

Opinion: General Assembly Makes Welcome Gains on Marijuana Laws

by Zach Mauldin



It was a big year for marijuana policy reform in the commonwealth. The most notable bill dealing with marijuana policy is undoubtedly HB 1251. Virginia's previous medical marijuana law was incredibly narrow, allowing Virginians who receive a certification from a neurologist or physician specializing in epilepsy to use cannabis oil to treat intractable epilepsy. HB 1251 expands this program so any doctor can recommend CBD or THC-A oil in order to treat any diagnosed condition or disease. This bill will provide much-needed relief to thousands of Virginians, and all of the patients and activists who worked towards its passage should be commended. The vast majority of Virginians support medical marijuana, and, while this bill does not create a comprehensive medical marijuana program, it is a huge step forward. The public support for medical marijuana was reflected in the final vote tally for HB 1251; it passed both chambers unanimously.

Less progress was made on the issue of decriminalization. Before the session convened, it looked like 2018 would be the last year that Virginians would face jail time for first-time marijuana possession. In October 2017, Republican Majority Leader Sen. Tommy Norment expressed his intent to introduce legislation that would decriminalize marijuana possession for first-time offenders.

Unfortunately, the bill Sen. Norment ultimately filed was a disappointing half measure. SB 954 would have eliminated jail time for first-time possession offenses, but they would have remained criminal convictions. The person convicted with marijuana possession for the first time would later be permitted to pay a fee to have the charge expunged. While not decriminalization as promised, it would

have been progress. The bill passed the Senate 38-2, but the House Committee for Courts of Justice decided to pass on the bill, allowing it to die in committee. As a result, thousands of Virginians will face jail time for possession of small amounts of marijuana for at least another year.

Despite this session's setbacks, the future looks bright. In the short term, it is important to pay attention to the Board of Pharmacy. The Board is required to regulate the pharmaceutical processors that will dispense CBD and THC-A oil. Activists will need to work to ensure that the Board promulgates regulations that implement HB 1251 in a fashion that provides adequate access to Virginia patients. Looking forward to next year, it seems that decriminalization is possible, perhaps even likely. While SB 954 failed to cross the finish line in 2018, the final tally in the Senate is encouraging. It's only a matter of time before the members of the General Assembly catch up to the 76 percent of Virginians who support decriminalization.

On top of that, marijuana policy reform is about more than just money. According to the VSCC report, black Virginians made up 45.5 percent of first-time possession arrests, while only making up 19.8 percent of the population, despite the fact that black and white Americans use marijuana at very similar rates.

Make no mistake; the tide of public opinion is turning in favor of marijuana policy reform and for good reason. According to the Virginia State Crime Commission report released late last year, Virginia made more than 133,000 arrests for simple possession of marijuana over the last 10 years, most of which were for first-time offenses. On a given day in 2017, there were 127 persons jailed solely for a marijuana charge, which cost taxpayers over \$10,000 for that day alone, and that's

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just the cost to jail the arrestees; it does not include the law enforcement and court costs that come with every arrest. Continuing to jail people for using a substance most Americans view as being safer than alcohol is a massive waste of state resources that otherwise could be used to address serious crimes.

On top of that, marijuana policy reform is about more than just money. According to the VSCC report, black Virginians made up 45.5 percent of first-time possession arrests, while only making up 19.8 percent of the population, despite the fact that black and white Americans use marijuana at very similar rates. Virginia's laws are being enforced in a way that disproportionately impacts communities of color and unfairly brands young, black men as criminals, making it more difficult to obtain housing, employment, and an education. In order to end this injustice, we must reform Virginia's marijuana laws, and that starts with decriminalization. There is still work to be done in Virginia, but as national opinion continues to shift towards ending the drug war, Richmond's opinion will too.



Zach Mauldin is campaigns counsel for the Marijuana Policy Project, the largest national organization dedicated to reforming marijuana laws. During the 2016 elections, Zach was an integral part of the Yes on 1 campaign in Maine, the Yes on Prop 205 campaign in Arizona, and the Yes on 4 campaign in Massachusetts. On November 8, 2016, the voters of Maine and Massachusetts decided to tax and regulate marijuana. Prior to joining MPP, he was a staff attorney for the Vermont General Assembly's Legislative Council.