

May 14, 2023

Eric Spencer  
Chief Compliance Officer  
and Legislative Liaison  
Mello Tymes LLC

**Electronically Sent via Email**

Sen. Lindsey Port  
Minnesota State Senate  
95 University Avenue W  
Minn. Sen. Bldg, Rm 3213  
St Paul, MN 55155

Sen. Clare Oumou Verbeten  
2101 Minn. Sen. Bldg  
St. Paul, MN 55155

Rep. Zack Stephenson  
449 State Office Bldg  
St. Paul, MN 55155

Re: Conference for HF100 and SF73

Dear Honorable Senators and Representatives:

First, I would like to thank the Minnesota Legislature for the hard work, diligence, understanding and patience in getting SF73 and HF100 across the finish line in the Minnesota Legislature.

My name is Eric Spencer and I am a first-time nonviolent felony offender who was previously incarcerated for cannabis and other nonviolent offenses. I am also the Chief Compliance Officer and Legislative Liaison for Mello Tymes LLC, a Social Equity Cannabis Brand hoping to participate in Minnesota's Adult Use Recreational Cannabis Program. I have been home since 2011 and have not reoffended. I am gainfully employed for a state government agency. This letter provides a few comments from someone with a lived experience through the legacy cannabis market and incarceration due to the draconian War on Drugs as it relates to H100 and S73 in Minnesota's Legislative Conference.

**Sec. 14. [342.135] LOCAL RESTRICTION ON NUMBER OF CANNABIS  
38.11 RETAILERS.**

I believe HF100 provides the proper language for this section. However, if SF73 language is adopted, language should be added to review how local governments to ensure applying this rule in an equitable manner. Perhaps language to review annually. Oftentimes, people of color have difficulty setting up businesses in areas that are not friendly because of their ethnic background in the first instance. Diversity and inclusion should be at the local level too if the intent of the cannabis bill is to be inclusive. <https://www.washingtonpost.com/business/2020/11/20/black-businesses-face-discrimination/>

Sec. 15. [342.14] LICENSE APPLICATION AND RENEWAL; FEES.

I believe SF73 provides the best language for this section. Requiring Applicants to provide ‘documentation showing legal possession of the premises where the business will operate,’ puts a heavy burden on Applicants. This rule will put a damper on people of color without deep pockets to apply for a license.

Subd. 2. Criminal offenses; disqualifications

I believe HF100’s version would suffice under this subsection. There are countless individuals who have come home and righted their paths. Many are first time offenders’ nonviolent offenders like me. While the bills provide a mechanism for exceptions, (Subd. 3. Risk of harm; set aside) it is completely discretionary. Historically, again, POC and those in disproportionately impacted communities, whom the bills are trying to incorporate, do not fare well when such discretion is at play.

I understand that Minnesota wants to limit criminal actors who have not righted their ships. However, we have to be mindful that the War on Drugs perpetuated a narrative that showed no mercy on communities disproportionately impacted by its wrath, including the draconian 100 to 1 crack to cocaine ratio for federal narcotics offenses. First-time offenders from these communities were punished 100 times harsher for practically the same drug. And to disallow these men and women who may have come home and gotten their lives together from participating would be a disservice to the community at large. <https://thehill.com/opinion/criminal-justice/540816-why-do-we-still-punish-crack-and-powder-cocaine-offenses-differently/>

Sec. 21. [342.19] CANNABIS BUSINESS; GENERAL OWNERSHIP DISQUALIFICATIONS AND REQUIREMENTS

I believe that S73 is the better version of the two bills relating to General Ownership. Mandating that an Applicant reside in Minnesota invites constitutional challenges associated with the Commerce Clause. Likewise, 75% ownership by a Minnesota Resident of a business entity that seeks to apply does not create a very inclusive program outside of Commerce Clause challenges. Maryland recently passed a cannabis bill that affords Social Equity Participants from other jurisdictions the opportunity majority own and operate a recreational cannabis business. <https://mgaleg.maryland.gov/2023RS/bills/sb/sb0516E.pdf>. (page 57). Thus, in Maryland, a Social Equity Applicant from another jurisdiction can own the majority of a recreational cannabis business. Illinois, in its upcoming lottery round of 55 licenses for Social Equity, the residency requirement is nonexistent. [Illinois Department of Financial and Professional Regulation](#).

Sec. 17. [342.17] SOCIAL EQUITY APPLICANTS

I believe that HF100 provides the hallmark equity provision of most if not all recreational cannabis social equity programs. It is paramount that men and women convicted for cannabis be afforded Social Equity Status and priority in the application and licensing process. They should be in the front of the line, especially those that were incarcerated for cannabis. Cannabis has been the gateway for the heavy-handed tactics of law enforcement in Minnesota and throughout the country.

Respectfully,  
Eric Spencer

cc.

Sen. Erin P. Murphy

Sen. Susan Pha

Sen. Jordan Rasmusson

Rep. Jessica Hanson

Rep. Alicia Kozlowski

Rep. Athena Hollins

Rep. Nolan West

Roger Thomas, (CEO, Mello Tymes LLC)