



2024 ♦ VHC LOBBY DAY ♦ 1/16/24

## Hemp / Cannabis Bills Summary

### **SB 423 Cannabis control; retail market; penalties. (VOTE NO)**

Chief patron: Sen Adam Ebbin (D)

Establishes a framework for the creation of a retail marijuana market in the Commonwealth, to be administered by the Virginia Cannabis Control Authority. The bill allows the Authority to begin issuing all marijuana licenses on July 1, 2025; however, the bill allows certain pharmaceutical processors to begin operations on July 1, 2024, and allows a limited number of other licensees to begin operations on January 1, 2025.

*Notes: This bill is a complete handout to the out of state corporations / pharmaceutical processors and retailers / medical monopolies and puts them in control of the future retail cannabis market for the Commonwealth. It gives them further advantages and a head start and limits the ability of most Virginians to participate in the retail cannabis marketplace.*

### **HB 698 Cannabis control; retail market; penalties. (VOTE NO)**

Chief patron: Del Paul Krizek (D)

*Notes: This is the House companion bill to SB 423 (above).*

### **HB 773 Marijuana; criminal penalties. (VOTE NO UNLESS EDITS ARE MADE)**

Chief Patron: Charniele L. Herring

Adds several new criminal penalties and prohibitions related to cannabis, imposes limits on dissemination of criminal history record information related to certain marijuana offenses, and provides a petition process for any person who has been sentenced to jail or to the custody of the Department of Corrections for a marijuana offense to seek a resentencing hearing. The bill has a delayed effective date of July 1, 2025.

*Notes: While this bill has a few positive changes in the law it also creates some new felonies and misdemeanors along with prohibiting all cannabis from coming into the state from anywhere else no matter what, categorizes any cannabis growing location not licensed as a nuisance, and adds criminalization of numerous things regarding growing and giving away cannabis. Many edits would be needed for support.*

**SB 448 Cannabis control; retail market; penalties. (VOTE NO UNLESS EDITS ARE MADE)**

**Chief Patron: Aaron R. Rouse**

**Establishes a framework for the creation of a retail marijuana market in the Commonwealth, which would be administered by the Virginia Cannabis Control Authority. The bill allows the Authority to begin issuing marijuana licenses on July 1, 2024, but provides that no marijuana sales may occur prior to January 1, 2025.**

*Notes: While this bill does do some good things to set up a needed adult use cannabis market for Virginians it also puts ALL edible and smokable hemp products under the authority of the VCCA, including all non intoxicating cannabinoids and natural hemp extract products. It also creates many new felonies and misdemeanors. The bill creates many new laws that prohibit and restrict hemp and cannabis freedoms in the Commonwealth. It also sets up a new level of civil asset forfeiture. This is a very complicated and long bill with an extreme amount of micromanagement, control, and penalties. Many edits would be needed for support.*

**SB 529 Employee protections; medicinal use of cannabis oil. (VOTE YES)**

**Chief patron: Sen Emily Jordan (R)**

**Amends the provision that prohibits an employer from discriminating against an employee for such employee's lawful use of cannabis oil pursuant to a valid written certification issued by a practitioner for the treatment or to eliminate the symptoms of the employee's diagnosed condition or disease, with certain exceptions, by specifying that such use must conform to the laws of the Commonwealth and by excluding the employees of the Commonwealth and other public bodies from such protections.**

*Notes: This is a good bill that protects the inherent cannabis rights of employees. We recommend edits to strike the need for a written certification.*

**SB 391 Employee protections; medicinal use of cannabis oil. (VOTE YES)**

**Chief patron: Sen Stella Pekarsky (D)**

*Notes: Duplicate bill as SB 529 (above).*

**HB 149 Employee protections; medicinal use of cannabis oil. (VOTE YES)**

**Chief patron: Del Dan Helmer (D)**

*Notes: This is the House version of SB 529 & 391 (above).*

**HB 1119 Local government powers; regulation of tobacco, nicotine, and hemp product retail sale locations. (VOTE NO)**

**Chief Patron: Holly M. Seibold**

**Permits localities to regulate by ordinance the location of retail sale locations established after July 1, 2024, that sell tobacco, nicotine, and hemp products. The bill provides that such ordinance may prohibit such retail sale locations within 1,000 linear feet of a public, private, or parochial school.**

*Notes: This will prohibit tens of thousands of retail locations in Virginia for hemp locations and it is not needed as stores already are to limit sales to 21 and over customers only.*

**HB 448 Marijuana presumption; driving or operating a motor vehicle, etc., while intoxicated; penalty. (VOTE NO)**

**Chief patron: Del Chris Obenshain (R)**

**Establishes a presumption of intoxication if a person has a blood concentration equal to or greater than 0.004 milligrams of delta-9-tetrahydrocannabinol per liter of blood.**

*Notes: This is a flawed bill that creates a cannabis DUI law and penalties without proper backing science or evidence. The science proves that this level does not indicate impairment.*

**HB 1102 Marijuana presumption; driving or operating a motor vehicle, etc., while intoxicated; penalty. (VOTE NO)**

**Introduced by: Wendell S. Walker**

**Establishes a presumption of intoxication if a person has a blood concentration equal to or greater than 0.003 milligrams of delta-9-tetrahydrocannabinol per liter of blood.**

*Notes: This is a similar flawed bill to HB 448 but it has an even lower THC threshold percentage in the blood for a DUI. There is no evidence or science that this level indicates impairment while driving a motor vehicle, in fact there is scientific evidence that THC levels in the blood can not be accurately tested for impairment as it metabolizes differently than alcohol.*

**SB 115 Child abuse and neglect; custody and visitation, possession or consumption of authorized substances. (VOTE YES)**

**Chief patron: Sen Louise Lucas (D)**

**Provides that a child shall not be considered an abused or neglected child, and no person shall be denied custody or visitation of a child, based only on the fact that the child's parent or other person responsible for his care, or the person petitioning for custody or visitation of the child, possessed or consumed legally authorized substances. The bill directs the Board of Social Services to amend its regulations, guidance documents, and other instructional materials to ensure that such regulations, documents, and materials comply with, and that investigations and family assessments are conducted by local departments of social services in accordance with, the provisions of the bill.**

*Notes: This is a good bill that removes simple cannabis possession and/or consumption as a basis to deny custody or visitation.*

**HB 452 First offender drug program; previous misdemeanor marijuana conviction. (VOTE YES)**

**Introduced by: Katrina Callsen**

**Allows any person previously convicted of an offense related to misdemeanor possession of marijuana to participate in the first offender drug program. Current law prohibits any person with a previous marijuana conviction from participating in the program.**

*Notes: This bill gives more legal options of defense to those with a prior marijuana possession conviction.*

**Please join our Lobby Day Tue, Jan 16<sup>th</sup>. If you cannot join us in Richmond that day please call or email your State Senator and Delegate. More information can be found at >**

**<https://www.vahemp.org/lobby-day-2024>**

*If you have any questions or comments please don't hesitate to email us : [info@vahemp.org](mailto:info@vahemp.org)*

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