

Rhode Island Takes Major Step Towards Cannabis Legalization

On Tuesday, June 22, Rhode Island took a major step towards legalization of marijuana. Although House Speaker K. Joseph Shekarchi still says legalization won't be decided until after the budget process ends (perhaps even during a special session later this year), the Senate Judiciary Committee, by a 6-2 vote, sent a cannabis legalization bill to the full Senate. After years of debate in Rhode Island, this is the first legalization bill to ever reach a full chamber for a vote. By a 29-9 vote, the Senate passed legislation that creates the framework for a cannabis retail market that the state would tax and regulate. It also allows residents to grow their own cannabis at home and have up to an ounce of the drug in their possession.

The Senate bill reserves one-third of retail licenses for communities disproportionately hurt by previous marijuana enforcement, but otherwise green-lights a legalization initiative that has several times appeared to be off track this year. It would cap until July 1, 2023 the number of state-licensed marijuana cultivators at the current 60 or so.

In a statement issued prior to the vote, Rhode Island Senate President Dominick J. Ruggerio said, "With cannabis legalized for recreational purposes in both Massachusetts and Connecticut, it is imperative that Rhode Island act expeditiously ... The longer we wait to open a cannabis marketplace, the further behind we fall, from a competitive standpoint."

The Senate bill that was passed was one of three marijuana legalization proposals considered by the legislature this session. Governor McKee submitted another proposal in the administration's budget proposal, and a group of House members proposed a separate legalization bill. Interestingly, the Senate vote came just days after House Speaker Joseph Shekarchi (D) indicated that legalization would not be taken up by the House until later this year.

Overall, the proposed bill would allow adults 21 and older to purchase and possess up to one ounce of cannabis. They could also cultivate up to six plants for personal use. A Cannabis Control Commission would be established to regulate the market and issue business licenses. Marijuana would be subject to the state's seven percent sales tax, in addition to a 10 percent special tax and a three percent local tax for jurisdictions that allow cannabis firms to operate in their area. The legislation caps retail licenses at one per 20,000 residents per community, but every community would remain eligible for at least three retail licenses unless it opts out of hosting any at all. Also under the legislation, a process as close to automatic expungement as practical will be created to expunge marijuana-related offenses (possession of up to 2 oz.) free of charge by filing a notice with the court for an expedited record review (90 days).

Driving while under the influence would be prohibited, but drivers can't be considered impaired "solely for having cannabis metabolites in his or her system" under the bill. That represents an expansion of the initial proposal, which would have only applied that protection to medical cannabis patients. And while the legislation would limit people or entities from being granted more than one marijuana business license, or owning, managing, or operating more than one licensed entity, the version as passed by the Senate clarifies that a person is not prohibited from "investing" in multiple licensed entities.

The passage of the Senate bill is an historic moment in the marijuana legalization campaign in Rhode Island: not only did a legalization proposal finally reach a vote in the legislature, it passed the Senate overwhelmingly. Now attention turns to the House.

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