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HOUSE JOINT RESOLUTION NO. 130
AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules
on February 28, 2020)

(Patron Prior to Substitute—Delegate Heretick)

Directing the Joint Legislative Audit and Review Commission to study and make recommendations for how Virginia should legalize and regulate the growth, sale, and possession of marijuana and address the impacts of marijuana prohibition. Report.

WHEREAS, the mechanisms and pathways for legalizing marijuana have not been fully vetted and analyzed in Virginia; and

WHEREAS, data and analysis including, but not limited to, Illinois, New Mexico, Colorado, and Washington, as states that have legalized recreational use of marijuana, can help inform the conversation in Virginia and also include a review of the costs, benefits, and societal impact; and

WHEREAS, the effects on all populations including communities of color, children, young and older adults, as well as students, and adults and youth in recovery should be considered; and

WHEREAS, consideration should be given to the specific impact of the criminalization of marijuana use and possession on communities of color, specifically the impact of incarceration on youth ages 18-24, neighborhoods or other geographic areas where impact has been the most disparate, and programs and policies that must be implemented to identify particularly disadvantaged areas and provide appropriate redress for the harm caused; and

WHEREAS, it is important to ensure that any market created for the regulated sale of marijuana assures that business opportunities are available to those people previously marginalized and geographic areas harmed by criminalization of marijuana possession and use; and

WHEREAS, it is important to ensure that any regulating entity or group established to study regulation, sale, and possession of marijuana include those who have been impacted by the criminalization of marijuana use and possession; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study and make recommendations for how Virginia should go about legalizing and regulating the growth, sale, and possession of marijuana by July 1, 2022, and address the impacts of marijuana prohibition.

In conducting its study, the Joint Legislative Audit and Review Commission shall (i) review Illinois' Cannabis Regulation and Tax Act and consider best practices that could be applied to Virginia including policies addressing the impact of marijuana prohibition on marginalized community members; (ii) review New Mexico's Marijuana Legalization Work Group Findings; (iii) make recommendations for a regulated, adult use market; and (iv) make recommendations for programs and policies that must be implemented to provide appropriate redress for the harm caused to communities most impacted by marijuana prohibition including the impact of incarceration on youth ages 18-24 and neighborhoods or other geographic areas where impact has been the most disparate. Recommendations should be inclusive of these five primary tenets: (a) maintain and expand Virginia's medical marijuana program; (b) install public safety protections to protect minors and identify and prosecute those who sell marijuana without legal authority; (c) create strong testing and labeling; (d) provide equity and economic opportunity for every community, especially those disproportionately impacted by prohibition drug policies with an emphasis on ensuring equity in ownership in the marijuana industry; and (e) ensure racially equitable programs and policies exist that will provide reinvestment in communities most impacted by marijuana prohibition. In addition, the Joint Legislative Audit and Review Commission shall include in its study a review of the work of any joint subcommittee established by the General Assembly to study the development of a framework for regulated adult use of cannabis and the creation of a regulatory entity to oversee licensing and regulation of industrial hemp, medical cannabis, and adult use of cannabis.

All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall submit to the Division of Legislative Automated Systems a report of its findings and recommendations no later than December 1, 2020. The report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.