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www.goochlandva.us

February 27, 2022

VIA HOUSE OF DELEGATES WEB PORTAL

Chair Emily Brewer
General Laws Committee – Subcommittee #5
Virginia House of Delegates
<https://viriniageneralassembly.gov/>

Re: Goochland County Opposition to SB 391 Cannabis Control; Retail Market.

Dear Chair Brewer and House General Laws – Subcommittee #5 Members:

I write on behalf of the Goochland County Board of Supervisors to express opposition to Senate Bill 391 (SB 391) Cannabis Control; Retail Market. in its current version before the House of Delegates General Laws Committee – Subcommittee #5. Goochland County primarily opposes three components of SB 391, enactment of the bill on September 15, 2022, requirement for a local referendum to oppose retail sales in a locality, and the ability of Marijuana Cultivation Facilities to sell directly to customers.

Provisions of the enactment of SB 391 currently shall become effective on September 15, 2022, including retail sales of cannabis by pharmaceutical processors and industrial hemp processors. Goochland County is concerned that the enactment of retail sales, while limited, is occurring too quickly. Under [Chapter 550 of the Virginia Acts of Assembly \(Senate Bill 1406\)](#), passed during the 2021 Special Session I of the Virginia General Assembly retail sales of marijuana, marijuana products, and marijuana seeds & plants are permitted on January 1, 2024, which is a more reasonable time frame to allow the orderly establishment of this component of cannabis regulation.

In its current version, SB 391 automatically allows retail sales of marijuana in a locality unless the governing body of a locality petitions the circuit court for a referendum on whether marijuana establishments should be prohibited in the locality. The bill defines a “marijuana establishment” as a “marijuana cultivation facility, a marijuana testing facility, a marijuana wholesaler, or a retail marijuana store.” Local governments should not have to incur the time and expense of a referendum to prohibit marijuana establishments but should incur that only to allow marijuana establishments such as retail stores since allowing stores generates local tax revenue. At Goochland County’s request, Delegate Lee Ware introduced [House Bill 43 Retail](#)

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[marijuana stores; requirement for local referendum](#), that addressed this specific concern. The Subcommittee should consider incorporating a similar amendment to SB 391.

In the current version SB 391, the definition of marijuana cultivation facility license allows marijuana cultivation facilities to sell immature marijuana plants and marijuana seeds directly to consumers for the purpose of cultivating marijuana at home for personal use. Marijuana retail stores already have the authority to sell immature marijuana plants and marijuana seeds, consumers who want to cultivate marijuana at home for personal use should have to buy these items from retail stores. At Goochland County's request, Delegate Lee Ware introduced [House Bill 72 Marijuana cultivation facility licenses; prohibition on sale of plants and seeds](#), that addressed this specific concern. The Subcommittee should consider incorporating a similar amendment to SB 391.

Legislation in SB 391 governing the retail sale and distribution of cannabis and marijuana will have a profound and wide-ranging impact on both citizens and localities in the Commonwealth of Virginia. It is imperative that the House of Delegates and the Senate thoroughly consider and address the concerns shared above.

We respectfully request that you oppose SB 391 until these concerns are appropriately addressed. The General Assembly only gets one chance to enact this complicated legislation, its important you get it right.

Respectfully,



Manuel Alvarez, Jr.
Interim County Administrator

- c: Senator Mark J. Peake, *22nd District, Senate of Virginia* (via email)
Delegate R. Lee Ware, Jr., *65th District, Virginia House of Delegates* (via email)
Delegate John McGuire, III, *56th District, Virginia House of Delegates* (via email)
Honorable Members of the Goochland County Board of Supervisors (via email)
Tara A. McGee, *Goochland County Attorney* (via email)
Paul E. Drumwright, *Community Affairs Manager, Goochland County* (via email)