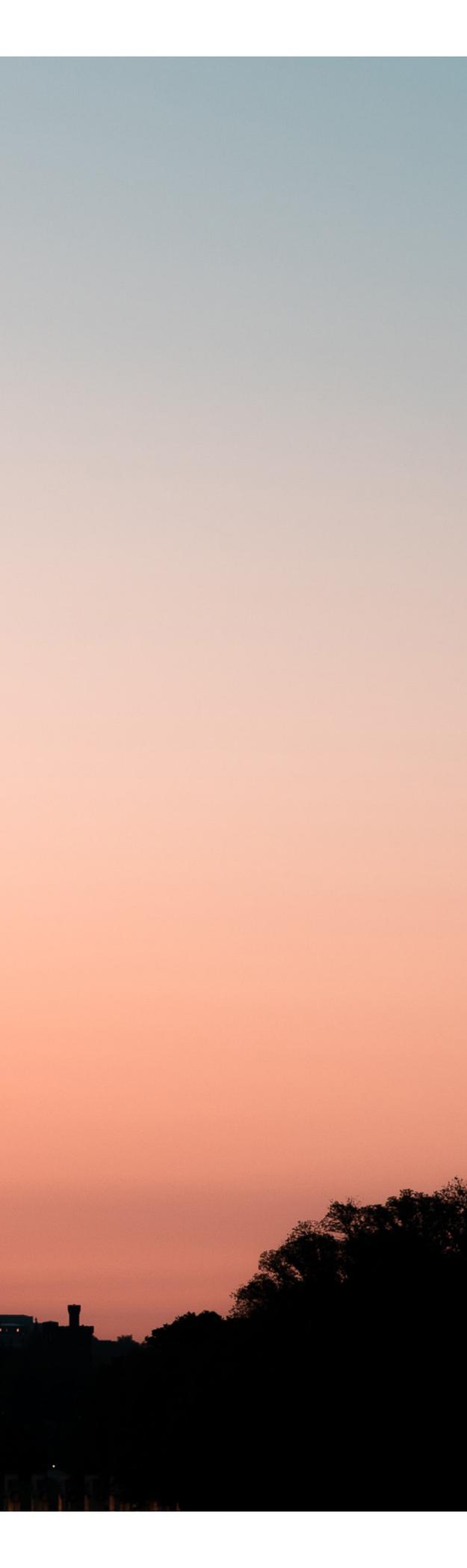




# MARIJUANA POLICY PROGRESS REPORT

2019 LEGISLATIVE UPDATE





# MARIJUANA POLICY PROGRESS REPORT 2019 LEGISLATIVE UPDATES

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# OVERVIEW

## MARIJUANA POLICY PROGRESS REPORT: 2019 LEGISLATIVE UPDATE



**Karen O'Keefe**  
Director of State Policies

A handwritten signature of Karen O'Keefe in blue ink, written in a cursive style.



**Don Murphy**  
Director of Federal Policies

A handwritten signature of Don Murphy in black ink, written in a bold, cursive style.

**Most state legislatures have adjourned for the year, wrapping up a banner year for marijuana policy reform.**

A record 27 state legislatures considered bills to legalize cannabis for adults in 2019, with Illinois' legislature becoming the second to ever pass such a law. Meanwhile, three states decriminalized marijuana possession, bringing the total number that have stopped jailing individuals for simple possession to 26. Almost every state made some progress, such as debating allowing medical cannabis, adding on-site consumption to a legalization law, or expanding existing medical programs.

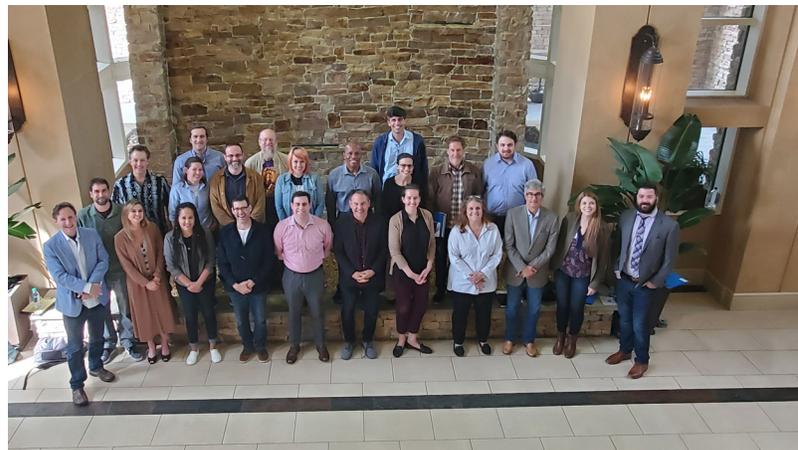
# 2019 WAS A HISTORIC YEAR FOR MARIJUANA POLICY AND THE MOVEMENT.

No state legislature seriously considered repealing an existing medical cannabis or legalization law, reflecting the strong support those laws enjoy.

At the federal level, for the first time, the House of Representatives approved a budget rider to prevent federal interference in state legalization laws. A similar provision has protected medical cannabis programs since late 2014.

This report ranks the 10 biggest marijuana policy wins in 2019 and names the best and worst states for reform this year. It also provides a round-up of marijuana policy action

at the federal level and in each state during the first half of 2019 and includes maps of which states considered — or already have — legalization, decriminalization, and medical cannabis laws.



## **MARIJUANA POLICY PROJECT**

STAFF AND BOARD

# KEY VICTORIES

## TOP MARIJUANA POLICY WINS OF 2019

**Looking forward**, MPP is devoting significant resources to ending prohibition in several more states over the next few years. MPP is lobbying to regulate marijuana like alcohol via several states' legislatures: Connecticut, Delaware, Maryland, Minnesota, New Hampshire, Rhode Island, and Vermont. Along with allies, MPP is also exploring 2020 legalization ballot initiatives, including in Ohio, Missouri, and Montana.

**Meanwhile**, MPP is working with patient advocates to advance medical marijuana-related bills in several other states, including Kentucky and South Carolina. MPP also plans to play a significant role supporting 2020 medical marijuana initiatives in Idaho and Nebraska, and to assist with Mississippi's ballot measure. In addition, MPP monitors and analyzes all marijuana-related bills in all 50 states and the District of Columbia and lobbies to roll back prohibition at the federal level.



### ■ 1. LEGALIZATION IN ILLINOIS

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On June 25, 2019, Illinois Gov. J.B. Pritzker made history by signing into law the Cannabis Regulation and Tax Act (CRTA)! The Illinois House and Senate had approved the CRTA in late May. Adults 21 and older will be allowed to possess and purchase cannabis starting on January 1, 2020.



### ■ 2. U.S. HOUSE PREVENTS FEDERAL INTERVENTION

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For the first time ever, the U.S. House of Representatives approved a budget rider to prevent federal interference with adult-use marijuana laws.



### ■ 3. DECRIMINALIZATION IN NEW MEXICO

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New Mexico decriminalizes marijuana, reducing the penalty for up to half an ounce of marijuana to a \$50 civil fine.



### ■ 4. MEDICAL CANNABIS IN GEORGIA

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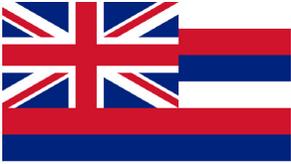
Georgia approves in-state production of medical cannabis with up to 5% THC.



### ■ 5. NORTH DAKOTA DROPS JAIL TIME FOR SIMPLE POSSESSION

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North Dakota reduces the penalty for up to half an ounce of marijuana from a misdemeanor to an infraction carrying a maximum fine of \$1,000.



## ■ 6. HAWAII DECRIMINALIZES VERY SMALL AMOUNTS OF CANNABIS

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Hawaii reduces the penalty for up to three grams of cannabis from up to 30 days in jail and a fine of up to \$1,000 to a \$130 civil fine.



## ■ 7. ON-SITE CONSUMPTION IN COLORADO

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Colorado legalizes and regulates cannabis hospitality — such as cannabis cafes — in localities that opt in.



## ■ 8. HOME DELIVERY IN COLORADO

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Colorado legalizes home delivery.



## ■ 9. WORKPLACE PROTECTIONS IN NEVADA

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Nevada prohibits most employers from conducting pre-job offer drug testing.



## ■ 10. GUAM LEGALIZES MARIJUANA

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The U.S. territory of Guam legalizes and regulates marijuana for adults' use.

2020 IS LOOKING TO BE ANOTHER BUSY YEAR FOR THE MARIJUANA POLICY PROJECT.

# CAPITOL HILL

2019 CONGRESSIONAL UPDATES



2019 HAS BEEN HISTORICAL FOR MARIJUANA POLICY REFORM AT THE STATE AND FEDERAL LEVEL.

Not since the days of Harry Anslinger has marijuana been such a hot topic on and off Capitol Hill. And it's not just in the usual committees and with the usual sponsors; marijuana legislation and amendments are being offered by members on both sides of the aisle in House committees like Appropriations, Financial Services, Small Business, Veterans' Affairs, Rules, and yes, Judiciary. Off the Hill, the issue has been a major talking point among the nearly two dozen candidates seeking the Democratic party's nomination for president.

Among the most interesting bills, amendments, and developments are the following:

## ■ PROTECTING PATIENTS

The House Appropriations Committee renewed protections for state medical marijuana programs. The Senate is expected to concur. This budget provision — originally known as the Rohrabacher Amendment — prevents the Department of Justice from interfering in state medical marijuana laws. It has been included in annual appropriations bills since late 2014.

## ■ HARRIS RIDER STRIPPED

The House Appropriations Committee stripped the so-called Harris Rider from its spending bill. If the Senate concurs, this will likely open the door for D.C. to allow commercial sales. (While D.C. voters legalized marijuana possession and cultivation for adults in 2014, the Harris Rider has prevented the District from allowing and regulating sales.)

## ■ MCCLINTOCK AMENDMENT PASSED

The “McClintock Amendment,” which would protect adult-use marijuana programs, passed the full House by a vote of 265-167. Like the Rohrabacher Amendment, this is a rider to the annual Department of Justice budget. The Senate has not yet taken up the budget.

## ■ SAFE BANKING ACT

The House Financial Services Committee held hearings and passed the SAFE Banking Act (with a bipartisan majority), related to cannabis banking. With over 200 cosponsors, the bill is expected to be on the House floor prior to the August recess. Its prospects in the Senate depend largely on the Chair of the Senate Banking Committee, Mike Crapo (ID). Idaho is one of three states with no medical marijuana law. MPP is leading the effort to both organize a ballot initiative to legalize medical marijuana in Idaho and move Chairman Crapo to hold a hearing and vote on the SAFE Banking Act.

## ■ HISTORIC HEARING

The U.S. House Judiciary Crime, Terrorism and Homeland Security Subcommittee held the first-ever hearing in a committee of jurisdiction on exploring alternatives to federal marijuana prohibition. The historic hearing “Marijuana Laws in America: Racial Justice and the Need for Reform” also explored the racist origins of marijuana prohibition, the War on Drugs, and the continued disparities in marijuana law enforcement.

## ■ COMMON GROUND

Longtime prohibitionists have found two things they agree on when it comes to marijuana. First, there needs to be more research. Second, medical marijuana users should not lose their gun rights for taking their doctor-recommended medicine. Both these points and the legislation they have generated are sure to make for an interesting list of cosponsors.



*“We have much more work to do. The federal government is out of touch and our cannabis laws are out of date. I’m pleased that the House agrees and we are able to move forward.”*

— Rep. Earl Blumenauer, co-founder of the Congressional Cannabis Caucus and lead sponsor of the amendment.

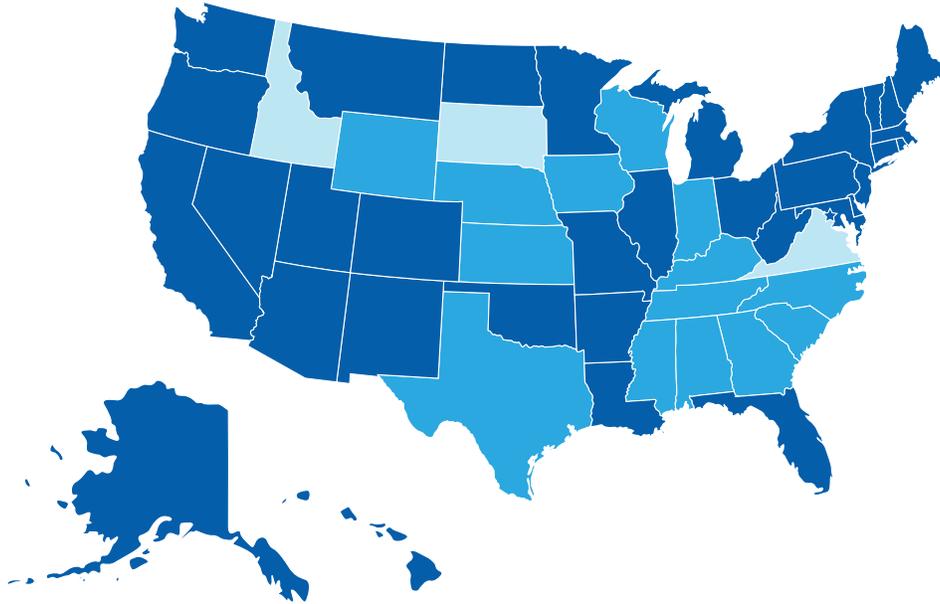


*“There is a growing consensus in this country that current marijuana laws are not appropriate and we must consider reform. Today’s hearing is a first step in that process.”*

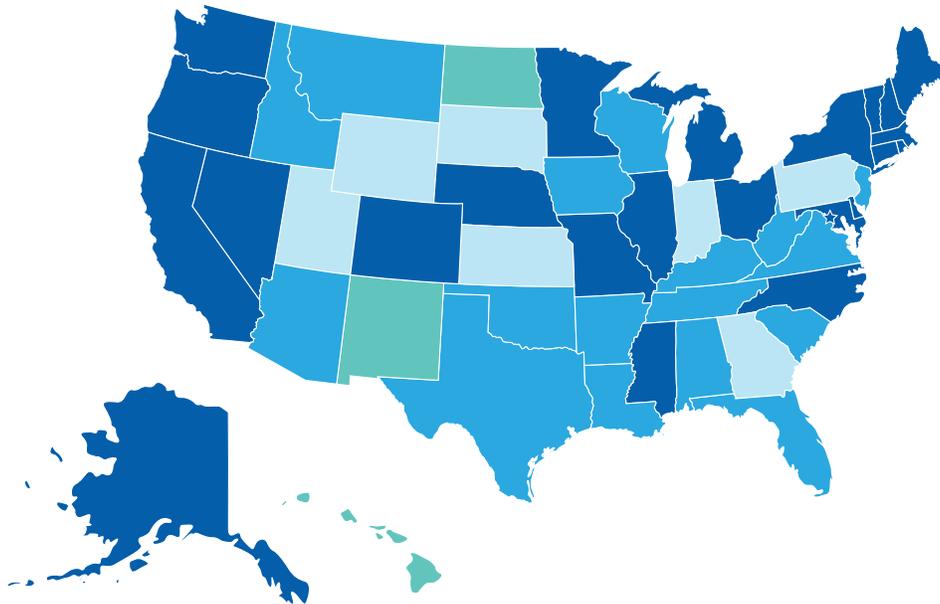
— Rep. Karen Bass



## ■ MEDICAL MARIJUANA STATES



## ■ DECRIMINALIZED STATES



**■ CURRENT LAWS**  
These states currently have laws enacted.

**■ BILLS INTRODUCED**  
These states had bills introduced in 2019.

**■ ENACTED IN 2019**  
These states enacted laws during the 2019 legislative session.

**■ NO LAW OR BILL**  
These states currently have no law enacted.

# FORWARD-THINKING

ILLINOIS LEGALIZES CANNABIS IN THE LEGISLATURE

## THE PRAIRIE STATE BECOMES THE 11TH STATE TO LEGALIZE CANNABIS

Illinois became the first state ever where the legislature — as opposed to voters — passed a comprehensive adult-use legalization law that includes regulated sales.

The midwestern state also set a new bar for fairness in cannabis policy. Illinois' HB 1438 — sponsored by Rep. Kelly Cassidy and Sen. Heather Steans — was the product of years of negotiations and stakeholder meetings. It included groundbreaking

provisions to ensure opportunities for individuals and communities most hard hit by the war on cannabis, along with reinvestment in those communities and expungement of hundreds of thousands of cannabis records.

MPP is proud to have worked hand-in-hand with the sponsors and the governor's office to craft and enact the new law, which takes effect on January 1, 2020.

*"MPP is the most effective and influential cannabis policy driver in the U.S."*

— Illinois State Senator  
Heather Steans



## ■ KEY PLAYERS



■ **REP. KELLY CASSIDY**

**District 14 Representative**  
Illinois House of Representatives



■ **SEN. HEATHER STEANS**

**District 7 Senator**  
Illinois State Senate



■ **CHRIS LINDSEY**

**Director of Government Relations**  
Marijuana Policy Project

HOUSE BILL 1438 PASSED

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The CRTA legalizes the possession and purchase of up to 30 grams of marijuana for adults who are Illinois residents (for visitors, the limits are half that) and establishes an inclusive, regulated market for cultivators, processors, retail stores, and testing labs. Cities can also opt-in to having on-site cannabis consumption (such as cannabis cafés).

Crafting a bill that could get past the finish line involved a long process of stakeholder input and negotiations. Although the new law doesn't include every policy MPP supports (such as home cultivation for adults and home delivery), it is an enormous step forward. It will help hundreds of thousands of Illinoisans and set a new standard for addressing the harms caused by decades of marijuana prohibition.

The CRTA includes far-reaching expungement provisions, funding for communities hard-hit by the drug war, and assistance to business applicants operated by those harmed by prohibition or from areas of disproportionate impact. It also legalizes home cultivation for patients and decriminalizes home cultivation for adult-use consumers.

The key players involved in passing the CRTA included legislative champions Rep. Kelly Cassidy, Sen. Heather Steans, Sen. Toi Hutchinson, and Rep. Jehan Gordon; Deputy Governor Christian Mitchell; Gov. J.B. Pritzker; MPP staffer Chris Lindsey; MPP lobbyists Pete Baroni and Kareem Kenyatta; Sen. Steans' cannabis policy staffer Rose Ashby; and Clergy for a New Drug Policy. Many other advocates and legislators also played a role in advancing this historic bill.

# BEHIND THE TIMES

SOUTH DAKOTA REMAINS MOST STAGNANT

## THE MOUNT RUSHMORE STATE IS LEFT BEHIND WHILE THE REST OF THE COUNTRY STEAMS AHEAD. WILL THINGS TURN AROUND IN 2020?

South Dakota has the dubious distinction of being the only state where there has been no forward progress on marijuana policies in 2019. The state lacks a medical cannabis, decriminalization, and legalization law, and no legislator even put forth a proposal to improve marijuana policies this year.

While the legislature did pass a hemp bill in 2019, Gov. Kristi Noem (R) vetoed the modest measure, and the legislature could not muster the votes for an override.

The Mount Rushmore State is also the only state that criminalizes “internal possession” — meaning a person

could legally use cannabis in Canada, but face jail time if they test positive in South Dakota. South Dakota even fails to allow cannabidiol (CBD) — a non-psychoactive cannabis compound that all states but Idaho allow in some fashion — except products that are FDA-approved.

However, change may be on the horizon: South Dakota is one of the 23 states with the ballot initiative process, meaning voters could take matters into their own hands in 2020.

# STATE-BY-STATE UPDATE

## MORE LEGISLATIVE UPDATES FOR MARIJUANA POLICY

IN THE FIRST SIX MONTHS OF 2019, HUNDREDS OF BILLS TO IMPROVE MARIJUANA POLICIES WERE CONSIDERED IN STATE LEGISLATURES — AND TERRITORIES — ACROSS THE COUNTRY. DOZENS PASSED. HERE ARE THE MOST NOTABLE BILLS THAT WERE TAKEN UP SO FAR THIS YEAR, FOR EACH STATE AND TERRITORY IN THE UNION.

### ■ ALABAMA: MEDICAL AND DECRIMINALIZATION BILLS ADVANCE BUT FALL SHORT; MEDICAL STUDY APPROVED

- The Alabama Senate Judiciary Committee unanimously approved SB 98, a decriminalization bill that would have reduced the penalty for possession of up to an ounce of marijuana to a fine of up to \$250. However, the House version, HB 96, was voted down in committee, 5-6, and the full Senate did not vote on the bill.

- The Alabama Senate passed a comprehensive medical marijuana bill — SB 236 — but it was modified in the House to simply create a study commission on the issue. Gov. Kay Ivey (R) signed the study into law.

### ■ ALASKA: ON-SITE CANNABIS USE AT REGULATED LOCATIONS

- In March, Alaska Lieutenant Governor Kevin Meyer (R) signed off on the Marijuana Control Board's rules, which will enable cannabis retailers to allow cannabis consumption on-site, with local approval. The rules were a significant advancement in cannabis policy, making Alaska the first state to create rules for cannabis cafes, creating a model for other jurisdictions. Alaska voters legalized marijuana for adults in 2014.

- SB 8 — a bill to seal convictions for less than an ounce of marijuana, with no other offense — was proposed but died in the Senate Judiciary Committee.

### ■ ARIZONA: MEDICAL PROGRAM IMPROVEMENTS ADOPTED; LEGALIZATION DOES NOT ADVANCE

- Gov. Doug Ducey (R) signed legislation (SB 1494) that makes two improvements to the state's medical marijuana program. It requires dispensaries to have their products tested for contaminants and potency by state-licensed, third party laboratories by November 1, 2020. The new law also makes patient registry cards valid for two years instead of one, effectively cutting patient registration fees in half.

- Several other marijuana policy reform bills were introduced this year, including decriminalization (SB 1284 and HB 2555) and adult-use legalization (SRC 1022), but died as a result of inaction at the committee level.

- A 2020 adult-use legalization ballot initiative is likely.

- In May, the Arizona State Supreme Court ruled unanimously that cannabis extracts, including concentrates and edibles, are legal under the state's medical marijuana law, resolving a long-contested misinterpretation of the statute by some law enforcement officials.

## ■ ARKANSAS: DECRIMINALIZATION BILL PROPOSED BUT DIES; MEDICAL SALES BEGIN

- HB 1972, a decriminalization bill, was proposed but did not advance before the legislature adjourned.
- Medical marijuana sales began in May, following years of implementation after voters passed a medical marijuana initiative in 2016. The legislature and governor enacted bills to ban medical cannabis edibles that would appeal to minors (SB 440) and to regulate medical marijuana advertising (SB 441).

## ■ CALIFORNIA: NUMEROUS BILLS UNDER CONSIDERATION; LEGISLATURE CONTINUES ITS WORK

- Unlike most states, California's legislature is still in full gear, with adjournment scheduled for mid-September. Voters enacted adult-use legalization in 2016.
- Dozens of cannabis-related bills have been proposed. They include measures facilitating banking for cannabis businesses (AB 1525, SB 51), allowing retailers to operate in localities where voters approved legalization (AB 1356), allowing tax-free medical marijuana donations (SB 34), reducing cannabis taxes until July 1, 2022 (AB 286), and creating state licensing for cannabis cafes/lounges (AB 1465). None have passed as of July 10, 2019.

## ■ COLORADO: HOME DELIVERY AND HOSPITALITY BILLS ENACTED

- Colorado became the first state (tied with Washington) to legalize adult-use marijuana in 2012. Gov. Jared Polis (D) signed several significant bills into law this year. Among them was HB 1230, a cannabis hospitality law, which will allow on-site cannabis consumption in localities that opt in. In those jurisdictions, cannabis retailers will be allowed to sell cannabis for on-site consumption. Other locations, such as hotels, will also be able to designate locations where adults can consume cannabis on the property.
- The legislature and governor also enacted HB 1234,

which will allow home delivery for cannabis products, both for medical patients and adult-use consumers. Transporters can obtain permission to deliver on behalf of medical marijuana centers or retail marijuana stores. This bill also requires a local opt-in.

- Colorado's medical cannabis law was also improved with the passage of several laws. SB 13 adds any condition for which a physician could prescribe an opioid to the list of qualifying medical conditions. Another bill, HB 1031, allows minors to have more than one caregiver, enabling both parents, not just one, to take that role. Finally, HB 1028 adds autism to the list of qualifying conditions.

## ■ CONNECTICUT: BILLS TO LEGALIZE, REGULATE, AND TAX CANNABIS PASS COMMITTEES BUT DO NOT RECEIVE FLOOR VOTES

- Legislators split the legalization issue into three different bills, which all passed their respective joint committees. SB 1085, which would have legalized cannabis and allowed for expungement of criminal records, passed the Judiciary Committee. SB 7371, which would have provided for the regulation of cannabis, passed the General Law Committee. SB 1138, which would have taxed cannabis, with proceeds being reinvested in economically distressed and underserved communities, passed the Finance Committee. None of these bills received a vote in the full House or Senate before the legislature adjourned.
- Gov. Ned Lamont (D), House Speaker Joe Aresimowicz (D), and Senate President Martin Looney (D) have all indicated that they firmly support legalizing, regulating, and taxing cannabis for adults 21 and older.

## ■ DELAWARE: LEGALIZATION BILL CARRIES OVER TO 2020; OTHER REFORMS PASS

- Delaware's legislature adjourned on June 30, after making some modest but important improvements to marijuana policies. Bills that did not get votes—including the legalization bill—pick up where they left off in January 2020.

- The House Revenue and Finance Committee advanced a bill to legalize, tax, and regulate cannabis for adults 21 and older in a 7-1 vote. The bill — HB 110 — is now in the House Appropriations Committee. In 2018, a similar bill came four votes shy of the three-fifths supermajority needed to pass the House.

- Gov. John Carney (D) signed SB 37 into law on June 30, 2019. The new law allows for a single cannabis misdemeanor conviction to be expunged after five years and a single cannabis felony conviction to be expunged after seven years.

- The legislature sent SB 45 — a bill to extend Delaware’s decriminalization law to those under 21 — to Gov. Carney’s desk on June 30, 2019.

- The legislature also approved SB 24 — a bill to expand the state’s medical cannabis law to include patients with any severe and debilitating medical condition to qualify for medical cannabis if they have exhausted other treatments, and the treatments have been ineffective or had prohibitive side effects. It is on Gov. Carney’s desk. Meanwhile, Gov. Carney signed HB 141 into law, adding daily persistent headache as a qualifying condition.

- A bill to allow medical cannabis patients to grow their own cannabis at home — HB 243 — was introduced and is pending in the House Public Safety & Homeland Security Committee.

## ■ FLORIDA: GOVERNOR SIGNS LEGISLATION REPEALING THE BAN ON SMOKING MEDICAL CANNABIS

- On March 18, 2019, Gov. Ron DeSantis (R) signed SB 182 into law, reversing a previous legislature-enacted law that prohibited patients from smoking medical cannabis. SB 182 allows patients to receive up to 2.5 ounces of whole flower cannabis every 35 days as recommended by their doctor and requires patients under the age of 18 to have a terminal condition and to get a second opinion from a pediatrician before smoking medical cannabis.

- Three bills — S. 1780, H. 1117, and S. 1298 — were proposed to either legalize marijuana outright or to refer the question to voters. All three died in committee. Two bills to decriminalize marijuana possession — H. 1289

and S. 1714 — also died without receiving votes.

## ■ GEORGIA: BILL ADDS IN-STATE ACCESS TO LOW-THC MEDICAL CANNABIS

- At the start of the year, Georgia law allowed qualified patients to register to possess medical cannabis products with up to 5% THC, but did not allow anyone to produce or sell low-THC cannabis in the state. HB 324, which passed this year, establishes that framework. Under the program, both universities and private entities can seek licenses to cultivate and process low-THC cannabis oils. Other licensees will be allowed to operate dispensaries.

- The state is in the process of appointing commissioners to the Georgia Access to Medical Cannabis Commission, which will make recommendations, adopt rules, and oversee the program rollout.

- A bill to create a comprehensive medical cannabis program (SB 232) was proposed, but did not receive a vote.

## ■ HAWAII: DECRIMINALIZES THE SMALLEST AMOUNT OF ANY DECRIMINALIZATION OR LEGALIZATION STATE

- On July 9, Gov. David Ige (D) allowed a modest decriminalization bill — HB 1383 — to become law without his signature, having said it “was a very tough call.” Beginning on January 11, 2020, the bill will make possession of three grams or less of marijuana punishable by a \$130 fine. Under current law, possession of marijuana is a misdemeanor punishable by up to 30 days in jail and a fine of up to \$1,000.

- SB 686 — a bill to legalize, tax, and regulate cannabis for adults — was approved unanimously by the Senate Judiciary Committee. This was the first marijuana legalization hearing in five years. Unfortunately, the bill did not get through a second panel before the deadline to advance in the legislative process, killing the bill.

- Numerous other bills were also proposed, with the legislature sending the governor a bill to allow inter-

island transport of medical cannabis (HB 290). He vetoed the measure on July 9.

## ■ IDAHO: DECRIMINALIZATION AND HEMP LEGISLATION DIES; ANTI-BALLOT INITIATIVE BILL VETOED

- Rep. John Gannon (D) and Rep. Bryan Zollinger (R) sponsored legislation, H 140, to lower penalties and partially decriminalize possession of half an ounce or less of marijuana. The bill died in committee.
- Despite widespread support, lawmakers failed to pass legislation (H 112) that would have legalized the production of hemp and CBD products in the state.
- Gov. Brad Little (R) vetoed legislation intended to make ballot initiative qualification much harder.
- Alongside local allies, MPP plans to support a 2020 medical marijuana ballot initiative.

## ■ ILLINOIS: LAND OF LINCOLN BECOMES THE 11TH STATE TO LEGALIZE CANNABIS FOR ADULTS

- Illinois' legalization bill, HB 1438, became law when Gov. J.B. Pritzker (D) signed the measure on June 25, 2019. The law takes effect on January 1, 2020, and sales are expected to begin the same day. Existing medical cannabis licensees can expand into the new market, and a host of incentives are available to encourage new entrants, in addition to new categories of licenses.
- Included in the legalization law is a series of provisions intended to help those individuals and communities who suffered the most due to the war on cannabis. Over 700,000 records are eligible for expungement, and individuals impacted by cannabis prohibition qualify for additional points on cannabis business license applications and low-interest loans to offset startup costs. Revenue from the program is partly earmarked to help disadvantaged communities.
- In addition to the legalization bill, the medical cannabis law was expanded and made permanent. SB 2023 adds chronic pain, autism, and several other new

qualifying conditions. It also expands the list of medical professionals who can certify patients for cannabis by adding nurse practitioners and physician's assistants.

## ■ INDIANA: MARIJUANA POLICY REFORM BILLS INTRODUCED, BUT FALL SHORT

- Multiple legalization bills (HB 1460, HB 1685, SB 213) were filed but none made it out of committee.
- Multiple decriminalization bills (HB 1283, HB 1540, HB 1658) were filed but none made it out of committee.
- Multiple medical marijuana bills (SB 357, HB 1384, HB 1535) were filed but none made it out of committee.

## ■ IOWA: MEDICAL MARIJUANA EXPANSION THWARTED BY GOV. REYNOLDS

- A legalization bill, SF 469, was filed but not did advance before a legislative deadline.
- A decriminalization bill, HF 93, was filed but did advance before a legislative deadline. The bill would have decriminalized up to 42.5 grams of marijuana and instituted a \$25 civil penalty for simple possession.
- The legislature approved a bill that would have converted the state's low-THC medical marijuana program into a comprehensive law. Among other changes, HF 732 would have removed the 3% cap on THC and instead instituted a per-person limit of 25 grams every 90 days. Gov. Kim Reynolds (R) vetoed the bill. Unfortunately, the speaker would not call a special session to override the governor's veto.

## ■ KANSAS: GOVERNOR SIGNS AFFIRMATIVE DEFENSE BILL FOR CBD OIL WITH UP TO 5% THC

- Gov. Laura Kelly (D) signed SB 28, or "Claire and Lola's Law," into law. The new law provides an affirmative defense for possession, but does not allow for legal sale or production of cannabis oils. It bars the state

Department of Children and Families from removing a child over CBD oil use.

- Comprehensive medical cannabis bills (HB 2163, SB 113, HB 2303, SB 195) were proposed, but did not receive votes.

## ■ KENTUCKY: MEDICAL CANNABIS BILL PASSES HOUSE COMMITTEE, OTHER BILLS INTRODUCED

• A medical cannabis bill, HB 136, passed the House Judiciary Committee in a 16-1 vote. With less than a week remaining in the session, the House did not call the bill to a vote. Gov. Matt Bevin (R) supports medical cannabis, but some members of Senate leadership remain strongly opposed.

- Republicans in the Senate introduced a decriminalization bill (SB 82) and a legalization bill (SB 80), but they did not receive committee hearings or votes.

## ■ LOUISIANA: LEGALIZATION DIES IN COMMITTEE; INHALATION ADDED TO MEDICAL PROGRAM

• Legalization bills (HB 509, HB 564) were proposed, but died in committee.

• A decriminalization bill, HB 59, was filed and later withdrawn.

• The legislature passed and Gov. John Bel Edwards (D) signed HB 358, which expands the existing medical marijuana law by allowing inhalation via a “metered-dose inhaler.” The legislature and governor also enacted HB 507, which levies a 7% tax on medical marijuana sales.

• In April, references to THC limits were repealed by a regulatory change.

## ■ MAINE: ADULT-USE RULES APPROVED; MEDICAL MARIJUANA PROLIFERATING

• LD 719, which creates the regulatory framework for adult-use sales, was approved in June. The state plans to accept license applications by the end of 2019. (Voters approved allowing adult-use marijuana in 2016.)

• LD 1738, which establishes a marijuana testing facility certification program and allows medical marijuana caregivers to wholesale up to 75% of the marijuana they have grown, was approved under emergency legislation and went into effect immediately in June.

• LD 1735, which creates a pathway for the state’s eight dispensaries to become for-profit entities, also became law.

## ■ MARYLAND: LEGALIZATION WORK GROUP FORMS; WILL REPORT FINDINGS IN TIME FOR 2020 SESSION

• The late speaker of the House, Michael Busch, and Senate President Mike Miller created a legislative work group to study the effects of legalization during the interim. The work group will review issues such as how the state could license and tax the industry, public health effects of legalization, impacts on the criminal justice system, and how to promote participation by small, woman-owned and minority-owned businesses. It must report findings by December 31, 2019.

• Legalization bills — HB 656 and SB 771 — and a bill to refer a constitutional amendment to voters — HB 632 — were introduced but did not receive committee votes. Legislators preferred to wait for the work group’s results to take up the issue.

• The legislature and Gov. Larry Hogan (R) approved a bill making some revisions to Maryland’s medical cannabis program. HB 17 allows edible cannabis products. It also allows research institutions to study the effects of medical cannabis and further regulates medical cannabis advertisements.

## ■ MASSACHUSETTS: IMPLEMENTATION OF REGULATED MARKET CONTINUES; REGULATORS CONTEMPLATE ADDING DELIVERY AND ON-SITE CONSUMPTION

- After issuing the first licenses to adult-use retail stores late last year, in 2019 the Cannabis Control Commission (CCC) began working on draft regulations to allow home delivery and on-site consumption. The CCC also took over regulation of the medical cannabis program from the Department of Public Health. (Voters approved legalization in 2016.)

- Dozens of bills were introduced in the legislature seeking to make changes to the medical and adult-use laws, but none have been approved by the legislature, which meets year-round.

## ■ MICHIGAN: NO MAJOR UPDATES YET THIS SESSION (YEAR-ROUND LEGISLATURE)

- In early July, the newly established Marijuana Regulatory Agency issued emergency rules to guide the implementation and licensing process for the 2018 voter-approved legalization law. The regulations do not include the large capitalization requirements that apply to Michigan's medical marijuana businesses. The rules also permit home delivery and on-site consumption for retail outlets, lounges, and events (subject to local approval). Regulators plan to begin accepting business applications by November 1, 2019.

## ■ MINNESOTA: LEGALIZATION AND MEDICAL IMPROVEMENTS INTRODUCED, BUT FALL SHORT

- Several bills were introduced to legalize marijuana for adults' use, to refer the issue to voters via a 2020 constitutional amendment, or to appoint a task force on the issue. The Senate Judiciary and Public Safety Committee voted down the Senate legalization and task force bills — SF 2840 and SF 619 — in 6-3 votes with all six Republicans voting "no." Senate Majority Leader

Paul Gazelka (R) said the Republican caucus is strongly opposed. The House bills — HF 420, HF 265, HF 465, and HF 2285 — did not receive committee hearings or votes.

- A number of bills were proposed to improve the state's medical cannabis law. The House version of the Health and Human Services Omnibus Bill would have expanded the type of pain patients who qualify and allowed whole plant/flower marijuana. Unfortunately, those improvements did not make it out of the conference committee.

## ■ MISSISSIPPI: MEDICAL MARIJUANA AND HEMP BILLS FILED, BUT ALL DIE IN COMMITTEE

- Several members of the state legislature introduced marijuana policy-related bills, including a legalization bill (SB 2349), several medical marijuana bills (HB 1371, SB 2358, SB 2643, SC 537), and a bill to allow hemp production. None of these bills made it out of committee.

- A signature drive is underway for a 2020 voter initiative to allow medical cannabis. MPP is playing an advisory role.

## ■ MISSOURI: OVER A DOZEN BILLS INTRODUCED, NONE APPROVED

- Rep. Shamed Dogan (R) introduced H 1095 to reduce the penalty for possessing fewer than 36 grams of marijuana from a felony to a class D misdemeanor and shift possessing 10 grams or fewer from a misdemeanor to an infraction. The House Special Committee on Criminal Justice voted 7-0 to approve the legislation, and it was then referred to the House Rules - Administrative Oversight Committee, where no action was taken.

- Rep. Peter Merideth (D) sponsored legislation (HB 551) to legalize and regulate marijuana for adult use. Rep. Brandon Ellington (D, Minority Whip) sponsored legislation (HB 157) to legalize the possession of less than two ounces of marijuana and cultivation of up to six cannabis plants for individuals 21 years or older. The bills died in committee without votes.

- Rep. Barbara Washington (D) introduced legislation (H

292) to expunge marijuana possession offenses involving up to 35 grams. Sen. Shalonn Curls (D) introduced a bill (S 457) to establish a “Medical Marijuana Opportunities Program” to facilitate the inclusion of individuals in Missouri’s medical marijuana industry that have been negatively and disproportionately impacted by marijuana criminalization and poverty. Neither bill received a vote.

- A 2020 adult-use legalization ballot initiative is under consideration.

## ■ MONTANA: LEGALIZATION BILL DIES; MEDICAL CANNABIS PROGRAM REVISED

- HB 770, sponsored by Rep. Tom Winter (D), would have legalized and regulated marijuana for adults 18 and older. It received a hearing in the Taxation Committee, but it died in committee.
- The legislature passed and Gov. Steve Bullock (D) signed SB 265, which makes several changes to the state’s medical cannabis law. Among other changes, the new law “untethers” patients from providers, temporarily doubles the gross sales taxes to 4%, establishes requirements for testing labs, clarifies advertising restrictions, and allows telemedicine for written certifications.
- A 2020 adult-use legalization ballot initiative is under consideration.

## ■ NEBRASKA: MEDICAL MARIJUANA DIES; HEMP BILL APPROVED

- Sen. Anna Wishart and allied legislators introduced and prioritized a medical marijuana bill (LB 110) in the unicameral legislature. In a 5-1 vote, the Judiciary Committee advanced the bill to the floor for a debate. With strong opposition from Gov. Pete Ricketts (R), the bill was not able to garner enough support to receive a vote in the full legislature.
- Gov. Ricketts signed a bill (LB 657), sponsored by Sen. Justin Wayne (D), to legalize and regulate industrial hemp.
- Advocates, with support from MPP, are now collecting

signatures for a 2020 medical cannabis ballot measure.

## ■ NEVADA: GROUNDBREAKING EMPLOYMENT PROTECTION BILL ENACTED

- Nevada’s legislature and governor enacted AB 132, which prohibits most employers from denying applicants a job if cannabis shows up on a drug test. (Voters approved marijuana legalization in 2016.)
- Nevada lawmakers also enacted SB 430, which expands the list of qualifying conditions for medical cannabis to include autism, anxiety disorders, autoimmune diseases, opiate addiction, anorexia, chronic pain, HIV or AIDS-related conditions, and neuropathic conditions.
- Also enacted was AB 533, which establishes a two-year moratorium on localities permitting locations to allow on-site cannabis use. This has stalled Las Vegas’ plans to allow regulated on-site consumption. AB 533 also creates a study to determine what recommendations might be made for on-site use locations. The same new law allows cannabis retailers to contract with third party delivery services to provide cannabis products to adult consumers. It also creates a Cannabis Compliance Board, modeled after the gambling regulatory authority.

## ■ NEW HAMPSHIRE: INCREMENTAL REFORMS PASS THE LEGISLATURE; LEGALIZATION BILL CARRIES OVER TO 2020

- The legislature passed several bills to improve the medical cannabis program in 2019. Gov. Chris Sununu (R) signed HB 350, which allows physician’s assistants to certify patients. However, he vetoed SB 88, which would eliminate the three-month waiting period for provider-patient relationships. SB 88 passed by veto-proof margins in both chambers. HB 364, which allows home cultivation for registered patients and caregivers, is awaiting action from Gov. Sununu.
- The legislature passed and Gov. Sununu signed HB 399, which will make it easier for people to have their misdemeanor cannabis convictions annulled.

- A bill to legalize and regulate cannabis, HB 481, passed the House in a 200-163 vote after being approved by two committees. The Senate voted to postpone consideration of the bill until 2020. Gov. Sununu is strongly opposed.

- Gov. Sununu vetoed SB 145, a bill that would have allowed alternative treatment centers to reorganize as for-profit businesses.

## ■ NEW JERSEY: GUBERNATORIAL PROMISES FIZZLE; MEDICAL MARIJUANA EXPANDS

- Gov. Phil Murphy (D) signed A20, also known as “Jake’s Law,” into law, expanding the medical marijuana program in several ways. The new law creates the Cannabis Regulatory Commission, which will govern the medical marijuana program, and expands the number of cultivators from 12 to 28. The commission will set the number of retail and manufacturing licenses. A20 also sunsets the 6.625% sales tax by 2022, and it includes equity provisions for women- and minority-owned businesses. It expands qualifying conditions — including by adding chronic pain; allows for doctor recommendations annually rather than four times a year; expands the monthly patient limit from two to three ounces; removes the limit for terminally ill patients; allows for out-of-state patients to purchase marijuana; and allows for home delivery.

- Gov. Murphy had hoped to legalize marijuana in his first 100 days, which ended in spring 2018. Unfortunately, that did not happen. New Jersey’s primary legalization bill, S2703, was ultimately tabled by leadership due to lack of votes. Senate President Stephen Sweeney (D) plans to refer the issue to voters in 2020.

- Multiple decriminalization bills (S472, A3468, S1926) were filed but have not advanced out of committee yet.

## ■ NEW MEXICO: DECRIMINALIZATION ENACTED; MEDICAL MARIJUANA EXPANDED

- In April, Gov. Michelle Lujan Grisham (D) signed SB 323, which decriminalizes marijuana by reducing the penalty for up to half an ounce of marijuana to a \$50 civil fine.

- Two legalization bills were filed (HR 356, SB 577). HR 356 passed in the House of Representatives in a 36-34 vote, but unfortunately died in the Senate Finance Committee.

- The legislature and governor enacted SB 406 and SB 204, which expand the state’s medical marijuana program. SB 406 includes reciprocity for visiting patients, allows home growers to pay manufacturers to process their marijuana, allows patients to renew every three years rather than annually, and includes employment protections. SB 204 allows for medical marijuana on school grounds.

## ■ NEW YORK: LEGALIZATION FALLS SHORT; DECRIMINALIZATION IMPROVEMENT BILL SENT TO GOVERNOR

- Gov. Andrew Cuomo (D) called on the legislature to legalize cannabis as part of the budget process, avoiding an up-or-down vote. Legislators and the governor did not come to an agreement about details before the budget’s April 1 deadline.

- A standalone bill, the Marijuana Regulation and Taxation Act (S1527/A1617), was not able to gain enough support in the Senate to pass before the legislature adjourned. It did not receive a vote.

- Meanwhile, the legislature approved A08420/S06579 to improve the state’s decriminalization law and add automatic expungement. The bill now awaits action from Gov. Cuomo, who is expected to sign it. The bill would reduce the penalty for possessing up to an ounce of marijuana to a \$50 fine (from \$100). It also closes the “public view” loophole that law enforcement used as a pretext to arrest tens of thousands of New Yorkers (disproportionately people of color) and automatically erases old convictions for decriminalized conduct.

- A01125, which would have allowed any severe medical condition to qualify for medical cannabis, was not called for a vote. Gov. Cuomo did not issue a “message of necessity” that would have enabled the legislature to vote on a medical marijuana improvement bill in the final days of session.

## ■ NORTH CAROLINA: MEDICAL AND LEGALIZATION BILLS INTRODUCED, CARRY OVER TO 2020

- A comprehensive medical cannabis bill — H 401 — was proposed. The bill was in the Committee on Health when the legislature adjourned. Like other bills that did not receive a floor vote, it carries over to 2020.
- The Senate approved a bill to expand North Carolina's restrictive low-THC law to include autism, Crohn's disease, multiple sclerosis, mitochondrial disease, and other conditions that failed to respond to at least three other treatments. The bill — S 168 — was pending in the House when the legislature adjourned until 2020. Neither existing law nor S 168 provide for in-state access. The bill only applies to 0.3%- and 0.9%-THC cannabis.
- As was the case last session, lawmakers introduced a bill to legalize possession of up to four ounces of cannabis. The bill — S 58 — did not receive a hearing or vote before the legislature adjourned.

## ■ NORTH DAKOTA: JAIL TIME REMOVED FOR POSSESSION; MEDICAL MARIJUANA PROGRAM EXPANDED

- Gov. Doug Burgum (R) signed HB 1050, which reduces the penalty for first-time possession of up to half an ounce of marijuana to a fine of up to \$1,000 with no jail time. The new law — which takes effect on August 1, 2020 — also reduces penalties for possession offenses involving amounts greater than a half-ounce, and it calls on the Legislative Assembly to study adult-use legalization.
- The governor also signed a package of bills related to medical marijuana. Most significant among them is H 1519, which adds a dozen health diagnoses to the list of qualifying conditions for medical marijuana, including autism spectrum disorder, rheumatoid arthritis, anxiety disorder, migraines, and Tourette syndrome. The other bills were HB 1119, SB 2210, HB 1417, and HB 1283.

## ■ OHIO: HEMP LEGALIZATION BILL CURRENTLY IN PLAY (YEAR-ROUND LEGISLATIVE SESSION)

- Senate Bill 57, sponsored by Sen. Brian Hill (R), would remove hemp from the definition of marijuana, legalizing CBD products in Ohio and establishing a system to license hemp producers. Many farmers are backing the legislation, which is currently in the House Agriculture and Natural Resources Committee.
- Meanwhile, medical marijuana sales began on January 16, 2019. The legislature passed a medical cannabis program in 2016, preempting a planned voter initiative.
- A 2020 adult-use legalization initiative is under consideration.

## ■ OKLAHOMA: MEDICAL MARIJUANA LAW TWEAKED; CHANGES ARE A MIXED BAG

- In 2019, the Oklahoma Legislature passed and Gov. Kevin Stitt (R) signed 10 bills related to medical cannabis, hemp, or CBD.
- One of the enacted bills, the medical cannabis “unity bill” (HB 2612), made some changes to the state's permissive voter-enacted program. HB 2612 protects patients' and caregivers' gun rights and prohibits the state from denying benefits including Medicaid, SNAP, and WIC to patients. However, it erodes provisions to prevent patients from being fired for failing drug tests by creating a broad exemption from those protections for “safety sensitive positions,” which includes jobs involving driving, direct patient care, or direct child care. HB 2612 also formalizes a regulatory structure, restricts advertising, and creates a revolving medical marijuana fund, along with licenses and a regulatory framework for testing labs and transporters.
- Another of the bills that passed, SB 1030, increases local control over medical cannabis businesses. As passed by the Senate, the bill would have reduced the penalty for simple possession of cannabis to a fine of up to \$400. Under Oklahoma's medical cannabis law, anyone possessing up to 1.5 ounces of cannabis that can

“state a medical condition” is subject to a misdemeanor fine of up to \$400. The Senate version of SB 1030 would have applied even to those who did not “state a medical condition.” Unfortunately, the provision was not included in the House-passed or final versions of the bill.

- The other bills that became law were: HB 2601 — prohibiting vaping or smoking cannabis in public; HB 2613 — defining physicians for purposes of the medical marijuana program; SB 162 — broadening physicians who can sign applications; SB 882 — creating the Oklahoma Medical Marijuana Waste Management Act; SB 868 — creating the Oklahoma Industrial Hemp Agricultural Program; SB 811 — providing that certain medical marijuana research is not subject to State Department of Health oversight; SB 532 — establishing procedures for continuation of operations of certain foreclosed businesses; and SB 238 — creating certain labeling requirements for cannabidiol.

- A 2020 adult-use legalization initiative is under consideration.

## ■ OREGON: EXPUNGEMENT PASSES, ALONG WITH IMPORT/EXPORT ONCE FEDERAL LAW CHANGES

- Two significant bills passed this year and were signed into law. SB 420 will pave the way for automatic expungement of criminal offenses for marijuana-related conduct that is now legal. (Voters legalized marijuana for adults in 2014.) This expands expungement provisions started in 2015 under SB 364, which allowed expungement but did not make it automatic. The new law requires the state to identify impacted cases and asks prosecutors to set convictions aside automatically.

- An innovative cannabis bill also passed, the first of its kind in the country. SB 582 would allow for the export of surplus cannabis beyond the state borders should federal law change to allow it. If that were to happen, state regulators could work with other states to develop policies and procedures for the import and export of cannabis and cannabis products.

## ■ PENNSYLVANIA: LEGALIZATION BILLS PENDING, UNLIKELY TO ADVANCE

- Rep. Jake Wheatley (D) and 26 cosponsors introduced HB 50, which would legalize and regulate cannabis for adults' use. The legislature is still in session, but House Speaker Mike Turzai (R) is staunchly opposed, and Senate leadership is also an obstacle. Both the House and Senate have Republican majorities, and no Republican legislator in Pennsylvania has voiced support for legalization yet.

- In early 2019, Lt. Gov. John Fetterman held a statewide listening tour on cannabis legalization and visited all 67 Pennsylvania counties. He reported around 65-70% support for legalization.

## ■ RHODE ISLAND: LEGALIZATION REMOVED FROM BUDGET; MEDICAL PROGRAM EXPANDED

- Gov. Gina Raimondo (D) included a number of marijuana policy proposals in Article 20 of her state budget bill (H 5151). The legislation would have legalized the sale and production of marijuana for adult use, expanded the medical marijuana program, restricted home cultivation, and established greater regulatory oversight around the production of hemp and CBD products. Committees in the General Assembly held hearings to debate the provisions within Article 20, which received supportive testimony from the Rhode Island State Police and the Department of Health. Ultimately, though, the state legislature approved a budget bill that lacked the governor's adult-use legalization plan, instead opting to create six new medical marijuana compassion centers (vertically integrated dispensaries).

- Rep. Anastacia Williams (D) and Rep. Marcia Ranglin-Vassell (D) introduced legislation to establish social equity programs, expand expungement, and create funds to support programs in communities most harmed by prohibition. No action was taken on these bills in committee.

## ■ SOUTH CAROLINA: COMPREHENSIVE MEDICAL CANNABIS BILL CARRIES OVER TO 2020

- The Senate Medical Affairs Subcommittee advanced S336 — a comprehensive medical cannabis bill. The full Medical Affairs Committee held hearings and considered amendments, but time ran out. Further consideration was postponed until next year when the committee reconvenes.
- The House companion bill, H3360, is pending in the Medical, Military, Public and Municipal Affairs Committee where it has not yet received hearings or a vote.
- A decriminalization bill — HB 3276 — was proposed and referred to committee.

## ■ SOUTH DAKOTA: MARIJUANA POLICY REFORM DESERT; HEMP BILL VETOED

- No marijuana policy reform bills were introduced in 2019.
- The legislature approved HB 1191, which would have legalized industrial hemp cultivation. Gov. Kristi Noem (R) vetoed it. The House voted 55-11 to override Noem's veto, but the Senate vote of 20-13 was not enough.
- A 2020 medical marijuana or adult-use legalization ballot initiative is under consideration.

## ■ TENNESSEE: MEDICAL CANNABIS, ADULT-USE POSSESSION BILLS CARRY OVER TO 2020

- Sen. Janice Bowling (R) and Rep. Ron Travis (R) sponsor twin medical cannabis bills — SB 486 and HB 637 — which would provide relief to patients with a qualifying medical condition. The list includes cancer, chronic pain, seizures, spasms, opioid addiction, and PTSD. In early April 2019, facing a possible committee loss, a supportive senator postponed further consideration of the medical cannabis bills until 2020, to allow time to build the necessary support.

- HB 235 and SB 256 would legalize possession of less than an ounce of marijuana. They had not advanced out of committee when the legislature adjourned for the year.

## ■ TEXAS: POLITICAL WILL FOR REFORM GROWING; SMALL CHANGES MADE THIS TIME AROUND

- The state slightly expanded its low-THC medical marijuana program with the passage of HB 3703. The new law adds multiple sclerosis, ALS, terminal cancer, autism, spasticity, epilepsy, and incurable neurodegenerative diseases as qualifying conditions. Previously, only those with intractable epilepsy could qualify for medical marijuana. However, the 0.5% cap on THC was not repealed.
- HB 1365, a bill to significantly expand the state's medical marijuana program, was approved by the House but not heard in the Senate.

- Two decriminalization bills were filed (HB 63 and SB 156). HB 63 passed in the House 103-42 but was not brought up for a vote in the Senate. Lt. Governor Dan Patrick (D) — who serves as Senate president — was strongly opposed. The bill would have reduced the penalty for possession of up to an ounce to a criminal fine of up to \$500.

- Legalization bills (SB 1581, HJR 108, and SJR 8) were filed but did not advance before the legislature adjourned.

## ■ UTAH: MINOR CHANGES TO MEDICAL MARIJUANA PROGRAM APPROVED

- Gov. Gary Herbert (R) signed SB 161 to make a number of modifications to the state's medical marijuana program, such as prohibiting discrimination against medical marijuana patients in family court matters.

## ■ VERMONT: BILL TO LEGALIZE AND REGULATE SALES CARRIES OVER TO 2020

- The Senate passed S. 54, a bill to legalize and regulate cannabis sales, in a 23-5 vote. The House Government Operations Committee followed suit in a 10-1 vote, but time ran out on the 2019 session before the House Appropriations and Ways and Means Committees could complete their work on the bill. S. 54 carries over to 2020, and House Majority Leader Jill Krowinski said, "It is a top priority for us to take it up in January." Limited possession and cultivation is already legal for adults 21 and older.

## ■ VIRGINIA: DECRIMINALIZATION AND LEGALIZATION BILLS INTRODUCED, DIE IN COMMITTEE

- Two bills (HB 2371 and HB 2373) were introduced to legalize, tax, and regulate marijuana for adults' use, but were defeated in committee.

- HB 2079 and SB 997 were introduced to make simple possession punishable by a civil fine of \$50 for a first violation instead of an offense punishable by up to 30 days in jail. These bills were also killed in committee.

- The legislature and governor approved SB 1557, which allows physician's assistants and licensed nurse practitioners (in addition to physicians) to issue a written certification for CBD and THC-A oil. The new law also requires the board to promulgate regulations establishing dosage limitations and provides that no dispensed dose may exceed 10 milligrams of THC.

## ■ WASHINGTON: EXPUNGEMENT MEASURE PASSES; ADULT-USE HOME CULTIVATION FALLS SHORT

- Lawmakers passed and Gov. Jay Inslee (D) signed SB 5605, which requires judges to grant requests to vacate misdemeanor marijuana possession charges that occurred before legalization, provided the defendant was at least 21 at the time.

- A pair of bills, SB 5155 and HB 1131, was introduced this year that would have allowed adults to possess and cultivate up to six plants at private residences. Neither measure advanced out of committee before the end of the session.

- The governor signed several other cannabis-related bills. SB 5318 allows regulators to issue a notice of correction to cannabis businesses for minor violations, rather than requiring a civil penalty, while SB 5298 allows labels to "describe the product's intended role in maintaining a structure or function of the body." HB 1792 changes the penalty for retail staffers who sell to those under 21, and HB 2052 establishes a task force on laboratory standards. Finally, HB 1794 governs marijuana-related royalty and licensing agreements.

- Turning to medical cannabis, the governor signed HB 1094, which allows for follow-up appointments by telemedicine in the case of severe hardship, and HB 1095, which allows medical cannabis on school grounds.

## ■ WEST VIRGINIA: MEDICAL CANNABIS IMPROVEMENTS PASS INTO LAW

- Two key bills were signed by Gov. Jim Justice (R) that should help make the medical cannabis program more workable for patients. HB 2538 will enable the state treasurer's office to find a bank or credit union to serve the medical cannabis program's banking needs. SB 1037 allows vertical integration of dispensaries and increases the number of dispensaries to 100. It also eliminates redundant taxes, leaving a single rate of 10% on sales from dispensaries to patients and caregivers.

- Bills were introduced to decriminalize (SB 123) and legalize cannabis (SB 143, HB 2331, HB 2376, HB 3108), but they did not receive votes. Several bills seeking to improve the medical cannabis program did not receive votes, including a bill to allow earlier issuance of ID cards to patients, a bill to allow smoking of medical cannabis, and a bill to allow medical cannabis to be grown outdoors by licensed growers.

## ■ WISCONSIN: GOVERNOR PROPOSES MEDICAL CANNABIS, LIMITED LEGALIZATION IN BUDGET

- Gov. Tony Evers (D) proposed a budget bill — AB 56/SB 59 — that would have legalized medical cannabis, removed all penalties from possessing up to 25 grams of cannabis and growing two plants, and created a process for expunging low-level cannabis convictions. The Joint Finance Committee removed the reforms from the budget with every Republican member voting to scrap the provisions.
- Rep. Melissa Sargent (D) sponsors AB 220, which would allow both medical cannabis and adult use and would set up a regulatory framework. It has been referred to the Assembly Committee on Criminal Justice and Public Safety. A similar bill did not advance out of committee in 2018.
- Medical cannabis may have a chance this year: Assembly Speaker Robin Vos (R) said he hopes to reach a deal with the governor on a limited medical cannabis bill. In the Senate, however, Majority Leader Scott Fitzgerald (R) is opposed to even medical cannabis. The Wisconsin Legislature meets year-round.

## ■ WYOMING: MEDICAL CANNABIS LEGALIZATION BILL PROPOSED, BUT DIES

- House Majority Floor Leader Rep. Eric Barlow (R) introduced HB 278 to legalize medical cannabis. On February 4, 2019, the House did not consider the bill for introduction. Another medical cannabis bill, HB 258, was also not considered for introduction.
- A 2020 medical marijuana ballot initiative is under consideration.

## ■ WASHINGTON, D.C.: TAX-AND-REGULATE BILLS PROPOSED, CANNOT MOVE UNTIL CONGRESS REMOVES HARRIS RIDER

- D.C. Mayor Muriel Bowser (D) introduced the Safe

Cannabis Sales Act of 2019 to tax and regulate cannabis sales in the District. Councilman David Grosso introduced the Marijuana Legalization and Regulation Act of 2019, which would allow cannabis to be regulated and taxed in the District.

- These bills — and similar proposals — cannot be enacted until the Harris Rider is removed from the federal appropriations bill. The House has removed the Harris Rider, while the Senate has not yet acted on it.

## ■ U.S. TERRITORIES: GUAM LEGALIZES; U.S. VIRGIN ISLANDS APPROVES MEDICAL

- The Guam Senate approved adult-use legalization, Bill 32-35, in an 8-7 vote. Gov. Lou Leon Guerrero signed the bill into law in April.
- The U.S. Virgin Islands legalized medical marijuana when Gov. Albert Bryan (D) signed Bill 32-0135 into law on January 19, 2019. The comprehensive bill includes regulated producers and dispensaries, home cultivation, and provisions for medical tourists. The qualifying conditions list is fairly large and includes chronic pain, autism, opiate use disorder, and PTSD.



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