

2022 CANNABIS LEGALIZATION LAW

On May 25, 2022, Rhode Island became the 19th state in the country to legalize the possession and home-growing of small amounts of cannabis.

In addition to this major step forward, the law includes other positive provisions:

- It requires that a certain number of licenses for cannabis-related establishments be awarded to applicants who meet “social equity” standards.
- It requires the automatic expungement, over a two-year period, of records involving convictions for possession of less than 2 ounces of cannabis.
- It restricts Family Court consideration of a parent’s use of cannabis in making custody and termination decisions.
- It generally bars employers from firing or disciplining employees for their lawful off-the-job use of cannabis, and keeps in place the state’s strict law limiting drug testing in the workplace. However, the bill does allow employers to restrict off-duty cannabis use in jobs deemed hazardous or “essential to public safety and welfare.”
- It eliminates most fees for patients participating in the state’s long-standing medical marijuana program.

Without minimizing the extremely positive impact of this new law in challenging the country’s failed “war on drugs,” however, there is still more work to be done, as the new law either did not address, or addressed inadequately, a few particular issues:

- Unlike recent legalization laws passed in Connecticut and New York, the new law does not ban vehicle searches by police based solely on the presence of the odor of marijuana.
- The law authorizes the use of so-called “Drug Recognition Experts” to determine if a person was driving under the influence of cannabis, and there is much evidence that the use of these “experts” is based on junk science.
- The law contains confusing language regarding the extent to which a person’s past criminal record can disqualify them from obtaining a cannabis-related license. The law also did not revise the criminal record check provisions in the medical marijuana law, subjecting those licensees and patient caregivers to potentially harsher constraints than people with criminal records entering the recreational cannabis business.

As we celebrate the new law’s passage, the ACLU of Rhode Island will continue to work with other supporters of drug decriminalization to address these and other issues in the future.