

HB 1448 -- THE LEGALIZATION OF MARIJUANA

SPONSOR: May

This bill legalizes the possession and use of less than 35 grams of marijuana by an individual over the age of 21 who purchases the marijuana from a licensed retail marijuana store. Nothing in this bill requires an employer to permit or accommodate the use of marijuana in the workplace. Nothing in this bill allows driving under the influence of marijuana. Nothing in this bill prevents a school, hospital, detention facility or any other entity from prohibiting or regulating the possession and use of marijuana on its property.

The bill creates a licensure system for the cultivation, testing, and sale of marijuana and marijuana products. The Division of Alcohol and Tobacco Control, within the Department of Public Safety, is given the authority to develop rules and regulations for the issuance, renewal, suspension, and revocation of licenses; licensure application and renewal fees; qualifications for licensure, including fingerprint-based criminal history checks; security requirements for retail marijuana establishments; labeling requirements; health and safety standards; advertising restrictions; independent testing requirements; regulation of storage and transportation of marijuana; sanitary requirements for retail marijuana establishments; and enforcement. The bill limits the number of retail marijuana store licenses and marijuana cultivation facility licenses to 50 each and requires that 35% of the licensees be minority-owned businesses. This bill also requires the division to develop and maintain a see-to-sale tracking system for marijuana.

Under this bill a locality may limit the time, place, manner, or number of marijuana businesses within such locality. A locality may also completely prohibit the operation of marijuana cultivation, manufacturing, and testing facilities, as well as marijuana retail stores through the enactment of an ordinance or through an initiated or referendum measure.

This bill creates a tax, similar to the current cigarette tax, to be levied upon the sale or transfer of marijuana. The money from such tax shall be deposited in the General Revenue Fund, with no more than 10% to be used to fund higher education, 10% to fund elementary and secondary education, and 5% to fund programs assisting children with mental health issues.

This bill will only go into effect if approved by a majority of the voters at an election.

This bill is the same as HB 1095 (2017).