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## **ACLU OF RI POSITION: OPPOSE/AMEND**

### **TESTIMONY ON 25-H 5249, RELATING TO FOOD AND DRUGS – THE RHODE ISLAND CANNABIS ACT February 11, 2025**

This bill would require the posting of warning signs in cannabis retail stores that the “consumption of marijuana and THC products during pregnancy poses risks to infant development.” The ACLU of Rhode Island recognizes and appreciates the good intentions behind this bill, but we are constrained to oppose it in its present form. We believe that essentially singling out pregnancy – and only pregnancy – for posted warnings like this, is unintentionally paternalistic and potentially harmful.

As is true with most other drugs – both over-the-counter and prescribed – there are many potential health risks associated with cannabis use. Its potential effect on pregnancy is just one of them. In light of the various possible health consequences associated with the consumption of marijuana, we think it is wrong to require the public display of signs that focus concerns about its use on this one particular group of consumers.

At a time when prosecutors across the country are attempting to criminally punish individuals for their conduct during pregnancy, this bill can send an unintended but dangerous message. A warning sign like this will suggest to some that the private behavior of pregnant women is everybody’s business and deserves public scrutiny and condemnation. It is worth noting that there is a good deal of scientific research indicating that *male* use of cannabis can have adverse impacts on pregnancy, including increasing the potential for miscarriages,<sup>1</sup> but nobody seeing a sign like this would think to condemn the male customer purchasing cannabis as opposed to a woman who merely looks like she might be pregnant.

The unintentional consequences inherent in this legislation could perhaps be better recognized by using some examples. On the whole, African Americans have a higher rate of hypertension than other races, and limitation on salt intake is often advised for this. However, a warning on menus that blacks should watch their salt intake because of the increased risk of hypertension would, we assume, be uniformly rejected for its condescension and discriminatory aspect. We believe the same is true here.

For a more direct analogy, consider cigarette smoking, a lawful habit that has numerous adverse health consequences, including a potential impact on pregnancy. A state law requires signs

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<sup>1</sup> See, e.g., “Male Marijuana Use Might Double the Risk of Partner’s Miscarriage,” <https://www.bu.edu/articles/2019/marijuana-use-and-miscarriage-risk/>; “How Men’s Cannabis Use Can Affect their Children’s Health,” <https://www.psychologytoday.com/us/blog/the-truth-about-exercise-addiction/202207/how-mens-cannabis-use-can-affect-their-childrens>.

about the health hazards of smoking to be posted in stores selling tobacco, but the signs mention pregnancy only as part of a list of *six* potential health risks. R.I.G.L. § 11-9-13.8.1. It should be no different for cannabis use.

In sum, while it is certainly appropriate to educate the public about the dangers of cannabis use during pregnancy, there are many more effective ways to do it than through a technique that amounts to public shaming. While posting signs like this may embarrass some purchasers, it ultimately won't help them have healthy pregnancies. The state's efforts, in our view, should instead be spent on more effective educational activities, on the promotion of better health care services, and on a recognition that many other health issues may be impacted by using this product.

Again, we fully recognize the laudable goal behind this legislation, but we hope the above concerns will be taken into account. Thank you for your consideration.