

West Virginia Legislature Adjourns Without Passing Meaningful Changes to Cannabis Laws

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Consensus in American politics is increasingly rare—except, it seems, when it comes to the legalization of cannabis. According to a Pew Research Center survey conducted in April 2021, over 91% of Americans believe marijuana should be legal for either medical use or both medical and recreational use. In a period of deep division in American politics and culture, lawmakers in several states took advantage of this rare opportunity for popular legislative reforms with overwhelming bipartisan support. Virginia, New Jersey, New York, and New Mexico became the latest states to legalize recreational marijuana use, bringing the total number of US states and territories that have legalized recreational marijuana consumption by adults to twenty-one. However, the West Virginia Legislature concluded its 2021 regular session without any meaningful change to West Virginia’s prohibitive recreational marijuana use laws or to the State’s existing medical cannabis program.

More than a dozen bills related to both medical and recreational cannabis were introduced during the session, but none ultimately passed. Senate Bill 590, which aimed to legalize edible forms of medical marijuana for patients under the existing Medical Cannabis Act, was passed by the Senate but died in the House Health and Human Resources Committee. Likewise, Senate Bill 231, which included numerous amendments to the Medical Cannabis Act, such as expanding the list of serious medical conditions for which patients may qualify for access to medical cannabis and increasing the allowable forms of medical cannabis that may be distributed to patients, passed in the Senate but died in the House. None of the cannabis-related legislation introduced in the House of Representatives made it out of that chamber. As a result, West Virginia’s marijuana policies remain unchanged after the 2021 legislative session.

Bailey Glasser provides general legal services to the cannabis industry in several states including Massachusetts, Missouri, and West Virginia. Our team has experience advising clients on the complicated interplay between state laws that permit cannabis production and distribution and potential enforcement of federal laws such as the Bank Secrecy Act (BSA) and the Controlled

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Substances Act (CSA) under which cannabis is classified as a prohibited Schedule I narcotic. Bailey Glasser stands ready to assist if you have any questions or concerns regarding any matters related to the cannabis industry.

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Practice Areas

Cannabis Law