

Compromising on Cannabis: New House legalization bill aims to appease all

Much like our roads, the path to cannabis legalization in Rhode Island has been riddled with potholes and slowdowns for many years. Many proponents of legalization felt that 2021 would finally be the year for Rhode Island, thanks to changes in leadership at the State House and an overall appetite by most lawmakers to finally get it done. And yet, with the end of the legislative session quickly approaching, time may be running out to make it happen this year. Two separate legalization proposals (Budget Article 11 from the governor's administration, and S0568 sponsored by Senator Josh Miller) were recently introduced, and both received significant pushback from legalization advocates, for whom neither proposal goes far enough to address the harms caused by the racist enforcement of cannabis prohibition over the years. With so many differing opinions attempting to influence how we legalize, progress seemed to stall over the last few weeks, and some were questioning whether it would still be possible to get legalization done this year.

Enter Representative **Scott Slater**, who submitted a third bill on Thursday that could be the key to reaching a compromise on legalization this session. Slater has long been known as a champion for cannabis policy reform at the state house, and his work on the state medical marijuana program and adult-use legalization over the years puts him in a good position to bridge the gap between the different stakeholders. He understands the complexities of legalization more than most lawmakers, and his history working on this issue has earned him the respect of advocates, patients and industry professionals alike.

Slater's bill (H6370) attempts to blend the better parts of the two previous proposals, while addressing advocates' demands for more substance when it comes to social equity. This approach seems to allow both for the state to move quickly toward adult-use sales (as early as this summer for the three existing compassion centers, Slater says), while leaving time and space for regulators to hammer out the finer details of licensing, regulating and taxing cannabis. Whether this eagerly awaited bill is the one that will usher our state into a new age of cannabis legalization remains to be seen, but here is a brief breakdown of some of the key social equity components of the bill:

Licensing

Starting July 1, 2021, the Department of Business Regulation would be authorized to issue 15 retail licenses, nine of which would be reserved for the current and pending medical marijuana dispensaries in the state. Of the six new retail licenses, five would be allocated to social equity applicants, and one would be designated for a worker-owned cooperative — a model that activists assert is crucial to keeping the barriers to entry low enough to be inclusive. Thankfully, the six new licensees would not be subject to the absolutely egregious \$500,000 licensing fee that has been imposed on the medical compassion centers up to this point, but that step is certainly not enough to ensure a truly equitable licensing strategy. More new retail and cultivation licenses wouldn't be issued until at least 2025, which I assume is welcome news to Rhode Island licensed cultivators and dispensary license applicants, who have been eagerly awaiting a chance to supply the potential adult-use market after several years of struggling to survive a market where supply has outpaced the demand of our existing compassion centers.

Proponents of social equity legalization have asked for half of all licenses to be allocated for social equity applicants, and while we still have a ways to go to achieve that goal, it seems like Rep. Slater was trying his best to work within the existing circumstances in our state when it comes to cannabis licensing. That said, if we want to create an industry that is not just composed of the rich and powerful, it would be better to allow for more licenses to be issued right away, increase the number of licenses reserved for social equity applicants, and set up reasonable licensing fees so that more Rhode Island businesses have a chance to participate in the industry.

Automatic Expungement

Unlike the previous two legalization proposals we have seen this year, this legislation does include an automatic expungement process for “any person with a prior conviction for misdemeanor or felony possession of marijuana or a marijuana related offense that has been decriminalized.” This is certainly a step in the right direction for social equity advocates, who have prioritized automatic expungement as a non-negotiable component of any legalization plan put forth. However, it is unclear whether the limited criteria for expungement will go far enough to repair the long-lasting damage suffered by so many Rhode Islanders under the criminalization of cannabis, so we will have to keep a close eye on the details of how automatic expungement is implemented.

Community Reinvestment

If passed, H6370 would create a “Social Equity Fund,” financed by license and renewal fees, to help support social equity license applicants, which sounds great in theory, but definitely needs improvement if we value the impact of such a fund as much as the intent behind it. As written, the fund could be used to provide “interest-free loans to pay the application and annual licensing fee for individuals [and families] who have previously been disproportionately impacted by criminal enforcement of marijuana...and for those individuals who have resided in disproportionately impacted areas for at least five of the last 10 years.” While the expansion of the eligibility requirements to participate in the assistance program is welcome, I think we can do a whole lot better than just covering the cost of license fees that are already higher than they need to be. It would be great to see a social equity fund that provides grants, interest-free loans for start up and operating costs, small business assistance and mentorship, and other incentives for minority-owned local businesses to enter the cannabis industry.

Of course, there is a lot more to cannabis equity than just the above components, but it’s helpful to keep in mind that there are good and bad parts in most of the proposed legislation that moves through the general assembly. I highly doubt that any legalization bill passed will be perfect, so we should expect an ongoing process of improving state policies as we move forward with implementation. That being said, significant improvements can and should be made to the language in this bill in the above areas, as well as in regard to civil liberties, employment and housing protections, and how we should handle minors who are found to be in possession of cannabis. Whether we pass a legalization bill that meets the social equity standards of advocates this year, I am confident that we can pass something reasonable. At the very least we can all embark on the next leg of our legal cannabis journey with a deeper understanding of what matters most when it comes to legalization, and what is possible when we work together to keep moving forward. And next time someone claims that legalization is “inevitable” in Rhode Island or elsewhere, we should remember that none of this would be possible without the persistence, courage and tenacity of the concerned citizens who show up year after year to participate in the process of policy-making, and the lawmakers who are willing to listen and learn. If we manage to legalize this year, we have them to thank!