened “cannabis lounges” or designated “cannabis consumption areas.” Although these are very new, they exist in conjunction with New Jersey’s existing cannabis DUI laws for public safety reasons. If consumption is made illegal in public, consumption lounges/other safe spaces are important to avoid penalizing renters and the homeless.

5. Home cultivation

PA should allow some amount of home cultivation for personal use, and limited transfer between persons without remuneration. Make possession limits reasonable in the context of the maximum home grow. Depending on conditions, a marijuana plant can produce anywhere from 3 to 30 ounces per crop. To account for this, there should be a higher limit for possession within a residence as opposed to public possession, as seen in states like New York.

6. Appropriations.

Finally, many states which have legalized cannabis have statutorily created a fund that specifies where the significant amount of revenue from the legalization of adult-use cannabis would go. Best practices include funding that allocates for the following:

- The administration of the government agency overseeing and regulating the cannabis industry
- Addiction prevention and recovery services
- Costs to process expungements
- Public Education/colleges
- Municipal Police Departments
- Various infrastructure repair and maintenance funds.

In 2025, New Jersey, with a population more than 3 and a half million smaller than Pennsylvania generated over \$1 billion dollars in industry revenue and between \$67,000,000 and \$79,000,000 in tax revenue in 2025.

Maryland, with less than half the population of Pennsylvania generated approximately \$850,000,000 in industry revenue and \$90,000,000 in tax revenue in 2025. Delaware stores sold approximately \$903,000 worth of cannabis in the FIRST WEEKEND of legalization last year.

Massachusetts generated \$289,000,000 in tax revenue alone last year and reported approximately 21,000 individuals working in the industry. Washington State made \$438,400,000 in tax revenue in 2025, with a population 5 million fewer people than Pennsylvania.

The amount of revenue that could be realized here, in the 5th most populated states is extremely high, so the legislature should implement a spending plan that appropriates that revenue in a manner that prioritizes public health, social equity, and fairness.

Respectfully yours,

/s/ Shawn Baldwin
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