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HOUSE BILL NO. 2315

Offered January 21, 2021

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 9 of Title 15.2 a section numbered 15.2-926.5, relating to local referendum on the legalization of marijuana.

Patron—Marshall

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 9 of Title 15.2 a section numbered 15.2-926.5 as follows:

§ 15.2-926.5. Local referendum on the legalization of marijuana.

A. The provisions of this section relating to the legalization of marijuana shall be effective in any locality or supervisor's election district of a county unless a majority of the voters voting in a referendum vote "Yes" on the question of whether the legalization of marijuana shall be prohibited. The qualified voters of a locality or supervisor's election district of a county may file a petition with the circuit court of the county or city asking that a referendum be held on the question of whether the legalization of marijuana should be prohibited within that jurisdiction. The petition shall be signed by qualified voters equal in number to at least 10 percent of the number registered in the locality or supervisor's election district on January 1 preceding its filing or at least 100 qualified voters, whichever is greater.

Petition requirements for any county shall be based on the number of registered voters in the county, including the number of registered voters in any town having a population in excess of 1,000 located within such county. Upon the filing of a petition, and under no other circumstances, the court shall order the election officials of the county to conduct a referendum on the question.

The clerk of the circuit court of the county or city shall publish notice of the referendum in a newspaper of general circulation in the locality or supervisor's election district once a week for three consecutive weeks prior to the referendum.

The question on the ballot shall be:

"Shall the legalization of marijuana be prohibited in _____ (name of locality or supervisor's election district of county)?"

The referendum shall be ordered and held and the results certified as provided in Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2. Thereupon the court shall enter of record an order certified by the clerk of the court to be transmitted to the governing body of the locality. Notwithstanding any other provision of law, the legalization of marijuana shall be prohibited within the locality or supervisor's election district of a county on or after 30 days following the entry of the order if a majority of the voters voting in the referendum have voted "Yes."

The provisions of this section shall be applicable to towns having a population in excess of 1,000 to the same extent and subject to the same conditions and limitations as are otherwise applicable to counties under this section. Such towns shall be treated as separate local option units, and only residents of any such town shall be eligible to vote in any referendum held pursuant to this section for any such town. Residents of towns having a population in excess of 1,000, however, shall also be eligible to vote in any referendum held pursuant to this section for any county in which the town is located.

B. Once a referendum has been held, no other referendum on the same question shall be held in the locality or supervisor's election district of a county for a period of 23 months.

2. That the provisions of this act shall become effective on July 1, 2023.

3. That the Department of Housing and Community Development (DHCD) be directed to evaluate the potential retail sale of marijuana products in localities that have not prohibited the legalization of marijuana. DHCD specifically shall study the details of who should be allowed to establish such retail operations, the procedure to be followed by localities, and where the retail establishments shall be permitted. The study shall be conducted between July 1, 2022, and November 30, 2022, with the goal of making recommendations and proposing legislation to the 2023 Session of the General Assembly. During its evaluation, DHCD shall consult with and seek input from all stakeholders and interested parties. All agencies of the Commonwealth shall provide assistance to DHCD for this evaluation upon request.

INTRODUCED

HB2315