

24101404D

HOUSE JOINT RESOLUTION NO. 63

Offered January 10, 2024

Prefiled January 10, 2024

Requesting the Virginia Cannabis Control Authority to study the creation of a retail cannabis market in the Commonwealth. Report.

Patron—Kilgore

Referred to Committee on Rules

WHEREAS, the General Assembly passed legislation in 2021 that legalized the possession of up to one ounce of cannabis by persons 21 years of age or older and created the Virginia Cannabis Control Authority; and

WHEREAS, certain other provisions of such legislation, including provisions that attempted to establish a regulatory and licensing structure for the cultivation, manufacture, wholesale, and retail sale of cannabis, did not ultimately become effective because they were not reenacted by the 2022 Session of the General Assembly; and

WHEREAS, such legislation has resulted in a legal framework within the Commonwealth under which persons may possess cannabis, but have no means of legally purchasing such cannabis for recreational purposes; and

WHEREAS, the absence of a legal, regulated cannabis market has led to the proliferation of an illegal sales market in the Commonwealth through which unregulated and, in many instances, unsafe cannabis and cannabis products are sold to citizens of the Commonwealth; and

WHEREAS, the establishment of a retail cannabis market in the Commonwealth has the potential to generate millions of dollars in tax revenue, according to a 2020 study conducted by the Joint Legislative Audit and Review Commission; and

WHEREAS, because persons are legally permitted to possess and use cannabis for recreational purposes in the Commonwealth, the Commonwealth may establish a legal market through which citizens may purchase cannabis that has been tested, is labeled and packaged properly, and is otherwise safe for consumption; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia Cannabis Control Authority be requested to study the creation of a retail cannabis market in the Commonwealth.

In conducting its study, the Virginia Cannabis Control Authority shall analyze and draft regulations governing the indoor cultivation, processing, manufacturing, testing, packaging, labeling, distribution, sale, and delivery of cannabis in the Commonwealth. Such regulations shall include (i) appropriate application and license fees; (ii) reasonable restrictions on cannabis advertising; (iii) restrictions on product size and potency; (iv) transaction limits; (v) comprehensive enforcement mechanisms; (vi) provisions regarding tax collection and revenue allocation; (vii) provisions regarding participation in the retail marijuana market by persons in socioeconomically disadvantaged communities; and (viii) any other restrictions or requirements necessary to protect public health and safety, prevent diversion, and enforce regulated sales.

The Virginia Cannabis Control Authority shall include in the study two members of the Senate, to be appointed by the Committee on Rules; two members of the House of Delegates, to be appointed by the Speaker of the House; the Secretary of Public Safety and Homeland Security or his designee; the Secretary of Health and Human Services or his designee; representatives of the Office of the Attorney General, the Virginia Department of Agriculture and Consumer Services, the Department of State Police, the Department of Criminal Justice Services, local law enforcement, the substance abuse treatment and recovery community, and a pharmaceutical processor that holds a permit to sell medical cannabis products in the Commonwealth; and other relevant stakeholders.

All agencies of the Commonwealth shall provide assistance to the Virginia Cannabis Control Authority for this study, upon request.

The Virginia Cannabis Control Authority shall complete its meetings for the first year by November 30, 2024, and for the second year by November 30, 2025, and the Virginia Cannabis Control Authority shall submit to the Governor and the General Assembly an executive summary and report of its findings and recommendations for publication as a House or Senate document for each year. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the next Regular Session of the General Assembly and shall be posted on the General Assembly's website.

INTRODUCED

HJ63