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HOUSE BILL NO. 875

Offered January 12, 2022

Prefiled January 12, 2022

A BILL to amend and reenact §§ 2.2-2499.5, 4.1-603, and 4.1-607 of the Code of Virginia, relating to Cannabis Equity Reinvestment Board; Board of Directors of Virginia Cannabis Control Authority; Cannabis Public Health Advisory Council; membership criteria.

Patron—Lopez

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2499.5, 4.1-603, and 4.1-607 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2499.5. Cannabis Equity Reinvestment Board; purpose; membership; quorum; meetings.

A. The Cannabis Equity Reinvestment Board (the Board) is established as a policy board in the executive branch of state government. The purpose of the Board is to directly address the impact of economic disinvestment, violence, and historical overuse of criminal justice responses to community and individual needs by providing resources to support local design and control of community-based responses to such impacts.

B. The Board shall have a total membership of ~~20~~ 21 members that shall consist of ~~13~~ 14 nonlegislative citizen members and seven ex officio members. Nonlegislative citizen members shall be appointed as follows: three to be appointed by the Senate Committee on Rules, one of whom shall be a person who has been previously incarcerated or convicted of a marijuana-related crime, one of whom shall be an expert in the field of public health with experience in trauma-informed care, if possible, and one of whom shall be an expert in education with a focus on access to opportunities for youth in underserved communities; five to be appointed by the Speaker of the House of Delegates, one of whom shall be an expert on Virginia's foster care system, one of whom shall be an expert in workforce development, one of whom shall be a representative from one of Virginia's historically black colleges and universities, one of whom shall be a veteran, and one of whom shall be an entrepreneur with expertise in emerging industries or access to capital for small businesses; and ~~five~~ six to be appointed by the Governor, subject to confirmation by the General Assembly, one of whom shall be a representative from the Virginia Indigent Defense Commission, *one of whom shall be an alumni of an institution of higher education at which Hispanic students comprise at least 25 percent of the institution's full-time undergraduate enrollment*, and four of whom shall be community-based providers or community development organization representatives who provide services to address the social determinants of health and promote community investment in communities adversely and disproportionately impacted by marijuana prohibitions, including services such as workforce development, youth mentoring and educational services, job training and placement services, and reentry services. Nonlegislative citizen members shall be citizens of the Commonwealth and reflect the racial, ethnic, gender, and geographic diversity of the Commonwealth.

The Secretaries of Education, Health and Human Resources, and Public Safety and Homeland Security, the Director of Diversity, Equity, and Inclusion, the Chief Workforce Development Advisor, and the Attorney General or their designees shall serve ex officio with voting privileges. The Chief Executive Officer of the Virginia Cannabis Control Authority or his designee shall serve ex officio without voting privileges.

Ex officio members of the Board shall serve terms coincident with their terms of office. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

The Board shall be chaired by the Director of Diversity, Equity, and Inclusion or his designee. The Board shall select a vice-chairman from among its membership. A majority of the members shall constitute a quorum. The Board shall meet at least two times each year and shall meet at the call of the chairman or whenever the majority of the members so request.

§ 4.1-603. Cannabis Public Health Advisory Council; purpose; membership; quorum; meetings; compensation and expenses; duties.

A. The Cannabis Public Health Advisory Council (the Advisory Council) is established as an advisory council to the Board. The purpose of the Advisory Council is to assess and monitor public

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59 health issues, trends, and impacts related to marijuana and marijuana legalization and make
60 recommendations regarding health warnings, retail marijuana and retail marijuana products safety and
61 product composition, and public health awareness, programming, and related resource needs.

62 B. The Advisory Council shall have a total membership of ~~24~~ 22 members that shall consist of ~~14~~ 15
63 nonlegislative citizen members and seven ex officio members. Nonlegislative citizen members of the
64 Council shall be citizens of the Commonwealth and shall reflect the racial, ethnic, gender, and
65 geographic diversity of the Commonwealth. Nonlegislative citizen members shall be appointed as
66 follows: four to be appointed by the Senate Committee on Rules, one of whom shall be a representative
67 from the Virginia Foundation for Healthy Youth, one of whom shall be a representative from the
68 Virginia Chapter of the American Academy of Pediatrics, one of whom shall be a representative from
69 the Medical Society of Virginia, and one of whom shall be a representative from the Virginia
70 Pharmacists Association; six to be appointed by the Speaker of the House of Delegates, one of whom
71 shall be a representative from a community services board, one of whom shall be a person or health
72 care provider with expertise in substance use disorder treatment and recovery, one of whom shall be a
73 person or health care provider with expertise in substance use disorder prevention, one of whom shall be
74 a person with experience in disability rights advocacy, one of whom shall be a person with experience
75 in veterans health care, and one of whom shall be a person with a social or health equity background;
76 and ~~four~~ five to be appointed by the Governor, subject to confirmation by the General Assembly, one of
77 whom shall be a representative of a local health district, one of whom shall be a person who is part of
78 the cannabis industry, one of whom shall be an academic researcher knowledgeable about cannabis, *one*
79 *of whom shall be an alumni of an institution of higher education at which Hispanic students comprise at*
80 *least 25 percent of the institution's full-time undergraduate enrollment*, and one of whom shall be a
81 registered medical cannabis patient.

82 The Secretary of Health and Human Resources, the Commissioner of Health, the Commissioner of
83 Behavioral Health and Developmental Services, the Commissioner of Agriculture and Consumer
84 Services, the Director of the Department of Health Professions, the Director of the Department of
85 Forensic Science, and the Chief Executive Officer of the Virginia Cannabis Control Authority, or their
86 designees, shall serve ex officio with voting privileges. Ex officio members of the Advisory Council
87 shall serve terms coincident with their terms of office.

88 After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of
89 four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired
90 terms. Vacancies shall be filled in the same manner as the original appointments. All members may be
91 reappointed.

92 The Advisory Council shall be chaired by the Secretary of Health and Human Resources or his
93 designee. The Advisory Council shall select a vice-chairman from among its membership. A majority of
94 the members shall constitute a quorum. The Advisory Council shall meet at least two times each year
95 and shall meet at the call of the chairman or whenever the majority of the members so request.

96 The Advisory Council shall have the authority to create subgroups with additional stakeholders,
97 experts, and state agency representatives.

98 C. Members shall receive no compensation for the performance of their duties but shall be
99 reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as
100 provided in §§ 2.2-2813 and 2.2-2825.

101 D. The Advisory Council shall have the following duties, in addition to duties that may be necessary
102 to fulfill its purpose as described in subsection A:

103 1. To review multi-agency efforts to support collaboration and a unified approach on public health
104 responses related to marijuana and marijuana legalization in the Commonwealth and to develop
105 recommendations as necessary.

106 2. To monitor changes in drug use data related to marijuana and marijuana legalization in the
107 Commonwealth and the science and medical information relevant to the potential health risks associated
108 with such drug use, and make appropriate recommendations to the Department of Health and the Board.

109 3. Submit an annual report to the Governor and the General Assembly for publication as a report
110 document as provided in the procedures of the Division of Legislative Automated Systems for the
111 processing of legislative documents and reports. The chairman shall submit to the Governor and the
112 General Assembly an annual executive summary of the interim activity and work of the Advisory
113 Council no later than the first day of each regular session of the General Assembly. The executive
114 summary shall be submitted as a report document as provided in the procedures of the Division of
115 Legislative Automated Systems for the processing of legislative documents and reports and shall be
116 posted on the General Assembly's website.

117 **§ 4.1-607. Board membership; terms; compensation.**

118 A. The Authority shall be governed by a Board of Directors, which shall consist of five citizens at
119 large appointed by the Governor and confirmed by the affirmative vote of a majority of those voting in
120 each house of the General Assembly. Each appointee shall (i) have been a resident of the

Commonwealth for a period of at least three years next preceding his appointment, and his continued residency shall be a condition of his tenure in office; (ii) hold, at a minimum, a baccalaureate degree in business or a related field of study; and (iii) possess a minimum of seven years of demonstrated experience or expertise in the direct management, supervision, or control of a business or legal affairs. *At least one appointee shall be an alumni of an institution of higher education at which Hispanic students comprise at least 25 percent of the institution's full-time undergraduate enrollment.* Appointees shall reflect the racial, ethnic, gender, and geographic diversity of the Commonwealth. Appointees shall be subject to a background check in accordance with § 4.1-609.

B. After the initial staggering of terms, members shall be appointed for a term of five years. All members shall serve until their successors are appointed. Any appointment to fill a vacancy shall be for the unexpired term. No member appointed by the Governor shall be eligible to serve more than two consecutive terms; however, a member appointed to fill a vacancy may serve two additional consecutive terms. Members of the Board may be removed from office by the Governor for cause, including the improper use of its police powers, malfeasance, misfeasance, incompetence, misconduct, neglect of duty, absenteeism, conflict of interests, failure to carry out the policies of the Commonwealth as established in the Constitution or by the General Assembly, or refusal to carry out a lawful directive of the Governor.

C. The Governor shall appoint the chairman and vice-chairman of the Board from among the membership of the Board. The Board may elect other subordinate officers, who need not be members of the Board. The Board may also form committees and advisory councils, which may include representatives who are not members of the Board, to undertake more extensive study and discussion of the issues before the Board. A majority of the Board shall constitute a quorum for the transaction of the Authority's business, and no vacancy in the membership shall impair the right of a quorum to exercise the rights and perform all duties of the Authority.

D. The Board shall meet at least every 60 days for the transaction of its business. Special meetings may be held at any time upon the call of the chairman of the Board or the Chief Executive Officer or upon the written request of a majority of the Board members.

E. Members of the Board shall receive annually such salary, compensation, and reimbursement of expenses for the performance of their official duties as set forth in the general appropriation act for members of the House of Delegates when the General Assembly is not in session, except that the chairman of the Board shall receive annually such salary, compensation, and reimbursement of expenses for the performance of his official duties as set forth in the general appropriation act for a member of the Senate of Virginia when the General Assembly is not in session.

F. The provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) shall apply to the members of the Board, the Chief Executive Officer of the Authority, and the employees of the Authority.