

2020 SESSION

LEGISLATION NOT PREPARED BY DLS
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HOUSE JOINT RESOLUTION NO. 132

Offered January 10, 2020

Establishing a joint subcommittee to study the development of a framework for regulated adult-use of cannabis and medical cannabis. Report.

Patron—Herring

Referred to Committee on Rules

WHEREAS, a growing number of states have legalized the adult-use of cannabis with certain restrictions and conditions; and

WHEREAS, the sale of alcoholic beverages by the Virginia Alcoholic Beverage Control Authority has served the purpose of controlling the sale of alcoholic beverage products while at the same time generating millions of dollars to help fund state government programs; and

WHEREAS, a growing number of states continue to examine the possibility of legalizing the adult-use of cannabis under various conditions and restrictions; and

WHEREAS, it is appropriate to study the development of a framework for regulated adult-use of cannabis and medical cannabis; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study the development of a framework for regulated adult-use of cannabis and medical cannabis. The joint subcommittee shall have a total membership of 27 members that shall consist of 14 legislative members, five nonlegislative citizen members, and eight ex officio members who shall serve with voting privileges. Members shall be appointed as follows: six members of the Senate to be appointed by the Senate Committee on Rules; eight members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; the Attorney General of Virginia or his designee; the Secretary of Public Safety and Homeland Security or his designee; the Commissioner of the Department of Taxation or his designee; the Commissioner of the Virginia Department of Agriculture and Consumer Services or his designee; the Executive Director of the Board of Pharmacy; the Director for the Center for Urban and Regional Analysis at the L. Douglas Wilder School of Affairs; a member of the Virginia State Crime Commission, to be appointed by the Senate Committee on Rules; a member of the Commonwealth's Attorneys Association, to be appointed by the Speaker of the House of Delegates; the Executive Director of the Virginia Organization for the Reform of Marijuana Laws; a current manufacturer of medical cannabis to be appointed by the Senate Committee on Rules; a medical professional to be appointed by the Speaker of the House of Delegates; a member of an historically-disadvantaged community to be appointed by the Speaker of the House of Delegates; and a representative of a community services board to be appointed by the Senate Committee on Rules. Nonlegislative citizen members shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall be reimbursed only for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

The joint subcommittee may appoint work groups to assist with its work. In conducting its study the joint subcommittee shall (i) study and provide guidance on the potential creation of a Cannabis Control Commission to oversee licensing and regulation of industrial hemp, medical cannabis, and adult-use of cannabis; (ii) provide regulatory guidance on potential tax rates and revenue forecasts for retail and wholesale products; (iii) study and make recommendations regarding the issuance of initial cultivation and retail licenses; (iv) develop and recommend a fee structure and grandfathering process for current pharmaceutical processors; (v) study and recommend potential cannabis advertising regulations; (vi) study and determine appropriate public consumption venues and personal cultivation allowances; (vii) study funding and processing requirements for expungement of criminal records and rights restoration related to cannabis decriminalization; (viii) study and recommend methods for diversifying ownership of the cannabis market; (ix) assess the California, Massachusetts, and Illinois cannabis programs and their effectiveness in transferring economic prosperity to disproportionately affected areas; (x) study the potential development of a community reinvestment fund; and (xi) review and analyze National Highway Traffic Safety Administration studies on cannabis-related impairment.

Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal,

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59 research, policy analysis, and other services as requested by the joint subcommittee shall be provided by
60 the Division of Legislative Services. All agencies of the Commonwealth shall provide assistance to the
61 joint subcommittee for this study, upon request.

62 The joint subcommittee shall be limited to four meetings for the 2020 interim, and the direct costs of
63 this study shall not exceed \$34,720 without approval as set out in this resolution. Approval for
64 unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the
65 joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is
66 agreed to, written authorization of both Clerks shall be required.

67 No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members
68 or a majority of the House members appointed to the joint subcommittee (i) vote against the
69 recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the
70 joint subcommittee.

71 The joint subcommittee shall complete its meetings by November 30, 2020, and the chairman shall
72 submit to the Division of Legislative Automated Systems an executive summary of its findings and
73 recommendations no later than the first day of the 2021 Regular Session of the General Assembly. The
74 executive summary shall state whether the joint subcommittee intends to submit to the General
75 Assembly and the Governor a report of its findings and recommendations for publication as a House or
76 Senate document. The executive summary and report shall be submitted as provided in the procedures of
77 the Division of Legislative Automated Systems for the processing of legislative documents and reports
78 and shall be posted on the General Assembly's website.

79 Implementation of this resolution is subject to subsequent approval and certification by the Joint
80 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
81 delay the period for the conduct of the study, or authorize additional meetings during the 2020 interim.