



## Summary of Virginia's Cannabis Decriminalization and Penalty Reduction Bill

On May 21, 2020, Gov. Ralph Northam signed [SB 2](#) / [HB 972](#) into law, which decriminalizes simple marijuana possession in Virginia. The law went into effect on July 1, 2020.

**Modest civil fine:** Reduces the penalty for possession of marijuana to a civil fine of up to \$25.

- The current penalty for a first offense is up to 30 days in jail and/or up to a \$500 fine. A subsequent offense is a Class 1 misdemeanor, which carries up to a year in jail and/or a fine of up to \$2,500.
- Violations will be charged by summons. Court costs will not be charged.
- Civil penalties will be deposited into the Drug Offender Assessment and Treatment Fund.
- Creates a rebuttable presumption that a person who possesses no more than one ounce of marijuana possesses it for personal use. (This will make it far less likely that a person will be convicted of possession with intent to distribute when the cannabis is actually for their personal use.)

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**Increases threshold for more serious charges:** Increases quantity triggering higher penalties for sales and possession with intent to distribute:

- increases amount for Class 1 misdemeanor from up to 1/2 ounce to one ounce
- increases amount for Class 5 felony from over 1/2 ounce to over one ounce

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**Reduces use of stigmatizing records**

- Provides that none of the citations or civil penalties for simple possession may be included in a person's criminal history record information and that they may not be reported to the Central Criminal Records Exchange.
- Provides that marijuana possession citations and convictions cannot be open for public inspection or otherwise disclosed other than related to firearms purchases, screening emergency medical services applicants, and related to law enforcement, probation, and sentencing authorities.
- Prohibits employers and educational institutions from requiring applicants to disclose marijuana possession charges. Applicants who are asked about such convictions in violation of the bill need not include them.

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**Creates a workgroup to study legalization**

- Requires the Secretaries of Agriculture and Forestry, Finance, Health and Human Resources, and Public Safety and Homeland Security to convene a work group to study the impact on the Commonwealth of legalizing the sale and personal use of marijuana and make recommendations to the General Assembly and the governor by November 30, 2020.
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