




CANNABIS  
**Toolkit**

## Adult-Use Cannabis Social Equity Tool Kit

### I. Introduction

The legal cannabis market in the United States is becoming an incredibly lucrative industry. As more states legalize adult-use cannabis and existing markets mature, estimates value the industry at approximately \$44 billion in legal sales by 2025.<sup>1</sup> However, the economic opportunities of this new industry are not equitably enjoyed. It is estimated that 81% of cannabis business owners are white and only 4.3% of owners identify as African American.<sup>2</sup> Compare this to the fact that African Americans make up 12.4% of the U.S. population.<sup>3</sup> This disparity takes on particular importance when juxtaposed to the racially discriminatory enforcement of drug laws in the U.S.<sup>4</sup> Even with the legalization of cannabis at the state level, a black person is 3.64 times as likely to be arrested for cannabis possession than their white counterpart.<sup>5</sup>

The Adult-Use Cannabis Social Equity Tool Kit surveys the legal policies used by the nineteen states with licensed markets to create a more inclusive adult-use cannabis industry. The District of Columbia is not included in this survey. While it has legalized adult-use, it has not created a licensed adult-use cannabis marketplace. This survey focuses on eleven policy variables: the population targeted by the social equity program, social equity goals, social equity leads, license priority, license preference, special license opportunities, microbusiness licenses, wholesale licenses, training services, financial services, and community reinvestment. These variables are defined in tool kit glossary in Section II. Section III provides a survey of the social equity policies used by states to promote diversity, equity, and inclusion in their adult-use cannabis programs. At the end of Section III is Table 1 which provides a side-by-side comparison of state policies. In this table, each state is linked to its policy summary in Section V. Section IV examines how each state defines its social equity population. This is critical because it determines the beneficiaries of the equity policies discussed in Section III. At the end of Section IV is Table 2 which provides a side-by-side comparison of state



social equity definitions. Again, each state in this table is linked to its policy summary in Section V. Finally, Section V provides individual summaries of each state's social equity definition and the social equity policies they have implemented in their adult-use cannabis program.

Four states (AK, ME, MO, and OR) do not have social equity programs currently. For these states, the resource examines the use of microbusiness licenses, wholesale licenses, and community reinvestment of cannabis tax revenue. In addition, several states are in the process of developing their equity program. As a result, some states have not fully defined the scope of their program, and this is discussed in their summary. **This resource contains information that is current as of August 31, 2022. This area of law is rapidly evolving as states adopt new statutes and regulations. This resource will be updated periodically to reflect these changes.**

## **II. Tool Kit Glossary:**

**Social Equity Goal:** The state has set concrete and measurable goals for its social equity program.

**Social Equity Lead:** The state has created a designated position or body to focus on the implementation of the social equity program. If a state has a general advisory body that addresses multiple topics, it must require an individual with social equity or justice expertise to serve on the body to be classified as a social equity lead.

**License Priority:** The state reviews social equity applications before standard applications, regardless of when they were submitted during the application period.

**License Scoring Preference:** The state awards additional points for social equity applicant status when evaluating the qualifications of an application.

**Special Licenses:** The state has created special licensing opportunities for social equity applicants. These opportunities can take the form of exclusivity periods, in which social equity applicants are the only parties eligible for a specific type of license.


**Microbusiness:** The state has created a special license category for small cannabis businesses. These licenses are often subject to lower application and licensing fees, less restrictions, and additional opportunities. This category of license is critical to diversity, equity, and inclusion efforts because it provides a license opportunity with a lower start-up cost. States that have tiered cultivation licenses that license smaller cultivation operations are included in this classification.

**Wholesale License:** The state offers a stand-alone license that allows the licensee to acquire cannabis and cannabis products from other licensees and then offer these products for resale to other licensees and/or directly to consumers.

**Training Services:** The state provides social equity applicants and licensees with a range of training services to help them succeed in the cannabis industry.

**Financial Services:** The state waives or reduces fees, offers low-interest loans, or provides grants to social equity applicants and licensees.

**Community Reinvestment:** The state has allocated a portion of the cannabis industry tax revenue to reinvest in communities disproportionately impacted by the War on Drugs. This can include funds specifically targeting these communities or funds that support key services generally, such



as education, healthcare, and substance abuse prevention and treatment. This does not include allocations to the general fund, transportation, state parks, and other programs that have less of an impact on these disproportionately impacted communities.

### **III. Summary of Social Equity Policies Utilized in Adult-Use Cannabis Programs**

This section examines ten different policies that states use to promote diversity, equity, and inclusion in their cannabis industry. The prevalence of each variable is explained, and a range of policy approaches is provided when necessary. At the end of this section is *Table 1*, which provides a side-by-side comparison of state social equity policies.


**Community Reinvestment: 18 of 19 states** reinvesting tax revenue derived from the adult-use industry back into communities that have been disproportionately harmed by previous cannabis policies. New Mexico is the only state that does not specifically allocate funds for this purpose. Within the states that reinvest funds into communities, there is a broad spectrum of services supported by these funds. For example, most of Montana's tax revenue does not go to community programs, but it does allocate \$6 million towards addiction recovery and treatment. On the other end of the spectrum, Illinois allocates 55% of its net tax revenue into community programs including, public health education campaigns, substance abuse prevention and treatment, crime prevention, and the Restore, Reinvest and Renew Program (R3). This program invests in communities that have been disproportionately impacted by economic divestment, violence and historic overuse of criminal justice by providing grants. The grants fund initiatives that focus on economic development, violence prevention services, re-entry services, youth development, and civil legal aid.

**Microbusiness Licenses: 14 of 19 states** offer microbusiness licenses. These licenses permit small operations to enter the industry with reduced application and licensing fees. Generally, these licenses focus on cultivation operations. A micro-cultivation operation is defined based on cultivation space or the number of cannabis plants. The size of these operations varies considerably between states. For example, Alaska limits the size of a microbusiness to 500 square feet of cultivation canopy and Connecticut that allows up to 10,000 square feet. **Six states** (CA, CT, MA, MI, NM, and NY) allow some degree of vertical integration operation with a microbusiness license. For example, New York allows a microbusiness to cultivate cannabis, manufacturer cannabis products, distribute and deliver cannabis and cannabis products, and conduct retail sales.

**Financial Services: 13 of 15 states** (AK, ME, MT, and OR do not have equity programs) provide some form of financial service to social equity applicants. The services can include decreased or waived administrative fees. For example, Nevada has reduced administrative fees for social equity applicants by 75%. They can also include low interest loans and/or grants to cover the start-up and operational costs. The funding for these loans and grants can come from a variety of sources. In New Mexico, the state provided an initial \$5 million infusion into the fund that provides these financial services. Whereas Vermont, supports its social equity financial services through an administrative fee placed on existing cannabis establishments that wish to secure a hybrid license that allows them to operate in both the medical and adult-use markets, as well as allocations from the state general fund. Other states like Massachusetts, utilize a portion of the tax revenue received from the adult-use cannabis industry.

**Social Equity Lead: 12 of 15 states** have a designated position or body focused on the implementation of their social equity program.

**Training Services: 12 of 15 states** provide training services for the participants of their social equity programs. These training services can be provided directly by the state, or the state can provide funding to private contractors or local government to provide the training services.



California runs a “train-the-trainer” program in which the state provides technical assistance, including training and education sessions, to local equity programs aimed at assisting local equity applicants and licensees with application requirements, the regulatory process, etc. States focus their training services on a broad spectrum of topics including management, recruitment, employee training, accounting and sales forecasting, tax prediction and compliance, legal compliance, business plan creation and operational development, industry best practices, and identifying or raising funds or capital. In addition, **five states** (CO, CT, IL, MI, and NY) have created incubator or accelerator programs that partner a social equity licensee with an established cannabis business. The established business is expected to provide training, mentoring, and often financial support to the social equity applicant.

**Social Equity Goal:** **9 of 15** states have adopted a concrete performance metric for their social equity program. These goals focus on the number of social equity applicants that apply or are licensed in their adult-use cannabis industry. Some states set a specific number of licenses that will be awarded to social equity applicants. For example, Arizona allocated an additional 26 marijuana establishment licenses for social equity applicants. These licenses were subject to a separate lottery dedicated to social equity applications. The marijuana establishment license is a vertically integrated license that allows the licensee one cultivation facility, one manufacturing facility and one retail outlet. Other states set their goal as a percentage of the total licenses awarded. For example, New York set a goal of awarding fifty percent of all adult use licenses to social and economic equity applicants.

**License Priority:** **5 of 15 states** (MA, NJ, NY, VT, and VA) indicated that they would grant priority review of social equity applications. However, only **Massachusetts and New Jersey** have specifically defined their priority review process. For example, in Massachusetts applicants that meet their economic empowerment priority criteria have their applications reviewed before noncertified applications. New York, Vermont, and Virginia indicate that equity applications will receive priority or preference in review but have not detailed the specifics of their priority systems.


**Wholesale License:** **5 of 15 states** (MA, NJ, NY, OR, and VT) offer a wholesale license category. Most of these states restrict who the wholesaler may sell cannabis and cannabis products to. Generally, wholesalers are allowed to sell to other licensed cannabis establishments and not directly to end consumer. For example, Oregon permits wholesale licensees to buy marijuana items from licensed facilities and sell the products to licensed retailers, processors, producers, other wholesalers, or research certificate holders. Massachusetts is the only jurisdiction that allows their wholesale licensees to sell products to other cannabis establishments and directly to customers.

**License Scoring Preference:** **4 of 15 states** (IL, NV, NY, and VT) have indicated that they will provide a license scoring preference for social equity applicants. However, Illinois is the only state that has established its scoring preference system. Illinois scores cannabis licenses on a 250-point scale. An applicant automatically receives a 50-point bonus if they are a social equity applicant.

**Special Licenses:** **4 of 15 states** (CA, CO, MA, and NY) created special licensing opportunities for social equity applicants. Massachusetts is the clearest example of this policy variable. It has created two special license opportunities for equity applicants, the marijuana courier license, and the marijuana delivery operator license. These two licenses are exclusively available to equity applicants for the first three years that they are available. The Massachusetts Cannabis Control Commission has the authority to extend this exclusivity period to promote its diversity goals. the social consumption site license. The social consumption establishment license is subject to a restricted release as well. However, this license is available to equity applicants, craft cultivators, and microbusiness.

**Table 1: Social Equity Policies Utilized in Adult-Use Cannabis Programs**

State	Social Equity Goal	Social Equity Lead	License Priority	License Scoring Preference	Special Licenses	Micro Business License	Wholesale License	Training Services	Financial Services	Community Reinvestment	Year Legalized
<a href="#">Alaska</a>	N	N	N	N	N	Y	N	N	N	Y	2014
<a href="#">Arizona</a>	Y	N	N	N	N	N	N	N	N	Y	2021
<a href="#">California</a>	N	Y	N	N	Y	Y	N	Y	Y	Y	2016
<a href="#">Colorado</a>	N	Y	N	N	Y	Y	N	Y	Y	Y	2012
<a href="#">Connecticut</a>	Y	Y	N	N	N	Y	N	Y	Y	Y	2021
<a href="#">Illinois</a>	Y	N	N	Y	N	Y	N	Y	Y	Y	2019
<a href="#">Maine</a>	N	N	N	N	N	Y	N	N	N	Y	2016
<a href="#">Massachusetts</a>	N	Y	Y	N	Y	Y	Y	Y	Y	Y	2016
<a href="#">Michigan</a>	N	Y	N	N	N	Y	N	Y	Y	Y	2018
<a href="#">Montana</a>	N	N	N	N	N	Y	N	N	N	Y	2020
<a href="#">Nevada</a>	Y	Y	N	Y	N	N	N	N	Y	Y	2016
<a href="#">New Jersey</a>	Y	Y	Y	N	N	Y	Y	Y	Y	Y	2021
<a href="#">New Mexico</a>	Y	Y	N	N	N	Y	N	N	N	N	2021
<a href="#">New York</a>	Y	Y	Y*	Y	Y	Y	Y	Y	Y	Y	2021
<a href="#">Oregon</a>	N	N	N	N	N	Y	Y	N	N	Y	2014
<a href="#">Rhode Island</a>	Y	Y	N	N	N	N	N	Y	Y	Y	2022
<a href="#">Vermont</a>	N	Y	Y**	Y**	N	Y	Y	Y	Y	Y	2018



<a href="#">Virginia</a>	N	Y	Y	N	N	N	N	Y	Y	Y	2021
<a href="#">Washington</a>	Y	Y	N	N	N	N	N	Y	Y	Y	2012

\* New York indicates that it will “prioritize consideration of applications” from social and economic equity applicants. However, the exact dynamics of this priority has not been defined.

\*\* Vermont indicates that it will give top priority to social equity applicants in license application review. However, regulations do not indicate that whether this priority is means that the applications will be reviewed first or receive a scoring advantage.



## IV. Summary of Variables Used to Define the Populations Targeted by Social Equity Program

This section examines the different variables that states use to define the social equity population in their cannabis program. The prevalence of each variable is explained, and a range of policy approaches is provided when necessary. At the end of this section is *Table 2*, which provides a side by side comparison of state social equity definitions.

**Licensee is from a Disparately Impacted Community: 14 of 15 states** (AK, ME, MT, and OR do not have equity programs) award social equity status based on whether the applicant or licensee is majority owned by individuals from communities that have been disproportionately impacted by the war on drugs. New Mexico is the only state that does not use this metric. There is considerable variation in the variables used to define a “disproportionately impacted community.” However, states generally utilize a combination of the following metrics: arrest and conviction rates, unemployment rate, poverty rate, and receipt of government benefits (usually free school meals or SNAP benefits). There are a few notable approaches. For example, Vermont not only requires an individual to prove that they lived in a disproportionately impacted community, but it also requires the individual to prove that they were personally harmed by the war on drugs. Arizona is also unique in that it defines disproportionately impacted communities by explicitly referencing race. Arizona requires that a disproportionately impacted community be at least fifty percent Black/African American, American Indian/Alaska Native, and Hispanic and twenty-five percent or more of its total population receives SNAP benefits

**Licensee has a previous cannabis offense: 14 of 15 states** provide for individuals with an arrest or conviction for a qualifying cannabis offense in their definition of social equity applicant/licensee. Connecticut is the only state that does not use this metric. **10 states** (AZ, CO, IL, MA, NV, N, RI, VT, VA, and WA) also include individuals who have immediate family members that have been arrested or convicted of a qualifying cannabis offense. Generally, a qualifying cannabis offense is one that can be expunged.

**Licensee Income: 10 of 15 states** utilize income as one of the qualifying metrics for their social equity programs. For example, in New Mexico a household income at or below the average median income for the state is a qualifying metric for the social equity program.

**Licensee Race: 5 of 15 states** (MA, NJ, NM, NY, and VT) explicitly use race as qualifying metric for their social equity programs. However, each state uses race differently in their program. For example, Massachusetts looks for businesses owned by individuals of Black, African American, Hispanic, or Latino descent. New Jersey looks for businesses that have been certified by the New Jersey Department of the Treasury as minority owned. New Mexico embraces a great range of racial groups by including individuals from an Indian Nation, Tribe or Pueblo, Acequia Parciante in good standing, or qualified Land Grant-Mercedes, as well “Black persons having origins in any of the Black African racial groups; Hispanic person of Mexican, Puerto Rican, Dominican, Cuban, Central or South American of either Indian or Hispanic Origin; or Asian and Pacific Islanders persons having origins in any of the far east countries, southeast Asia, the Indian Subcontinent or the Pacific islands.”<sup>6</sup>

**Employee Status: 4 of 15 states** (IL, MA, NJ, and RI) consider status of a business’s employees in their social equity programs. In these situations, a business can be granted social equity status if it employs individuals who come from a disproportionately impacted community or have been arrested or convicted of a cannabis crime. For example, Illinois provides social equity status to businesses that have a minimum of 10 full-time employees, of whom at least 51%: (i) currently reside in a Disproportionately Impacted Area; or (ii) have been arrested for, convicted of,

or adjudicated delinquent for any cannabis offense that is eligible for expungement or are a member of an impacted family (an immediate family member has an expungable cannabis offense).

**Licensee Gender: 3 of 15 states (NJ, NM, and NY)** include gender as a qualifying metric for their social equity program. New York and New Jersey include women-owned businesses in their social equity programs. New Mexico includes transgender and gender non-conforming individuals in their targeted social equity population.

**Disabled Veteran: 2 of 15 states (NJ and NY)** include disabled veterans in their targeted social equity population.

**Farmers: 2 of 15 states (NM and NY)** target farmers in their social equity program.

**Business Location: 1 of 15 states (NJ)** considers the cannabis business’s physical location as a qualifying metric for its social equity program. New Jersey will grant social equity status if a business is in an Impact Zone. Impact Zones are municipalities with a large population, a high unemployment rate, a high crime rate, and a high rate of marijuana or hashish arrests.

**Table 2: Populations Targeted by the Social Equity Program**

State	Licensee-Race	Licensee-Gender	Licensee-Disabled Veteran	Licensee-Farmers	Licensee-From a Disparately Impacted Community	Licensee-Previous Cannabis Offenses	Licensee-Income	Employee status	Business Location
<a href="#">Alaska</a>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<a href="#">Arizona</a>	N	N	N	N	Y	Y	Y	N	N
<a href="#">California</a>	N	N	N	N	Y	Y	Y	N	N
<a href="#">Colorado</a>	N	N	N	N	Y	Y	Y	N	N
<a href="#">Connecticut</a>	N	N	N	N	Y	N	Y	N	N
<a href="#">Illinois</a>	N	N	N	N	Y	Y	N	Y	N
<a href="#">Maine</a>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<a href="#">Massachusetts</a>	Y	N	N	N	Y	Y	Y	Y	N
<a href="#">Michigan</a>	N	N	N	N	Y	Y*	N	N	N
<a href="#">Montana</a>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A



<a href="#">Nevada</a>	N	N	N	N	Y	Y	N	N	N
<a href="#">New Jersey</a>	Y	Y	Y	N	Y	Y	Y	Y	Y
<a href="#">New Mexico</a>	Y	Y	N	Y	N	Y	Y	N	N
<a href="#">New York</a>	Y	Y	Y	Y	Y	Y	Y	N	N
<a href="#">Oregon</a>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<a href="#">Rhode Island</a>	N	N	N	N	Y	Y	Y	Y	N
<a href="#">Vermont</a>	Y	N	N	N	Y	Y	N	N	N
<a href="#">Virginia</a>	N	N	N	N	Y	Y	N	N	N
<a href="#">Washington</a>	N	N	N	N	Y	Y	Y	N	N

\* Michigan offers a fee waiver to individuals with prior cannabis offenses but does not predicate any other benefit on this metric.



## V. State Summaries


### Alaska

Alaska does not have a social equity program, but information is provided regarding their microbusiness license and the use of their cannabis tax revenue.

1. **Microbusiness License:** Alaska created a license for limited marijuana cultivation facilities. This designation applies to marijuana cultivation facilities that have fewer than 500 square feet under cultivation.<sup>7</sup> The licensing and renewal fees for limited marijuana cultivation facilities are five times less than those for standard marijuana cultivation facilities.<sup>8</sup>
2. **Community Reinvestment:** Alaska has established a \$50 per ounce excise tax on marijuana sold or transferred from a cultivation facility to a retail marijuana store or product manufacturing facility. Fifty percent of this excise tax is to be placed in a recidivism reduction fund within the state general fund, which can be allocated to state agencies for recidivism reduction programs. Twenty-five percent of the excise tax is to be placed into the marijuana education and treatment fund, which can be allocated to the Department of Health and Social Services for the comprehensive marijuana use education and treatment program.<sup>9</sup> The remaining twenty-five percent goes to the general fund to be used as the state chooses.

### Arizona

1. **Target Population for Social Equity:** Arizona's social equity program targets applicants that are at least fifty-one percent owned by individuals who meet three of the following four criteria:
  - An annual household income in at least three of the years between 2016 through 2020 that was less than four hundred percent of the poverty level.
  - Adversely impacted by the enforcement of previous marijuana laws. This adverse impact can be proven in two ways. First, documentation of expungement under the state's new cannabis expungement program is proof of adverse impact. This program allows individuals to petition for expungement for minor cannabis violations involving less than two and one-half ounces, possession of no more than 6 plants, and cannabis paraphernalia. Second, conviction documents for the violation of any federal or state law related to marijuana or marijuana paraphernalia in Arizona are also proof of adverse impact.
  - Has a spouse, parent, child, sibling, or legal guardian that was adversely impacted by the enforcement of previous marijuana laws.
  - Lived for at least three years between 2016 and 2020 in a community disproportionately impacted by the enforcement of Arizona's previous marijuana laws.<sup>10</sup> While the regulations do not provide criteria for disproportionately impacted communities, the Department of Health Services website indicates that to qualify a community must be at least fifty percent Black/African American, American



Indian/Alaska Native, and Hispanic and twenty-five percent or more of its total population receives SNAP benefits. The state also provides an [interactive map](#) of zip codes that qualify for this element of the social equity criteria.<sup>11</sup>


2. **Equity Goals:** Beyond the general licensing process, Arizona allocated an additional 26 marijuana establishment licenses for social equity applicants.<sup>12</sup> These licenses were subject to a separate lottery dedicated to social equity applications. The marijuana establishment license is a vertically integrated license that allows the licensee one cultivation facility, one manufacturing facility and one retail outlet.<sup>13</sup> These social equity licenses were awarded by a random drawing on April 8, 2022.<sup>14</sup>
3. **Equity Lead:** Arizona does not have a social equity lead for its adult-use cannabis program.
4. **License Priority:** Arizona does not have a license priority system. However, there is a separate lottery for 26 social equity licenses.
5. **License Scoring Preference:** Arizona does not have an application scoring preference for social equity applicants.
6. **Special Licenses:** Arizona does not have a special category of license for social equity applicants.
7. **Microbusiness License:** Arizona does not have a microbusiness license category.
8. **Wholesale License:** Arizona does not have a wholesale license category.
9. **Training Services:** Arizona does not provide any training services to social equity licensees.
10. **Financial Services:** Arizona does not provide any financial services to social equity licensees.
11. **Community Reinvestment:** All the application and licensing fees and the tax revenue from the cannabis excise tax are placed in the Smart and Safe Arizona Fund.<sup>15</sup> Once administrative costs are covered, the remaining revenue is apportioned accordingly: 33 percent to community colleges for a variety of educational programs, 31.4 percent to police departments, fire departments, fire districts, and county sheriff's departments, 25.4 percent to the Arizona Highway User Revenue fund, 10 percent to the Justice Reinvestment Fund, and 0.2 percent to the attorney general to use for the enforcement of the new cannabis laws or to grant to local enforcement efforts.<sup>16</sup> The Justice Reinvestment Fund supports three initiatives. County Public Health Departments are given 35 percent of the funds for the purpose of providing or supporting justice reinvestment programs. Nonprofit organizations receive 35 percent of the funds to provide justice reinvestment programs. The Arizona Department of Health Services receives 30 percent of the funds to address important public health issues. **Justice Reinvestment programs** are initiatives that address any of the following issues: substance use prevention, treatment and early intervention; restorative justice programs for economically disadvantaged persons in communities disproportionately impacted by high arrest and imprisonment rates; the underlying causes of crime, reducing drug-related arrests, and decreasing the state's prison population; and creating technology and programs to assist with the restoration of civil rights and the expungement of criminal records.<sup>17</sup>

## California

1. **Target Population for Social Equity Program:** California has two equity programs, one at the state level and one at the local level.

- **State Equity Applicants and Licensees** are applicants and licensees who satisfy at least one of the following requirements: (1) previous conviction of a cannabis-related criminal offense, (2) previous arrest for a cannabis-related criminal offense, (3) residence in a household with income at or below 60% of the area median income, or (4) residence in an area with a population disproportionately impacted by cannabis-related criminal justice policies. Equity applicants and licensees must, individually or in combination with other equity applicants and licensees, own at least 50% of the business.<sup>18</sup>
  - State law does not define “disproportionately impacted by cannabis-related criminal justice policies” pertaining to this designation. However, it suggests that arrest and conviction statistics are relevant.<sup>19</sup> These variables are utilized in state regulations governing the waiver of application and licensing which utilizes the same term as a qualifying metric. This is discussed below in Section 10: Financial Services.
- **Local Equity Programs** are programs adopted by local jurisdictions that focus on inclusion and support of individuals and communities that are linked to populations or neighborhoods that were negatively or disproportionately impacted by cannabis criminalization as evidenced by the local jurisdiction’s equity assessment.<sup>20</sup> Following this general guideline, local equity programs have autonomy to set qualifications for their local equity programs.<sup>21</sup>

2. **Social Equity Goal:** California has not set a specific goal for its social equity program.
3. **Social Equity Lead:** Included in the leadership team of the Department of Cannabis Control is a [Deputy Director of Equity and Inclusion](#), appointed by the governor.<sup>22</sup> The Department of Cannabis Control is also required to form an advisory committee which must include as members, persons who work directly with racially, ethnically, and economically diverse populations. This advisory committee advises the Department on regulations that protect public health and safety and reduce the illegal cannabis market.<sup>23</sup>
4. **License Priority:** California does not use license priority.
5. **License Scoring Preference:** California does not have a license scoring preference.
6. **Special Licenses:** State law allows for special licensing opportunities for local social equity and nonprofit applicants. Between June 30, 2022 and June 30, 2023, the Department of Cannabis Control may issue provisional licenses to local equity license applicants who satisfy requirements of both their local equity program and state law.<sup>24</sup> State law also allows local jurisdictions to issue temporary local licenses to nonprofit entities that primarily provide cannabis and cannabis products to people with low incomes if certain certifications and notifications are made, including that the nonprofit entity receiving the license will not generate annual gross revenue over two million dollars. Temporary local licenses may be distributed without any involvement by the state. They can last up to twelve months and serve as an interim form of nonprofit license until the state determines whether a separate nonprofit licensing scheme is feasible.<sup>25</sup>
7. **Microbusiness License:** California created a microbusiness designation. This designation applies to licensees legally engaging in at least three of the four following activities: cultivation of cannabis on an area less than 10,000 square feet, manufacture, distribution, and retail sale of cannabis.<sup>26</sup> All these activities must be conducted on the same licensed premises for the business to qualify as a microbusiness.<sup>27</sup> The microbusiness designation allows applicants and holders to pay [only one application fee](#) for all activities as opposed to three or four separate application fees for each activity, and [lower license fees](#) than if they held regular licenses.

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8. **Wholesale License:** California does not offer a wholesale license.
  9. **Training Services:** California requires the Department of Cannabis Control to serve as a point of contact for local equity programs to facilitate greater equity in the market. The Department must publish online model equity ordinances created by advocacy groups and experts.<sup>28</sup> The Department may provide technical assistance including training and education sessions to local equity programs aimed at assisting local equity applicants and licensees with application requirements, the regulatory process, etc.<sup>29</sup> Through this process, the state provides assistance to local equity programs which in turn provide assistance to local equity applicants and licensees, but the state does not provide direct assistance to applicants and licensees.
  10. **Financial Services:** Qualified equity applicants and licensees can request a license fee waiver from the Department of Cannabis Control. For this fee waiver, a qualified equity applicant and licensee includes a party that has been verified as qualifying for a local equity program. It also includes parties that meet one of the four following metrics.
    - Convicted of a cannabis related offense prior to November 8, 2016
    - Arrested for a cannabis offense prior to November 8, 2016
    - Resides in a household with an income less than or equal to 60 percent of the area median income
    - Resided for five years between 1980 and 2016 in an area disproportionately impacted by the past criminalization of cannabis.

Disproportionately impacted communities are defined as

- Counties with a per capita drug arrest rate higher than the state's average between 1980 and 2016,
- Census tracts in the top 25 percent for civilian unemployment and poverty in the state,
- The applicant or licensee has an immediate family member who was arrested or convicted of a cannabis offense prior to November 8, 2016. An Immediate family member means a child, stepchild, parent, stepparent, brother, sister, half-brother, half-sister, stepsibling, legal guardian, grandparent, or great grandparent.

In addition, the applicant and licensee must have an actual or projected gross revenue less than or equal to \$5,000,000.<sup>30</sup> In addition to fee waivers, eligible local jurisdictions may receive financial assistance from the state in the form of grants to assist with development of an equity program or to assist local equity applicants and licensees through an existing program. Part of this local assistance can include low- or no-interest loans or grants to local equity applicants and licensees to assist with startup and ongoing costs.<sup>31</sup> Funding for local jurisdiction financial assistance comes from both the excise tax and collected cannabis business licensing fees.<sup>32</sup>

11. **Community Reinvestment:** California has imposed a 15% excise tax on purchasers of cannabis and cannabis products.<sup>33</sup> State law requires the Controller to disburse \$10 million to a public university or universities in the state every year until fiscal year 2028-29 to research the implementation and effect of legalizing adult use of marijuana, make recommendations to the legislature and governor, and publish their findings. The Controller must also disburse \$3 million to the Department of the California Highway Patrol every year until fiscal year 2022-23 to establish and adopt protocols to determine when a driver is impaired by cannabis and to establish best practices. Disbursements increasing incrementally from \$10 million in 2018-19 to \$50 million per year starting in 2022-23 must be made to the Office of Business and Economic Development for the purpose of administering a community reinvestment grant program. Grants are

also available to local health departments and community-based nonprofit organizations to support job placement, mental health and substance use disorder treatment, and legal and medical care for communities disproportionately affected by past federal and state drug policies. Additionally, the Controller must disperse \$2 million each year to the University of California San Diego for the study of medical cannabis. Each year, after the required disbursements are made, 60% of the remaining revenue from the excise tax shall be spent to educate youth and prevent substance use disorders and related harms, 20% shall be distributed to various Departments via the Environmental Restoration and Protection Account for environmental clean-up and preservation, and 20% shall be distributed to various Departments via the State and Local Government Law Enforcement Account for training, prevention, and enforcement of traffic laws and public safety.<sup>34</sup>

## Colorado

1. **Target Population for Social Equity Program:** Social Equity Licensees are licensees that meet the following requirements. They are (1) a Colorado resident, (2) they have not been the beneficial owner of any marijuana license in the state that has been revoked, (3) they can demonstrate one of the following: (a) that they have resided in a census tract designated as an opportunity zone or a disproportionately impacted area for at least 15 years between 1980 and 2010, (b) the applicant or their parent, guardian, sibling, spouse, child, or minor in their guardianship has been arrested or convicted of a marijuana offense or subject to civil asset forfeiture related to a marijuana investigation, or (c) that their household income the preceding year did not exceed 50% of the state median income as measured by the number of people who reside in the applicant's household, and (4) a person or persons who qualify as social equity licensees hold at least 51% of the beneficial ownership of the marijuana business.<sup>35</sup>
  - Opportunity zones are census tracts within the state where either (a) the poverty rate is 20%, (b) in census tracts located outside a metropolitan area, median family income is 80% or less than the statewide median family income, or (c) in census tracts located in a metropolitan area, median family income is 80% or less of the statewide or metropolitan area median family income, whichever is greater.
  - A disproportionately impacted area is a census tract in the top 15<sup>th</sup> percentile in the state for at least two of the following as measured by the U.S. Census Bureau: (1) percent of residents receiving public assistance, (2) percent of residents falling below the federal poverty level, (3) percent of residents failing to graduate from high school, (4) percent of residents who are unemployed.<sup>36</sup>
  - A beneficial owner is a person who directly or indirectly has or shares voting power and/or investment power but does not include a member of a national securities exchange who has such power(s).<sup>37</sup>
2. **Social Equity Goal:** Colorado does not have a concrete social equity goal.
3. **Social Equity Lead:** Colorado's Marijuana Enforcement Division has created the Social Equity Program Advisory Work Group which is "a standing advisory work group to discuss the social equity program and its effectiveness, and to generate potential rule (and other) recommendations."<sup>38</sup>
4. **License Priority:** Colorado does not use license priority.


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5. **License Scoring Preference:** Colorado does not use license scoring preference.
  6. **Special Licenses:** The state has designed two special licenses for purposes of advancing social equity. Applicants who qualify as social equity licensees may apply for an accelerator license, and regular licensees may apply for accelerator-endorsed licenses.<sup>39</sup> Accelerator licenses require licensees to work in partnership with accelerator-endorsed licensees, who provide special financial and technical support to the accelerator licensees. The details of such support are determined by the parties through private agreements. Accelerator licensees may share the premises of their accelerator-endorsed licensee host or operate on separate premises, and may hold any type of regulated marijuana license offered by the state including for retail, manufacture, and cultivation.<sup>40</sup> Regular license holders may apply for accelerator-endorsed licenses, which allow them to host and offer technical and capital support to social equity licensees.<sup>41</sup> In granting an accelerator-endorsed license, the state may consider whether the applicant has been involved in the regulated marijuana business for at least two years.<sup>42</sup> Accelerator-endorsed licensees may receive preferential treatment for their service to accelerator licensees. They may be designated by the Colorado Marijuana Enforcement Division as “Social Equity Leaders” for each year they host an accelerator licensee on their premises, and this designation may be a mitigating factor in the case of disciplinary action against them. The Division will also prioritize accelerator-endorsed licensees when conducting on-site compliance assistance and education, and licensees may request exemptions from application and license fees for changes to their businesses related to participation in the accelerator program.<sup>43</sup>
  7. **Microbusiness License:** Colorado has five tiers of cultivation licenses, Tiers I-V. Tier I is the smallest operation and allows a licensee to grow up to 1,800 plants. The number of allowable plants and the licensing fees escalate with each increase in cultivation tier.<sup>44</sup>
  8. **Wholesale License:** Colorado does not have a wholesale license category.
  9. **Training Services:** Accelerator-endorsed licensees are expected to provide technical assistance to the accelerator licensees they host, including assistance in accounting, information technology, regulatory compliance, etc.<sup>45</sup> The Colorado Office of Economic Development is also required to provide technical assistance for marijuana business owners including consulting services, technical assistance, and business plan development, and in doing so must prioritize social equity licensees who have received financial support.<sup>46</sup>
  10. **Financial Services:** Colorado has created a marijuana entrepreneur fund for the purpose of supporting entrepreneurs in the marijuana industry. The Cannabis Business Office within the Office of Economic Development and International Trade is responsible for using money in the fund for loans to social equity licensees for seed capital and ongoing business expenses including rent, application fees, workforce training and retention, etc., and grants to social equity licensees for innovation and job creation.<sup>47</sup>
  11. **Community Reinvestment:** Colorado has imposed a 15% tax on the sale of all retail marijuana products and created a marijuana tax cash fund.<sup>48</sup> This tax revenue goes into the general revenue fund, and 10% is allocated to local governments. Of the remaining 90% gross tax revenue, 15.56% is retained in the general fund for any lawful purpose, 71.85% is allocated to the marijuana tax cash fund, and 12.59% is allocated to the state public school fund.<sup>49</sup> The marijuana tax cash fund may then be used for a variety of services including education on marijuana and drug abuse, substance abuse and mental health disorders, collateral consequence reduction for people previously convicted of drug offenses, behavioral health services in jails and diversion programs, etc. Yearly transfers from the fund must be made to the restorative justice surcharge fund and the crime victim compensation fund, \$1 million must be transferred every year to the Colorado School of Public Health for research concerning water management.<sup>50</sup> Money in the restorative justice

surcharge fund is distributed to the state judicial department, which then distributes funding to judicial districts that offer restorative justice programs and to the restorative justice coordinating council for administrative expenses.<sup>51</sup> Money from the marijuana tax fund is also allocated to the marijuana entrepreneur fund.<sup>52</sup>

## Connecticut

1. **Target Population for Social Equity Program:** Connecticut targets social equity applicants which are applicants that are at least sixty-five percent owned and controlled by individuals, who: (A) averaged a household income of less than three hundred per cent of the state median household income over the three tax years immediately preceding such individual's application; and (B) were residents of a disproportionately impacted area for at least five of the ten years immediately preceding their application; or were a resident of a disproportionately impacted area for at least nine years prior to age of eighteen. A disproportionately impacted area is a census tract with a historical conviction rate for drug-related offenses greater than one-tenth or an unemployment rate greater than ten percent.<sup>53</sup> The Social Equity Council has released a map of the disproportionately impacted areas and it is available [here](#).
2. **Equity Goals:** Connecticut will set a maximum number of applications that shall be considered for such license type and post such information on the internet. "Fifty percent of the maximum number of applications that shall be considered for each license type (1) shall be selected through a social equity lottery for such license type, and (2) shall be reserved by the department for social equity applicants."<sup>54</sup>
3. **Equity Lead:** Connecticut created the Social Equity Council which is responsible for promoting and encouraging full participation in the cannabis industry by persons from communities that have been disproportionately harmed by cannabis prohibition and enforcement. Its duties include, but are not limited to, commissioning studies and making recommendations to the Governor and the General Assembly, reviewing social equity applications, developing a business accelerator program, and developing a workforce training program.<sup>55</sup>
4. **License Priority:** Connecticut does not provide license priority.
5. **License Scoring Preference:** Connecticut does not provide license scoring preference.
6. **Special Licenses:** Connecticut does not provide special categories of licenses for social equity applicants.
7. **Microbusiness License:** Connecticut has created a micro-cultivator license for businesses with between 2,000 and 10,000 square feet of grow space. This license allows the business to grow cannabis, manufacture products from this cannabis, and sell their products to cannabis establishments or directly to customers.<sup>56</sup> It functions as a vertically integrated license for small operators. Micro-cultivators are also subject to much smaller application and licensing fees.<sup>57</sup>
8. **Wholesale License:** Connecticut does not have a wholesale license category.
9. **Training Services:** Connecticut has created four training programs for social equity applicants. First, the Social Equity Council is required to develop a cannabis business accelerator program to provide technical assistance to participating social equity applicants by partnering them with a cannabis establishment.<sup>58</sup> Second, the Social Equity Council must develop a workforce training program to further equity goals, ensure cannabis establishments have access to a well-trained employee applicant pool, and help individuals who live in a





disproportionately impacted area find employment in the cannabis industry.<sup>59</sup> Third, the state seeks to leverage the capital and experience of existing cannabis enterprises to help train social equity applicants through its equity joint venture program. The equity joint venture program targets existing cannabis establishments that are seeking hybrid licensing, the ability to participate in the medical and adult-use markets. If these hybrid licensees go into business with a social equity applicant for at least 7 years, they can have 50% of their transfer fee (the fee they must pay to become hybrid licensees) waived. In this arrangement the hybrid licensee cannot hold more than a fifty percent interest in the equity joint venture.<sup>60</sup> The normal transfer fee for a cultivator is \$3 million and for a dispensary it is \$1 million.<sup>61</sup> To receive the 50% reduction a hybrid cultivator must commit to two equity joint ventures, while a hybrid dispensary must commit to one.<sup>62</sup> Fourth, Connecticut created a social equity partnership program. This program targets cultivators seeking a hybrid license. In addition, to the \$3 million conversion fee assessed for a hybrid license, a cultivator must also pay \$500,000 to the Social Equity Council. This additional fee will be waived if the cultivator enters a social equity partnership. This requires the hybrid licensee to provide five percent of their grow space to a social equity applicant for at least 5 years. During the period of the partnership the hybrid cultivator must provide the social equity applicant with mentorship, cover their overhead costs, and help with regulatory compliance. The social equity applicant is entitled to 100 percent of the profits from this five percent grow space.<sup>63</sup>

10. **Financial Services:** Connecticut has reduced most license and application fees by 50% for equity joint venture applicants for the first three license renewal cycles. This fee reduction does not include the conversion fee required to operate in both the medical and adult-use markets. After the initial three-year period, equity joint ventures must pay the full fees.<sup>64</sup> Connecticut has also authorized the sale of bonds not to exceed \$50 million. The proceeds from these bond sales can be used for the following services: (1) low-interest loans to rehabilitate and renovate unused or under used properties to be used as a cannabis establishment; (2) capital to social equity applicants seeking to start or maintain a cannabis establishment; (3) funding to assist in the development or ongoing expenses of the cannabis business accelerator program; and (4) assist in the development or ongoing expenses of workforce training programs developed by the Social Equity Council.<sup>65</sup> In addition to the bond sale, money from the Social Equity and Innovation fund can be utilized to provide capital for businesses.<sup>66</sup> This is discussed in the community reinvestment section below.
11. **Community Reinvestment:** Connecticut has an excise tax based on THC potency. Starting on July 1, 2023 through June 30, 2026, 60% of this tax is placed into the Social Equity and Innovation Fund. The percentage of tax revenue allocated to this fund increases to 65% on July 1, 2026 and to 75% on July 1, 2028. In addition, 25% of this tax revenue is placed in the Prevention and Recovery Services Fund starting on July 1, 2023.<sup>67</sup> Funds not allocated to the Social Equity and Innovation Fund of the Prevention and Recovery Services Fund are placed in the state's General Fund. A simplified summary of the tax allocation is provided below. The money in the Social Equity and Innovation Fund can be used to provide capital for businesses; technical assistance for the start-up and operation of a business; funding for workforce education; and funding for community investments. All of these appropriations must further the principles of equity defined in the statute.<sup>68</sup> The identified principles of equity are "(A) Identify and remedy past and present patterns of discrimination and disparities of race, ethnicity, gender and sexual orientation; (B) ensure that such patterns of discrimination and disparities, whether intentional or unintentional, are neither reinforced nor perpetuated; and (C) prevent the emergence and persistence of foreseeable future patterns of discrimination or disparities of race, ethnicity, gender, and sexual orientation."<sup>69</sup> The Prevention and Recovery Services Fund is used for (1) substance abuse prevention, treatment and recovery services, and (2) collection and analysis of data regarding substance use.<sup>70</sup> Connecticut also creates a three percent municipal tax on retail cannabis sales in their jurisdiction. This

tax does not apply to medical cannabis sales. The funds from this local tax must be used for (A) improvements to the streetscapes and other neighborhood developments in and around each community in which a cannabis retailer, hybrid retailer or micro-cultivator is located, (B) funding education programs or youth employment and training programs, (C) services for individuals released from the custody of the Commissioner of Correction, probation or parole, (D) mental health or addiction services, (E) youth service bureaus, or (F) promoting civic engagement in communities.<sup>71</sup>

**Tax Allocation Summary**

- July 1, 2023 through June 30, 2026:
  - Social Equity and Innovation Fund- **60%**
  - Prevention and Recovery Services Fund- **25%**
  - General Fund-**15%**
- July 1, 2026 through June 30, 2028:
  - Social Equity and Innovation Fund-**65%**
  - Prevention and Recovery Services Fund-**25%**
  - General Fund-**10%**
- July 1, 2028 onward:
  - Social Equity and Innovation Fund-**75%**
  - Prevention and Recovery Services Fund-**25%**

**Illinois**

1. **Target Population for Social Equity Program:** Illinois’s social equity program targets Illinois residents that meet one of the following criteria:
  - An applicant with at least 51% ownership and control by one or more individuals who have resided for at least 5 of the preceding 10 years in a ***Disproportionately Impacted Area***.
  - An applicant with at least 51% ownership and control by one or more individuals who: have been arrested for, convicted of, or adjudicated delinquent for ***any cannabis offense that is eligible for expungement***, or is ***a member of an impacted family***. With regards to ***expungable cannabis offenses***, this covers possession offenses involving up to 500 grams or intent to deliver offenses involving up to 30 grams.<sup>72</sup> A ***member of an impacted family*** is an individual who has a parent, legal guardian, child, spouse, or

dependent, or was a dependent of an individual who was arrested for, convicted of, or adjudicated delinquent for an expungable cannabis offense.<sup>73</sup>


- For applicants with a minimum of 10 full-time employees, an applicant with at least 51% of current employees who: (i) currently reside in a Disproportionately Impacted Area; or (ii) have been arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement under this Act or is a member of an impacted family.<sup>74</sup>


A **Disproportionately Impacted Area** is defined as is a census tract or comparable geographic area that is impoverished and has high rates of arrest, conviction, and incarceration for cannabis related crimes. To meet the poverty element the community must meet at least one of following four metrics:

- A poverty rate of at least 20%.
- 75% or more of children qualify for the federal free lunch program.
- At least 20% of households receive Supplemental Nutrition Assistance Program benefits.
- An unemployment rate that is 120% of the national average for the proceeding two calendar years.

High rates of arrest, conviction, and incarceration means an average annual rate of arrests that exceeds 30 per 10,000 residents of the census tract.<sup>75</sup> Illinois has created a [map](#) of all the Disproportionately Impacted Areas.

2. **Equity Goals:** Illinois created a special adult-use dispensing organization license lottery for Social Equity Justice Involved Applicants (a sub-class of Social Equity Applicants). This lottery issued 55 licenses.<sup>76</sup> To qualify as a Social Equity Justice Involved Applicant, the party must have at least 51% ownership and control by (1) one or more individuals who have resided for at least 5 of the preceding 10 years in a **Disproportionately Impacted Area** or (2) individuals who have been arrested for, convicted of, or adjudicated delinquent for **any cannabis offense that is eligible for expungement**, or is a **member of an impacted family**.<sup>77</sup> The bolded terms have the same definitions discussed above in the section on social equity applicants.
3. **Equity Lead:** Illinois has not appointed a social equity lead for its adult-use cannabis program.
4. **License Priority:** Illinois does not provide license priority to social equity applicants.
5. **License Scoring Preference:** Illinois has conducted multiple lotteries for adult use dispensing licenses. The original lottery was open to all applicants and awarded 75 licenses.<sup>78</sup> These applications were evaluated on a 250-point scale that assessed multiple variables. If an applicant qualified as a social equity applicant, they were awarded 50 points.<sup>79</sup> This helped the applicant achieve the minimum score to be placed in the license drawing. Similar scoring preferences are available in the awarding of adult use cultivator licenses, craft cultivator licenses, infuser licenses, and transporter license. In each of these license categories, twenty percent of the maximum score is awarded to applicants who qualify as social equity applicants.<sup>80</sup>
6. **Special Licenses:** Illinois does not provide special categories of licenses for social equity applicants.


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7. **Microbusiness License:** Illinois has a craft cultivator license that limits the business to a cannabis canopy of 5,000 square feet.<sup>81</sup> These licenses are subject to reduced fees when compared to the standard cultivator license. For example, the application fee for a craft cultivator license is \$5,000 and the application fee for a standard cultivator is \$100,000.<sup>82</sup>
  8. **Wholesale License:** Illinois does not have a wholesale license.
  9. **Training Services:** Illinois's Department of Commerce and Economic Opportunity (DCEO) can issue grants and loans to provide technical assistance to social equity applicants.<sup>83</sup> This is part of the Cannabis Business Development Fund discussed below. The DCEO has listed the technical assistance resources on their [website](#). In addition, Illinois has created two programs to partner social equity applicants with existing cannabis businesses, specifically medical dispensing organizations and medical cultivation centers that seek early approval to participate in the adult-use market. To secure early approval, these businesses must complete a Social Equity Inclusion Plan requirement.<sup>84</sup> The plan requires a business to pay a large sum of money into one of several funds or programs focused on social equity or education. However, in lieu of these payments, a business can participate in the Cannabis Business Incubator or Cannabis Business Sponsorship program. While medical dispensing organizations can participate in either program, cultivating centers can only participate in the Cannabis Business Sponsorship Program. In the Cannabis Business Incubator program, approved hosts provide a social equity applicant with mentorship and a loan of at least \$100,000, which is subject to certain terms. The mentorship should include assistance with business development, marketing, networking, security plans, product handling, design of physical space, real estate acquisition, and capital acquisition.<sup>85</sup> The Cannabis Business Sponsorship Program requires sponsors to provide a social equity applicant with an interest free loan of at least \$200,000.<sup>86</sup>
  10. **Financial Services:** Illinois has created the Cannabis Business Development Fund to provide low-interest rate loans and grants to assist social equity applicants in gaining entry to, and successfully operating in the state's regulated cannabis marketplace.<sup>87</sup> The fund received an initial infusion of \$12,000,000 in state funds.<sup>88</sup> The fund will also be supported by fees collected in connection with the early approval licensing process.<sup>89</sup> This early approval process grants priority licensing in the adult use program to dispensaries and cultivation centers that are in good standing with the state's medical program.<sup>90</sup> As part of this priority licensing process, these businesses must pay into the Cannabis Business Development Fund. For example, a cultivation center seeking an early approval license must make a nonrefundable payment of 5% of their total sales from June 1, 2018 to June 1, 2019 or \$750,000, whichever is less, but not less than \$250,000 into the Cannabis Business Development Fund.<sup>91</sup> Illinois has also waived 50% of any nonrefundable license application fee, any nonrefundable fees associated with purchasing a license to operate a cannabis business establishment, and any surety bond or other financial requirements for certain social equity applicants. To qualify for this fee waiver, the social equity applicant is subjected to an income limit and may not have interests in more than 2 other cannabis business establishment licenses in Illinois. The income limitation requires that an "applicant, including all individuals and entities with 10% or greater ownership and all parent companies, subsidiaries, and affiliates, has less than a total of \$750,000 of income in the previous calendar year."<sup>92</sup>
  11. **Community Reinvestment:** Illinois places cannabis tax revenue and fees into its Cannabis Revenue Fund. Once administrative costs are covered, the remaining funds are allocated as follows:
    - 2% is allocated to public education campaigns and research into the public health effects of cannabis legalization.

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- 8% is allocated to crime prevention programs, training, and interdiction efforts related to the illegal cannabis market and driving under the influence of cannabis.
  - 20% is allocated to substance abuse prevention and treatment.
  - 10% is allocated to the Budget Stabilization Fund.
  - 35% is allocated to the General Fund.
  - 25% is allocated to the Restore, Reinvest and Renew Program (R3).<sup>93</sup> This program invests in communities that have been disproportionately impacted by “economic divestment, violence and historic overuse of criminal justice” by providing grants. The grants fund initiatives that focus on economic development, violence prevention services, re-entry services, youth development, and civil legal aid.<sup>94</sup>

## Maine

Maine does not have a social equity program, but information is provided regarding their Marijuana Advisory Commission, microbusiness license, and the use of their cannabis tax revenue.


1. **Social Equity Lead:** Maine created a Marijuana Advisory Commission for the purpose of reviewing laws and rules related to adult use and medical marijuana, including laws and rules regarding juvenile and adult criminal and civil offenses.<sup>95</sup> The Commission is also required to solicit public comment regarding contact between law enforcement officers and citizens following the legalization of adult use.<sup>96</sup> Of the 21 members of the Commission, one must be a representative of a statewide civil rights organization with a primary mission to advance racial equity and social justice. Fourteen of the Commission’s members, including the representative of the civil rights organization, are appointed by the Speaker of the House and President of the Senate of the state legislature. In making these appointments, the Speaker and the President must try to appoint members representative of the gender and racial diversity of the state.<sup>97</sup>
2. **Microbusiness Licenses:** Maine law establishes four different tiers (Tiers 1 through 4) of marijuana cultivation facility licenses based on size of growing space and/or number of mature marijuana plants including a “nursery” license for cultivation facilities cultivating only immature marijuana plants, seedlings, and seeds.<sup>98</sup> The smaller the facility is, the lower the license application and renewal fees are. The smallest licensing tier, Tier 1, has an application fee of \$100 while the fee for the larger tiers is \$500. License renewal fees vary based on output and indoor/outdoor facility types but can be as much as 60 to 85 times lower for nursery and Tier 1 licensees than they are for Tier 4 licenses.<sup>99</sup>
3. **Wholesale License:** Maine does not offer a wholesale license.
4. **Community Reinvestment:** Maine implemented an excise tax on sales made by cultivation facilities. The amount of the tax is dependent on the state of the marijuana (seed, seedling, immature plant, mature plant, trim, and flower) when it is sold.<sup>100</sup> All excise tax



collected from marijuana cultivation facilities must be deposited into the state's general fund, except that 12% of the amount collected each month shall be placed in the Adult Use Marijuana Public Health and Safety Fund.<sup>101</sup> State sales tax requirements also apply to the sale of marijuana and marijuana products, and 12% of the amount of sales tax collected on marijuana and marijuana products shall also be placed in the Adult Use Marijuana Public Health and Safety Fund.<sup>102</sup> The Fund is a dedicated fund within the Department of Administrative and Financial Services. Up to half of the money in the fund may be used for public health and safety awareness and education programs relating to the sale and use of adult use marijuana.<sup>103</sup> These programs must focus on increasing awareness and education on public health and safety matters and behavioral health needs relating to the use of marijuana.<sup>104</sup> The other half of the money in the fund may be spent on enhanced law enforcement training programs relating to the sale and use of adult use marijuana for local, county, and state law enforcement officers.<sup>105</sup> These programs must focus on training criminal justice agencies and municipal officers and employees on the enforcement of adult use marijuana laws including, if applicable, training on inspections, investigations, searches, seizures, forfeitures, and personal use and home cultivation allowances established by state law. The programs must also include training on restorative justice and jail diversion and marijuana-industry specific technical assistance and mentoring for economically disadvantaged persons in communities disproportionately affected by high rates of arrest and incarceration for marijuana-related offenses.<sup>106</sup>

## Massachusetts


1. **Target Population for Social Equity:** Massachusetts has two equity programs that provide different benefits and have different qualifying metrics. The first of the programs is the **Economic Empowerment Priority Applicant** program that provides preferential application review, access to special licensing opportunities, and fee waivers. Economic Empowerment Priority Applicants are parties that demonstrate three of the following criteria.
  - A majority of ownership belongs to people who have lived for five of the preceding ten years in an **Area of Disproportionate Impact**, as determined by the Cannabis Control Commission.
  - A majority of ownership has held one or more previous positions where the primary population served were disproportionately impacted, or where primary responsibilities included economic education, resource provision or empowerment to disproportionately impacted individuals or communities.
  - A majority of the ownership is made up of individuals from Black, African American, Hispanic, or Latino descent.
  - At least 51% of current employees or subcontractors reside in Areas of Disproportionate Impact and by the first day of business, the ratio will meet or exceed 75%.
  - At least 51% of employees or subcontractors have drug-related offense on their criminal record and are otherwise legally employable in cannabis enterprises.
  - Other significant articulable demonstration of past experience in or business practices that promote economic empowerment in Areas of Disproportionate Impact.<sup>107</sup>




Critical to these applicant parameters is the definition of “Area of Disproportionate Impact”. This term refers to the 29 cities with the highest historical rates of arrest, conviction, and incarceration related to marijuana crimes.<sup>108</sup>

The second program is the **Social Equity Program** which provides training and technical assistance, fee waivers, and special licensing opportunities to eligible marijuana establishment licensees and applicants. To qualify for this program, an applicant or licensee must meet at least one of the following criteria:

- Income does not exceed 400% of Area Median Income and Residency in an Area of Disproportionate Impact for at least five of the preceding ten years
  - A resident of Massachusetts for at least the preceding 12 months and convicted of or received a continuance without a finding for an offense under the state’s Controlled Substances Act or the equivalent from another jurisdiction.
  - A resident of Massachusetts for at least the preceding 12 months and married to or the child of an individual with a drug conviction or continuance without a finding for an offense under the state’s Controlled Substances Act or the equivalent from another jurisdiction.
  - Any individual listed as an owner on the original certification of an Economic Empowerment Priority Applicant who satisfies one or more of the following criteria:
    - Lived for five of the preceding ten years in an Area of Disproportionate Impact, as determined by the Commission;
    - Experience in one or more previous positions where the primary population served were disproportionately impacted, or where primary responsibilities included economic education, resource provision or empowerment to disproportionately impacted individuals or communities;
    - Black, African American, Hispanic or Latino descent; or
    - Other significant articulable demonstration of past experience in or business practices that promote economic empowerment in Areas of Disproportionate Impact.<sup>109</sup>
2. **Social Equity Goal:** Massachusetts has not set specific measurable goals for its equity program.
  3. **Social Equity Lead:** Massachusetts has a cannabis social equity advisory board consisting of individuals from, or with experience advocating on behalf of, communities that have been disproportionately harmed by marijuana prohibition and enforcement. These individuals serve 5 years terms without compensation. This board advises the Executive Office of Housing and Economic Development on the administration of the Cannabis Social Equity Trust Fund. This fund is used to provide loans and grants that promote full participation in the regulated cannabis industry by entrepreneurs from communities disproportionately harmed by marijuana prohibition and enforcement.<sup>110</sup>
  4. **License Priority:** Applicants that meet the **Economic Empowerment Priority Applicant** criteria have their applications reviewed before noncertified applications.<sup>111</sup>
  5. **License Scoring Preference:** Massachusetts does not have a license scoring preference.


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6. **Special License:** Massachusetts created three special licensing opportunities. The first is the **Marijuana Courier** license which allows the licensee to deliver marijuana and marijuana products directly to adult-use or medical consumers. This license is limited to Economic Empowerment Priority Applicants or Social Equity Program Participants for the first 36 months. However, the Commission can extend the exclusivity period if it determines that the goal of increasing representation in the marijuana industry by “people from communities that have previously been disproportionately harmed by Marijuana prohibition and enforcement of the law has not been met.”<sup>112</sup> Second, the **Marijuana Delivery Operator License** allows the license to purchase, warehouse, wholesale, and sell marijuana products directly to consumers. This license is also exclusively available to Economic Empowerment Priority Applicants or Social Equity Program Participants for the first 36 months. This exclusivity period can be extended by the Commission in the same manner as the Marijuana Courier License.<sup>113</sup> Third, the new **Social Consumption Establishment Pilot Program** offers special licensing opportunities. The program creates a special license that allows a business to sell marijuana and marijuana products for onsite consumption.<sup>114</sup> This new license is offered exclusively to Economic Empowerment Applicants, Social Equity Program Participants, Craft Marijuana Cooperatives, and Microbusinesses for the first 36 months.<sup>115</sup> Again, the Commission may extend this exclusivity period if the objective of increasing representation in the marijuana industry by “people from communities that have previously been disproportionately harmed by Marijuana prohibition and enforcement of the law has not been met.”<sup>116</sup>
7. **Microbusiness License:** Massachusetts has a microbusiness license. This microbusiness can be either a Tier 1 Marijuana Cultivator (allowed to grow up to 5,000 square feet of canopy) or Marijuana Product Manufacturer or both. A microbusiness can also receive a delivery endorsement that allows them to deliver their products directly to customers. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana or its dry-weight equivalent in raw concentrate per year. The application and license fees for Microbusinesses are reduced by 50% for all the cultivation or manufacturing activities in which they engage.<sup>117</sup>
8. **Wholesale License:** Massachusetts offers a Delivery Operator License. A Delivery Operator may “wholesale and warehouse finished marijuana products acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative and sell and deliver directly to consumers.”<sup>118</sup>
9. **Training Services:** The Social Equity Program provides participants with free technical assistance and training programs. This assistance focuses on the following areas.
- Management, recruitment, and employee trainings.
  - Accounting and sales forecasting.
  - Tax prediction and compliance.
  - Legal compliance.
  - Business plan creation and operational development.
  - Marijuana industry best practices.
  - Assistance with identifying or raising funds or capital.<sup>119</sup>



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10. **Financial Services:** License application fees are waived for Social Equity Program Participants and Economic Empowerment Priority Applicants.<sup>120</sup> This does not include the costs associated with background checks.<sup>121</sup> In addition, annual license fees are reduced by 50% for these parties.<sup>122</sup> Massachusetts has also created a Cannabis Social Equity Trust Fund. This fund provides grants and loans to promote full participation in the regulated cannabis industry by entrepreneurs from communities disproportionately harmed by marijuana prohibition and enforcement. This fund is administered by the Executive Office of Housing and Economic Development, with consultation with the cannabis social equity advisory board.<sup>123</sup> The Cannabis Social Equity Trust Fund receives 15% of the money placed in the Marijuana Regulation Fund which is discussed in the next section.<sup>124</sup>
  11. **Community Reinvestment:** An excise tax is imposed upon the sale of marijuana or marijuana products by a marijuana retailer at a rate of 10.75 per cent of the total sales price.<sup>125</sup> This tax revenue and all application fees, licensing fees, and penalties are placed in the Marijuana Regulation Fund. Once the administrative costs for the state’s cannabis program and the industrial hemp program are covered from this fund, the remainder of the fund is to be spent on the following initiatives:
    - Public and behavioral health including but not limited to evidence-based and evidence-informed substance use prevention and treatment and substance use early intervention services in a recurring grant for school districts or community coalitions who operate on the strategic prevention framework or similar structure for youth substance use education and prevention.
    - Public safety.
    - Municipal police training.
    - The Prevention and Wellness Trust Fund established in section 2G of chapter 111.
    - Programming for restorative justice, jail diversion, workforce development, industry specific technical assistance, and mentoring services for economically disadvantaged persons in communities disproportionately impacted by high rates of arrest and incarceration for marijuana offenses.<sup>126</sup>

## Michigan

1. **Target Population for Social Equity:** When Michigan legalized adult-use marijuana, the legislature mandated that the Michigan Department of Licensing and Regulatory Affairs (LARA) create “a plan to promote and encourage participation in the marijuana industry by people from communities that have been disproportionately impacted by marijuana prohibition and enforcement and to positively impact those communities.”<sup>127</sup> The regulations passed to enact this mandate do not address the details of this plan. Instead, LARA has released details pertaining to the social equity program through press releases. To qualify for the social equity program an applicant must be from a disproportionately impacted community which is defined as having marijuana-related convictions greater than the state median and have 20% or more of the population living below the federal poverty level. LARA has identified 184 disproportionately impacted communities based on this definition.<sup>128</sup>
2. **Social Equity Goal:** Michigan has not set specific social equity goals.

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3. **Social Equity Lead:** Michigan created an ad hoc Racial Equity Advisory Workgroup to provide equity policy recommendations for the cannabis industry. This workgroup provided the agency with a final report in January of 2021. The Diversity, Equity, and Inclusion Workgroup (DEIW) is a standing workgroup that serves as the successor to the Racial Equity Advisory Workgroup. DEIW's job is to advance the proposals of the ad hoc Racial Equity Advisory Workgroup, to empower stakeholders to take ownership in the programs that directly impact their communities, and to continue to guide the Marijuana Regulatory Agency on issues related to diversity, equity, and inclusion.<sup>129</sup>
  4. **License Priority:** Michigan does not provide license priority to social equity applicants.
  5. **License Preference:** Michigan does not provide license preference to social equity applicants.
  6. **Special License Opportunities:** Michigan does not provide special license opportunities to social equity applicants.
  7. **Microbusiness License:** Michigan has a microbusiness license category. This license is vertically integrated and allows the licensee to cultivate up to 150 plants, process and package this marijuana, and sell their marijuana and marijuana products to individuals 21 years of age or older. They are prohibited from selling their marijuana to other marijuana establishments.<sup>130</sup> The licensing fee for a microbusiness license is lower than other license categories, especially because it is a vertically integrated license. For example, the initial license fee for a microbusiness is \$8,000 and the initial license fee for just a marijuana retailer license is \$25,000.<sup>131</sup>
  8. **Wholesale License:** Michigan does not have a wholesale license category.
  9. **Training Services:** The Marijuana Regulatory Agency (MRA) created the Joint Ventures Pathway Program (JVPP). This program is the result of a Racial Equity Advisory Workgroup recommendation. The JVPP connects social equity participants with adult-use licensees, potential adult-use licensees, and any businesses that wish to work with social equity participants. These connections are meant to foster partnerships in the form of joint ventures, mentorships, incubator programs, and employment. There is not a lot of information on this program, but it appears to simply match interested parties.<sup>132</sup>

The state also provides outreach. LARA is conducting educational outreach sessions in disproportionately impacted communities. At these sessions, LARA provides information on the application and licensure process. In addition, Michigan offers one-on-one application assistance and connects social equity applicants with additional state and private sector resources. These resources are intended to help social equity applicants run a viable marijuana business. For example, the Michigan Department of Treasury offers guidance on tax requirements and tax payments and the Michigan Bureau of Fire Services offers help with pre-licensure inspections.<sup>133</sup>

10. **Financial Services:** Michigan offers fee waivers based on certain social equity metrics. The fee waiver breakdown is as follows:
  - **Residency** – 25% fee reduction for residency in a disproportionately impacted community for at least 5 cumulative years of the last 10 years.
  - **Marijuana-Related Conviction** – 25% fee reduction for having been convicted of a marijuana-related misdemeanor OR 40% fee reduction for having been convicted of a marijuana-related felony. This fee waiver is not available for offenses involving distribution of a controlled substance to a minor.

- **Caregiver** – 10% fee reduction if the individual is registered as a primary caregiver under the Michigan Medical Marijuana Act for at least 2 years between 2008-2017.<sup>134</sup>

If the marijuana establishment operates in a disproportionately impacted community the fee waiver is indefinite. However, if the establishment is not in a disproportionately impacted community the fee waiver is only available for two years.<sup>135</sup>


11. **Community Reinvestment:** An excise tax is imposed on each marijuana retailer and on each marijuana microbusiness at the rate of 10% of the sales price for marijuana sold.<sup>136</sup> This tax revenue and the fees collected from the adult-use industry are placed in the Marijuana Regulation Fund. First, these funds are used to cover the administrative costs of the adult-use program. Second, until 2022 or for at least two years, \$20 million is allocated annually to clinical trials that are approved by the United States Food and Drug Administration and sponsored by a non-profit organization or researcher within an academic institution researching the efficacy of marijuana in treating the medical conditions of United States armed services veterans and preventing veteran suicide. Once these costs are covered, the remaining funds are appropriated as follows:

- 15% to municipalities in which a marijuana retail store or a marijuana microbusiness is located, allocated in proportion to the number of marijuana retail stores and marijuana microbusinesses within the municipality.
- 15% to counties in which a marijuana retail store or a marijuana microbusiness is located, allocated in proportion to the number of marijuana retail stores and marijuana microbusinesses within the county.
- 35% to the School Aid Fund to be used for K-12 education.
- 35% to the Michigan Transportation Fund to be used for the repair and maintenance of roads and bridges<sup>137</sup>

## Montana


Montana does not have a social equity program, but information is provided regarding their microbusiness license and the use of their cannabis tax revenue.

1. **Microbusiness License:** Montana has created a micro tier canopy license that allows a licensee to grow up to 250 plants and requires a \$1,000 license fee.<sup>138</sup>
2. **Community Reinvestment:** Montana has established a 20% excise tax on adult-use cannabis and cannabis products that is levied on adult-use dispensaries.<sup>139</sup> This tax revenue is deposited into the Marijuana State Special Revenue Account. This account also receives the revenue from the 4% medical cannabis tax, cannabis fees, and penalties related to the regulated cannabis industry. Once the costs of administering the cannabis programs are covered an amount not to exceed \$6 million must be transferred to the marijuana healing and ending addiction through recovery and treatment (HEART) fund account.<sup>140</sup> The remaining funds must be distributed as follows:
  - 20% to the department of fish, wildlife, and parks to be used for wildlife habitat.

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- 4% to the state park account.
  - 4% to the trails and recreational facilities account.
  - 4% to the nongame wildlife account.
  - 3% or \$200,000, whichever is less, to the veterans and surviving spouses state special revenue account.
  - \$300,000 to the department of justice to administer grant funding to local and state law enforcement agencies for the purpose of purchasing and training drug-detection canines and canine handlers.
  - \$150,000 to the board of crime control to fund crisis intervention teams.
  - The remainder goes to the general fund.<sup>141</sup>

## Nevada

1. **Target Population for Social Equity Program:** State law defines a “social equity applicant” as an applicant for issuance or renewal of a license who has been adversely affected by provisions of previous laws criminalizing cannabis-related activity as determined by the Cannabis Compliance Board.<sup>142</sup> The Board is required to adopt regulations establishing criteria to be used when determining whether an applicant qualifies as a social equity applicant, including a minimum percentage of ownership which must be held by the person or persons who have been adversely affected by provisions of previous laws criminalizing cannabis-related activity in order to qualify as a social equity applicant.<sup>143</sup> The Board’s issued regulations that define a social equity applicant as having majority ownership by individuals that meet the following criteria:
  - Have resided in one of the following census tracts nationwide for no less than the previous five years meeting the following two criteria: (1) A census tract with an Area Deprivation Index score of seven (7) state-only decile or higher; and (2) A census tract that has an incarceration rate in the 90th percentile, or roughly 3.3% of everyone who grew up in the census tract was in jail or incarcerated at the time of the 2010 Decennial Census.
  - Are included in at least one of the following categories: (1) Convicted of a non-violent felony and/or misdemeanor cannabis offense; or (2) Their immediate family member (parent, sibling, or child) was convicted of a felony cannabis offense and who lived in or currently lives in a census tract, designated by the Board, where: (I) A census tract with an Area Deprivation Index score of seven (7) state-only decile; and (II) A census tract that has an incarceration rate in the 90th percentile, or roughly 3.3% of everyone who grew up in the census tract was in jail or incarcerated at the time of the 2010 Decennial Census.<sup>144</sup>
2. **Social Equity Goal:** Nevada has declared that the public policy of the state includes the goal that the holders of cannabis licenses and registration cards are representative of their communities.<sup>145</sup> At least 10 of the first 20 independent cannabis consumption lounge licenses issued by the Board must be issued to social equity applicants.<sup>146</sup> Additionally, for local governments that limit the number of



cannabis consumption lounge licenses in their jurisdictions, the Board must determine how many of those licenses will be allocated to retail cannabis consumption lounges and independent cannabis consumption lounges. At least half of the cannabis consumption lounge licenses must be given to independent cannabis consumption lounges, and at least half of those licenses to independent cannabis consumption lounges must be issued to social equity applicants. If there are not enough social equity applicants in a jurisdiction to satisfy this threshold, the relevant local government must hold the remaining licenses in reserve for future social equity applicants.<sup>147</sup>


- Both independent and retail cannabis consumption lounges may serve adult-use edible products prepared on the premises and intended for immediate consumption as well as other cannabis products determined to be acceptable by the Board for consumption in a lounge.<sup>148</sup> “Independent cannabis consumption lounges” are consumption lounges not attached or immediately adjacent to adult-use cannabis retail stores, while “retail cannabis consumption lounges” are attached or immediately adjacent to a retail store.<sup>149</sup>

3. **Social Equity Lead:** State law established a Cannabis Advisory Commission and requires that [one of the eight members](#) appointed by the Governor to the Commission possess knowledge, skill, and expertise in the field of criminal justice reform dealing specifically with the mitigation of the disproportionate impact of drug prosecutions on communities of color. The Commission studies issues related to the regulation of cannabis and other cannabis-related activities and makes recommendations to the Board.<sup>150</sup>
4. **License Priority:** Nevada does not use license priority.
5. **License Scoring Preference:** State law requires the Board to adopt regulations establishing criteria of merit and scoring guidelines to be used when evaluating applications for the issuance of cannabis establishment licenses for independent cannabis consumption lounges. The criteria of merit must include the diversity of the applicant or proposed owners or officers on the basis of race, ethnicity, or gender, including whether the applicant or proposed owners or officers come from backgrounds which are disproportionately underrepresented in such roles.<sup>151</sup> It must also include consideration of whether the applicant qualifies as a social equity applicant.<sup>152</sup> However, the Board has yet to adopt the required regulations.
6. **Special Licenses:** Nevada does not offer special license opportunities for social equity applicants.
7. **Microbusiness License:** State law does not establish special license categories for small cannabis businesses, but the Board is required to adopt regulations to establish a pilot program to identify opportunities for emerging small cannabis businesses to participate in the industry. An emerging small business is one that is in existence, operational, operates for a profit, maintains its principal place of business in Nevada, and meets employee and revenue requirements set by the Board via regulation.<sup>153</sup> The Board has yet to adopt the required regulations.
8. **Wholesale License:** Nevada does not have a wholesale license.
9. **Training Services:** Nevada does not provide training services.
10. **Financial Services:** State law allows the Board to establish reduced fees for initial issuance and renewal of independent cannabis consumption lounges and reduced application fees for social equity applicants so long as the application fee is not reduced by more than 75% of the fee paid by applicants that do not qualify as social equity applicants.<sup>154</sup> The Board has reduced administrative fees for social equity applicants by 75%.<sup>155</sup>

11. **Community Reinvestment:** Nevada imposes a 15% excise tax on wholesale cannabis sales by cannabis cultivation facilities. It also imposes an excise tax on retail sales of cannabis in retail stores and cannabis consumption lounges at a rate of 10% of the sales price of the cannabis and cannabis products. Revenue collected from the excise tax on wholesale cannabis sales must first go to the Board and local governments for administrative costs.<sup>156</sup> If any money remains it is deposited in the State Education Fund. Revenue collected from the excise tax on retail sales of cannabis is also deposited in the State Education Fund.<sup>157</sup> The State Education Fund is administered by the Superintendent of Public Instruction for the purpose of supporting the operation of public schools in Nevada.<sup>158</sup>

## New Jersey

1. **Target Population for Social Equity Program:** New Jersey's Equity Program targets three populations of applicants.
  - **Social Equity Businesses** are owned and controlled by people who have lived in economically disadvantaged areas of the state or who have past convictions for cannabis offenses.<sup>159</sup> An **economically disadvantaged area** is defined as a zip code with a median income that is 80 percent or less of the state's average median household income and has a health uninsured rate that is at least 150 percent of the state's health uninsured rate.<sup>160</sup> An applicant can qualify as a Social Equity Business if at least 50% of the ownership interest is held by individuals that have lived in an economically disadvantaged area for five of the 10 preceding years and at the time of application have a preceding year's household income that is 80 percent or less than the state's average median household income. Alternatively, an applicant can qualify for Social Equity Business Status if at least 50% of the ownership interest is held by individuals who have been adjudicated or convicted of (1) at least two disorderly person offenses related to marijuana or hashish or (2) at least one indictable marijuana or hashish offense.<sup>161</sup> In New Jersey, a disorderly person offense is a misdemeanor, and an indictable offense is a felony. However, the individual must be eligible to be pronounced rehabilitated in accordance with N.J. Admin. Code §17:30-7.12(e).<sup>162</sup> This provision requires the individual to demonstrate clear and convincing evidence of rehabilitation. Elements that support this finding include, but are not limited to, the age of the person when the crime or offense was committed; whether the crime or offense was an isolated or repeated incident; any social conditions that may have contributed to the commission of the crime or offense; and any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the person under their supervision.<sup>163</sup>
  - **Diversely Owned Businesses** are minority-owned, woman-owned, or disabled veteran-owned and certified as such by the New Jersey Department of the Treasury in one or more of the listed categories. To qualify for this designation, the business must have at least 51% ownership and control by one of the designated groups.<sup>164</sup>
  - **Impact Zone Businesses** are located in an Impact Zone, owned by people from Impact Zones, or employ residents of Impact Zones. Impact zones are municipalities with a large population, high unemployment rate, a high crime rate, and a high rate of marijuana or hashish arrests. The metrics for municipal qualification vary based on the population of the jurisdiction. For example, a municipality with over 120,000 people must be in the top 40% for marijuana or hashish arrests, have a crime index score of at least 825, and an unemployment in the top 15% for the state.<sup>165</sup>

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2. **Social Equity Goals** At least 30% of the total number of licenses issued for personal use cannabis establishments, distributors, and delivery services are to go to minority, women, and disabled veteran certified businesses (Diversely Owned Businesses). Minority businesses alone will receive at least 15% and women and veteran owned businesses, together, will receive at least 15%.<sup>166</sup>
  3. **Social Equity Lead:** New Jersey created the **Office of Minority, Disabled Veterans, and Women Cannabis Business Development** within the Cannabis Regulatory Commission. This office is tasked with establishing and administering unified practices and procedures for promoting participation in the medical cannabis and personal use cannabis industries by persons from socially and economically disadvantaged communities, including minority businesses, women's businesses, and disabled veterans' businesses.<sup>167</sup>
  4. **License Priority:** Social Equity Businesses, Diversely Owned Businesses, and Impact Zone Businesses receive priority review over standard license applicants. This means that regardless of when they are submitted, they are reviewed before other applications.<sup>168</sup> The exact hierarchy of license review is discussed in detail in the Cannabis Regulatory Commission's [Notice of Application Acceptance for Personal Use Cannabis Licenses](#).
  5. **License Scoring Preference:** There is no scoring preference for Social Equity Businesses, Diversely Owned Businesses, or Impact Zone Businesses.
  6. **Special Licenses:** New Jersey did not create special license categories for Social Equity Businesses, Diversely Owned Businesses, or Impact Zone Businesses.
  7. **Microbusiness License:** New Jersey created a microbusiness designation. This designation applies to a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service that employs no more than 10 individuals, has a facility with no more than 2,500 square feet (with additional restrictions for cultivators), possesses no more than 1,000 plants in a month (with an exception for distributors transporting plants), and acquires no more than 1,000 lbs. of usable cannabis for manufacturing, resale, or retail.<sup>169</sup> In addition, the microbusiness must be 100% held by New Jersey residents who have lived in the state for at least the two preceding years. Also, at least 51 percent of the owners, directors, officers, or employees of the microbusiness shall be residents of the municipality in which the microbusiness is located or a municipality bordering the municipality in which the microbusiness is located.<sup>170</sup> New Jersey has committed to providing at least 10 percent of the total licenses issued for each class of cannabis establishment, cannabis distributors, and cannabis delivery services to microbusinesses. In addition, at least 25 percent of the total licenses are to be issued to microbusinesses.<sup>171</sup> There are several other benefits for microbusinesses. First, they are subject to 50 percent of the standard licensing and application fees. Second, there is a prohibition on capping the number of microbusiness licenses that can be issued.<sup>172</sup> Third, a microbusiness does not need to secure a labor peace agreement, which is requirement for standard applicants.<sup>173</sup>
  8. **Wholesale License:** New Jersey offers a Cannabis Wholesaler License. These licensees may purchase or otherwise obtain, store, sell, and transport cannabis items for the purpose of resale to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.<sup>174</sup>
  9. **Training and Financial Services:** New Jersey Imposes a Social Equity Excise Fee on the transfer of cannabis from a cultivator to another party. These funds are to be invested in for-profit, non-profit, public entities, and municipality programs that focus on (1)

education, (2) economic opportunities, (3) social services, (4) legal aid services, and/or (5) financial support and training for minority, women, and disabled veteran cannabis businesses.<sup>175</sup> The current Social Equity Excises fee is a third of one percent of the Statewide average retail price of an ounce of usable cannabis for consumer purchase, as determined by the Commission.<sup>176</sup>

10. **Community Reinvestment:** New Jersey has imposed a 7% retail excise tax. At least 70% of the funds collected from this tax need to be invested in municipalities that qualify as Impact Zones and direct financial aid to persons residing in these areas. This is in addition to the community investments made through the Social Equity Excise Fee funds. In addition, 15% of the funds are allocated to the Underage Deterrence and Prevention Account. The remaining funds are to be allocated by the legislature for the administrative costs of the state cannabis programs, reimbursing state and local governments for law enforcement training costs, and further investment in Impact Zones. If any funds remain after these priorities, they are to be placed in the state's general fund.<sup>177</sup>


## New Mexico

1. **Population Targeted by Social Equity Program:** The Cannabis Regulation Act directs the Cannabis Control Division (CCD) to develop procedures that promote and encourage full participation in the cannabis industry by “representatives of communities that have been disproportionately harmed by rates of arrest through the enforcement of cannabis prohibitions in law and policy, rural communities likely to be impacted by cannabis production and agricultural producers from economically disadvantaged communities.”<sup>178</sup> It also requires procedures that promote racial, ethnic, gender, and geographic diversity among applicants, licensees, and industry employees.<sup>179</sup>

CCD recently released an expansive definition for *social and economic equity applicants, licensees, and employees*. To qualify for social and economic equity status, an individual must meet at least two of the following criteria:


- Enrolled member of an Indian Nation, Tribe or Pueblo, Acequia Parciante in good standing, or qualified Land Grant-mercedes.
  - Have a household income at or below the average median income for the state
  - Cited for arrested for or convicted of a marijuana offense that is currently expungable under state law
  - “Black Persons having origins in any of the Back African racial groups; Hispanic person of Mexican, Puerto Rican, Dominican, Cuban, Central or South American of either Indian or Hispanic Origin; or Asian and Pacific Islanders persons having origins in any of the far east countries, southeast Asia, the Indian Subcontinent or the Pacific islands.”
  - A New Mexico state resident or business enterprise that qualifies as a Distressed Farmer
  - Transgender or gender non-conforming gender identity<sup>180</sup>
2. **Social Equity Goal:** The New Mexico CCD has set a goal that at least fifty percent of applicants for licensure, licensees, and cannabis industry employees will align with the CCD's social and economic equity priorities.<sup>181</sup>
  3. **Social Equity Lead:** While New Mexico created the Cannabis Regulatory Advisory Committee to advise the CCD on the development of regulations, including best practices and the promotion of economic and cultural diversity in licensing and employment opportunities, the state does not require that an individual with expertise in social equity serve on the Commission.<sup>182</sup> However, the CCD has announced that it would have a designate social equity position responsible for overseeing the social and economic equity initiatives.<sup>183</sup>



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4. **License Priority:** New Mexico does not have license priority.
  5. **License Scoring Preference:** New Mexico does not have license scoring preference.
  6. **Special Licenses:** New Mexico has not created special license opportunities.
  7. **Microbusiness license:** New Mexico has two categories of microbusiness license. First, a cannabis producer microbusiness license allows the licensee to grow up to 200 mature cannabis plants.<sup>184</sup> The license fee for this microbusiness is \$1,000, versus the \$2,500 fee for a standard cultivator license.<sup>185</sup> Second, an integrated cannabis microbusiness license allows the licensee to cultivate, manufacture, transport, sell their own cannabis at retail, and perform courier services. This license is limited to growing 200 mature plants and can have no more than one cultivation, manufacturing, and retail facility.<sup>186</sup> The fee for this microbusiness license is \$2,500, versus the \$7,500 fee for the standard vertically integrated license.<sup>187</sup>
  8. **Wholesale License:** New Mexico does not offer a wholesale license.
  9. **Training Services:** New Mexico does not provide training services.
  10. **Financial Services:** New Mexico's Cannabis control division can waive or significantly reduce licensing fees for equity applicants interested in a courier, testing laboratory, cannabis producer microbusiness, integrated cannabis microbusiness license, and cannabis consumption area license.<sup>188</sup> The procedures and exact parameters for this process have not yet been defined. In addition, the state has created a social equity fund managed by the New Mexico Finance authority that is funded at five million dollars. This fund will provide low interest loans to cover the start-up and operational costs for cannabis producer microbusiness and integrated cannabis microbusiness licensees.<sup>189</sup>
  11. **Community Reinvestment:** A 12% cannabis excise tax is levied on retail sales until July 1, 2025. The tax then escalates by one percent each year, maxing out at 18% on July 1, 2030.<sup>190</sup> The proceeds of this tax are distributed as follows: one third to municipal governments, one third to county governments, and one third to the general fund.<sup>191</sup>

## New York

1. **Target Population for Social Equity Program:** New York created the social and economic equity applicant/licensee category. This category includes six different subgroups: individuals from communities disproportionately impacted by the enforcement of cannabis prohibitions: minority businesses, women-owned businesses, minority and women owned businesses, distressed farmers, and service-disabled veterans. The exact qualifications for most of these subgroups is provided in N.Y. Cannabis Law § 87. However, *communities disproportionately impacted* is generally defined by the history of arrests, convictions, and other law enforcement practices in an area that reflects disparate enforcement of previous cannabis prohibitions. The Cannabis Control Board must draft further guidance to determine which communities qualify for this designation. On top of the priority given to social and economic equity applicants generally, New York requires special priority be given to individuals who (1) live in a community disproportionately impacted by the enforcement of cannabis prohibition; (2) have an income lower than eighty percent of their county's median income, and (3) have been convicted of a



marijuana-related offense prior to legalization, or had a parent, guardian, child, spouse, or dependent that was convicted of a marijuana-related offense.<sup>192</sup>

New York recently created a new social equity classification for *justice involved individuals*. To qualify as a *justice involved individual*, a person must (1) be convicted of cannabis related offense in New York prior to state legalization of adult-use (March 31, 2021), (2) have a parent, legal guardian, child, spouse, or dependent who was convicted of cannabis offense in New York prior to legalization, or (3) was the dependent of a person who was convicted in New York of a cannabis offense prior to legalization.<sup>193</sup> Justice involved individuals have special licensing opportunities that are [discussed below](#).

2. **Equity Goals:** New York set a goal of awarding fifty percent of all adult use licenses to social and economic equity applicants.<sup>194</sup>
3. **Equity Lead:** New York created a Chief Equity Officer position in the Office of Cannabis Management. This position is responsible for helping develop and implement the state’s social and economic equity plan. The Chief Equity officer is also responsible for outreach to disproportionately impacted communities to educate them on the opportunities in the cannabis industry and resources available to support entry into this industry.<sup>195</sup>
4. **License Priority:** New York indicates that it will “prioritize consideration of applications” from social and economic equity applicants. However, the exact dynamics of this priority has not been defined.<sup>196</sup>
5. **License Scoring Preference:** The Cannabis Control Board will develop regulations on license application review criteria. Social and economic equity applicant status is one of the statutorily required review criteria. The exact preference or point allocation has not been released at this time.<sup>197</sup>
6. **Special Licenses:** New York mandates that the granting of delivery licenses and microbusiness licenses shall promote social and economic equity applicants.<sup>198</sup> Regulations are needed to clarify the contours of any license preferencing in this area. In addition, recent regulations created a special license opportunity for [justice involved individuals](#). Conditional Adult-Use Retail Dispensary Licenses (CAURD), which are the first round of adult-use retail licenses, are limited to justice involved individuals and nonprofits that “intentionally serve justice involved individuals and communities with historically high rates of arrest, conviction, incarceration, or other indicators of law enforcement activity for marijuana-related offenses.” Eligible nonprofits must also have a justice involved individual on its board or serving as an officer, as well as having a history of creating vocational opportunities for justice involved individuals.<sup>199</sup>
7. **Microbusiness License:** The microbusiness license allows for limited cultivation, processing, distribution, delivery, and dispensing of the licensee’s own cannabis and cannabis products. The size, scope, and eligibility requirements for this license will be determined by regulation. The statute also mandates that the granting of these licenses “shall promote social and economic applicants. . . .”<sup>200</sup> Microbusinesses are allowed complete vertical integration while standard licensees are restricted from complete vertical integration. For example, a licensed cultivator may also hold a processor or distributor license, but may not hold a retail license, unless they are a dual licensed business from the medical cannabis program.<sup>201</sup> Dual licensed businesses hold licenses for the medical and adult-use markets.
8. **Wholesale License:** New York has created a distributors license that allows licensees to sell cannabis products at wholesale. While regulations are needed to further delineate the operational parameters of this license, the statute indicates that a “distributor’s license shall authorize the acquisition, possession, distribution and sale of cannabis from the licensed premises of a licensed adult-use

cultivator, processor, adult-use cooperative, microbusiness, or registered organization authorized pursuant to this chapter to sell adult-use cannabis, to duly licensed retail dispensaries and on-site consumption sites.”<sup>202</sup>

9. **Training Services:** New York will create an incubator program for social and economic equity licensees. The program will provide these businesses with direct support in the form of counseling services, education, small business coaching and financial planning, and compliance assistance.<sup>203</sup>
10. **Financial Services:** The Cannabis Control Board has the authority to waive or reduce application and license fees for social and economic equity applicants/licensees.<sup>204</sup> In addition, all the fees and tax revenue from the state’s cannabis programs are placed in the New York State Cannabis Revenue fund (NYCRF).<sup>205</sup> The Community Grant Reinvestment fund (CGRF) is a sub-program within the NYCRF. The CGRF provides grants for qualified community-based nonprofit organizations and approved local government entities for the purpose of reinvesting in communities disproportionately affected by past federal and state drug policies. These grants can support a broad spectrum of services including job placement, job skills services, adult education, mental health treatment, and substance use disorder treatment. These funds may also be used to support the social and economic equity program for cannabis businesses.<sup>206</sup> While it does not explicitly create low-interest loans or grants to support social and economic equity licensees, this could be the source of funding for future financial service support.
11. **Community Reinvestment:** All the fees and tax revenue from the state’s cannabis programs are placed in the New York State Cannabis Revenue Fund. Once the cost of administering the state’s cannabis program is covered from these funds, the remainder of the funds are invested into three initiatives. First, 40% of the funds are allocated to the state lottery fund for additional lottery grants to eligible school districts. Second, 20% of the funds are allocated to the New York State Drug Treatment & Public Education Fund.<sup>207</sup> These funds will support a youth-focused public health education and prevention campaign, a statewide public health campaign focused on the health effects of cannabis and legal use, and provide substance use disorder treatment programs for youth and adults.<sup>208</sup> Third, 40% of the funds are allocated to the Community Grant Reinvestment Fund (CGRF). The CGRF provides grants for qualified community-based nonprofit organizations and approved local government entities for the purpose of reinvesting in communities disproportionately affected by past federal and state drug policies. These grants can support a broad spectrum of services including job placement, job skills services, adult education, mental health treatment, and substance use disorder treatment. These funds may also be used to support the social and economic equity program for cannabis businesses.<sup>209</sup>

## Oregon

Oregon does not have a social equity program, but information is provided regarding their microbusiness license and the use of their cannabis tax revenue.

1. **Microbusiness License:** Oregon has created several microbusiness licenses. It has created two categories of Micro Tier Producer licenses (Micro Tier I and Micro Tier II), which are restricted in the size of indoor and outdoor canopies they can grow.<sup>210</sup> These licensees are subject to lower licensing fees.<sup>211</sup> There is also a Micro Wholesaler License which is subject to a lower licensing fee.<sup>212</sup>

However, Micro Wholesaler licensees can only purchase, possess, or receive usable marijuana, immature marijuana plants, seeds, whole non-living marijuana plants and marijuana waste from a Micro Tier I or Micro Tier II Producer.<sup>213</sup>

2. **Wholesale License:** Oregon has a wholesale license category which allows the licensee to buy marijuana items from licensed facilities and sell the products to licensed retailers, processors, producers, other wholesalers, or research certificate holders. These licensees can also purchase hemp from licensed processors and sell hemp items to licensed retailers, processors, and other wholesalers.<sup>214</sup>
3. **Community Reinvestment:** Oregon imposes a 17% tax on the retail sale of adult-use cannabis and cannabis products.<sup>215</sup> These funds are placed in the Oregon Marijuana Account.<sup>216</sup> Once administrative costs for the collection and enforcement of tax provisions are covered, the Department of Revenue shall transfer quarterly to the Drug Treatment and Recovery Services Fund all moneys in the Oregon Marijuana Account in excess of \$11,250,000.<sup>217</sup> The remaining funds are to be allocated as follows:
  - 10% to certain qualifying cities.
  - 10% to certain qualifying counties.
  - 40% to the State School Fund.
  - 20% to mental health treatment or for alcohol and drug abuse prevention, early intervention, and treatment.
  - 15% to the objectives of the State Police Account.
  - 5% to purposes related to alcohol and drug abuse prevention, early intervention, and treatment services.<sup>218</sup>

## Rhode Island

Rhode Island recently passed adult-use legalization. The information provided below comes from the legalization statute. The social equity metrics may change as the Rhode Island Cannabis Control Commission is formed and begins to exercise its regulatory authority.

1. **Target Population for Social Equity Program:** Rhode Island has created a social equity applicant category that encompasses individuals who have been “disproportionately impacted by criminal enforcement of marijuana laws. . .” The cannabis statute further defines this group of applicants as meeting at least one of the following metrics.
  - a. The applicant has at least 51% ownership and control by individuals who have resided at least five of the preceding ten years in a “**disproportionately impacted area.**” A “**disproportionately impacted area**” is defined as census tract or comparable geographic area that satisfies at least one of the following criteria: a poverty rate of at least twenty percent, at least seventy-five percent of children participate in the federal free lunch program, at least twenty percent of households receive Supplemental Nutrition Assistance Benefits, or has an unemployment rate that is at least one hundred and twenty percent the national average for at least two consecutive calendar years.
  - b. An applicant with at least fifty-one percent ownership and control held by individuals who have been arrested for, convicted of, or adjudicated delinquent for a cannabis crime that is now eligible for expungement or are “members of an impacted family”. An

impacted family member is the parent, legal guardian, child, spouse or dependent, including former dependents, of an individual who was arrested for, charged with, convicted of, or adjudicated delinquent for a now expungable cannabis offense.

- c. An applicant that employs at least ten full-time employees that currently reside in a “disproportionately impacted area,” have been arrested, charged with, convicted of, or adjudicated delinquent of an expungable cannabis crime, or are a member of an impacted family.
- d. Can demonstrate significant experience in or business practices that promote economic empowerment in disproportionately impacted areas.
- e. For at least five of the past ten years, the applicant had income in a disproportionately impacted area that did not exceed four hundred percent of the median income, as defined by the commission.

The Cannabis Control Commission has been granted authority to identify additional qualification factors for social equity applicants.<sup>219</sup>

2. **Social Equity Goal:** Rhode Island has established a clear equity licensing goal for the cannabis retailer licenses. There is a twenty-four-license cap for cannabis retailers, which excludes medical dispensaries which have converted to a hybrid license. The state is divided into 6 geographic zones for licensing purposes. Each geographic zone will receive 4 licenses. One of these four licenses is reserved for a social equity applicant.<sup>220</sup>
3. **Social Equity Lead:** Rhode Island has created a social equity officer who will serve as the chair of the Cannabis Advisory board. The advisory board provides the Cannabis Control Commission with guidance and recommendations related to adult-use and medical cannabis programs. The board also provides direct recommendation on how the funds in the social equity fund (discussed below) should be spent. In addition, the Cannabis Advisory Board has a social equity subcommittee that is focused on “remedying the harm to individuals directly and adversely impacted by the past enforcement of cannabis-related laws.”<sup>221</sup>
4. **License Priority:** Rhode Island does not have license priority.
5. **License Scoring Preference:** Rhode Island does not have a license scoring preference.
6. **Special Licenses:** Rhode Island does not offer special licenses.
7. **Microbusiness License:** Rhode Island does not utilize Microbusiness licenses.
8. **Wholesale License:** Rhode Island does not have a specific wholesaler license. However, it has indicated that cultivator licensees and cannabis product manufacturer licensees may engage in wholesale activities.<sup>222</sup>
9. **Training Services:** There is a Social Equity Assistance Fund, which is comprised of cannabis application and licensing fees and the penalties assessed for violations of cannabis provisions. One of the approved uses of these funds is to providing funding job training and workforce development, mentoring services, and technical assistance for social equity applicants.<sup>223</sup>
10. **Financial Services:** There is a Social Equity Assistance Fund can also be used to provide grants to social equity applicants to pay for the ordinary and necessary expenses to establish and operate a cannabis establishment. In addition, the commission has the authority to waive up to 100% of nonrefundable application and licensing fees for social equity applicants. This waiver would be supported by the funds from the Social Equity Assistance Fund.<sup>224</sup>
11. **Community Reinvestment:** There are two separate sources of funds that are utilized for community reinvestment. First, Rhode Island places a ten percent excise tax on the retail sale of cannabis. This excise tax revenue and related fines for failure to pay in a timely manner are placed in the “marijuana trust fund.” Once the costs of administering and enforcing the cannabis program are paid, the

remainder of the revenue is to be utilized for: substance abuse disorder prevention; education and public awareness campaigns; treatment and recovery support service; public health monitoring, research; and data collection; law enforcement training and technology; and other related uses that may be deemed necessary.<sup>225</sup> Second, there is the Social Equity Assistance Fund, which is comprised of cannabis application and licensing fees and the penalties assessed for violations of cannabis provisions. This money can be spent on is implementing and administering restorative justice programs, jail diversion, drug rehabilitation, education workforce development for jobs in the cannabis industry.<sup>226</sup>


## Vermont

1. **Target Population for Social Equity Program:** Vermont has created two types of social equity applicants. The first, *social equity individual applicant*, requires the applicant to meet one or more of the following criteria:
  - They have been incarcerated for a cannabis related offense
  - They have a family member who has been incarcerated for a cannabis related offense. Qualifying family members include a spouse, domestic partner, child, stepchild who resided with them as a minor, minor in guardianship, legal guardian, parent, sibling, grandparent, or grandchild.
  - They are a *socially disadvantaged individual*.<sup>227</sup>

A social disadvantaged individual meets at least one of the following metrics. First, the individual is black or Hispanic. Second, the individual is from a community that has historically been disproportionately impacted by cannabis prohibition and can demonstrate they have been personally harmed by this impact.<sup>228</sup>

The second category is *social equity business applicants* which can be a corporation, partnership, or other business entity that meets the federal standard for Disadvantaged Business Enterprise.<sup>229</sup>

2. **Social Equity Goal:** Vermont did not set a social equity goal.
3. **Social Equity Lead:** Within the Cannabis Control Board is an advisory committee, which consists of fourteen members. Among them, one member must have expertise in systemic social justice and equity issues, one must have expertise in women- and minority-owned business ownership, and one must have expertise in criminal justice reform.<sup>230</sup> This advisory committee is then separated into [eight sub-committees](#), one of which is the Sub-Committee on Social Equity, which has an [Executive Director of Racial Equity and Diversity](#).<sup>231</sup>
4. **License Priority:** Vermont has indicated that it will give top priority to social equity applicants when review license applications.<sup>232</sup> In addition, the Cannabis Control Board has indicated a second tier of priority for economic empowerment applicant businesses. There are businesses that do not meet the social equity applicant standard but are at least 51% ownership by women, veterans, people with disabilities, members of the LGBTQIA+ community, First Nation/Indigenous/Native Americans, Asian American/Pacific Islander, and other communities of color not explicitly named in the social equity program. These applicants will be prioritized over non-social equity and economic empowerment applicants.<sup>233</sup> However, the exact parameters of these preference are not available in the regulations. **It is unclear if this will be a first to be reviewed priority or a scoring preference on the application.**

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5. **License Scoring Preference:** Vermont has indicated that it will give top priority to social equity applicants when review license applications.<sup>234</sup> In addition, the Cannabis Control Board has indicated a second tier of priority for economic empowerment applicant businesses. There are businesses that do not meet the social equity applicant standard but are at least 51% ownership by women, veterans, people with disabilities, members of the LGBTQIA+ community, First Nation/Indigenous/Native Americans, Asian American/Pacific Islander, and other communities of color not explicitly named in the social equity program. These applicants will be prioritized over non-social equity and economic empowerment applicants.<sup>235</sup> However, the exact parameters of these preference are not available in the regulations. **It is unclear if this will be a first to be reviewed priority or a scoring preference on the application.**
  6. **Special Licenses:** Vermont does not provide special licenses.
  7. **Microbusiness License:** State law requires the Board to adopt rules creating a tiered system of cultivator licensing based on the plant canopy size of the cultivation operation or the plant count for breeding stock.<sup>236</sup> The board created a six-tier cultivator licensing system. The smallest cultivator license is limited to 1,000 square feet of plant canopy.<sup>237</sup> The Board is also developed a multi-tier manufacturer license. The smallest manufacturer tier is limited to a home-occupancy business, can employ no more than one employee, and is limited to \$10,000 in gross revenue each year.<sup>238</sup>
  8. **Wholesale License:** Vermont has a cannabis wholesaler license category that allows the licensee to purchase cannabis and cannabis products from other licensees and sell them to licensees. They are not permitted to sell to the public.<sup>239</sup>
  9. **Training Services:** The Agency of Commerce and Community Development is required to provide business and technical assistance to social equity applicants. The Board must also work with other state entities and the Executive Director of Racial Equity and Diversity to develop outreach, training, and employment programs focused on providing economic opportunities to individuals who historically have been disproportionately impacted by cannabis prohibition.<sup>240</sup> These training programs are only available to social equity applicants and not economic empowerment applicants.<sup>241</sup> The regulations for these training programs have yet to be adopted.
  10. **Financial Services:** The Agency of Commerce and Community Development is required to establish a program using funds from the Cannabis Business Development Fund for the purpose of providing financial assistance, low-interest loans, grants, and outreach to social equity applicants.<sup>242</sup> The Cannabis Business Development Fund is comprised of a one-time contribution of \$50,000 per integrated license to be made by October 15, 2022 and other money allocated by the General Assembly.<sup>243</sup> Integrated licenses allow licensees to engage in the activities of cultivators, wholesalers, manufacturers, retailers, and testing laboratories, and only five integrated licenses may be issued.<sup>244</sup> In addition, the Cannabis Control Board waived the license application fee and the license fee for the first year that a social equity applicant is licensed. In subsequent years, licensing fees for social equity licensees are reduced as follows:
    - Year 2: Licensee pays 25% of license fee
    - Year 3: Licensee pays 50% of license fee
    - Year 4: Licensee pays 75% of license fee
    - Year 5: Licensee pays full license fee<sup>245</sup>
  11. **Community Reinvestment:** Vermont has imposed a cannabis excise tax on all cannabis and cannabis products for adult use at a rate of 14% of the sales price.<sup>246</sup> Thirty percent of the revenues raised by this excise tax, not to exceed \$10,000,000 per fiscal year, must be


used to fund [substance misuse prevention programing](#).<sup>247</sup> This is the only specific statutory allocation of the cannabis tax revenue, indicating that the remainder of the funds are placed in the state's general fund.

## Virginia

The legalization bill that passed in 2021 is subject to a reenactment clause that requires many of the bill's provisions to be passed again in 2022 for them to become law. In 2022, the Virginia General Assembly was unable to pass the legislation required to establish a commercial market for cannabis.<sup>248</sup> The information below is still law and waits for the creation of the adult-use industry in Virginia.


- 1. Target Population for Social Equity Program:** Virginia has created a category of social equity license applicants.<sup>249</sup> These applicants have lived or been domiciled in Virginia for at least 12 months and 66% of the ownership interest is held by a person or persons who meet at least one of the following five criteria.
  - Have been convicted or adjudicated delinquent for (1) the possession, distribution, sale, or gifting of up to one ounce of marijuana or (2) misdemeanors involving the sale of or possession with intent to sell drug paraphernalia.<sup>250</sup>
  - Are the parent, child, sibling, or spouse of an individual convicted of or adjudicated delinquent for the crimes identified above.
  - Resided for at least three of the past five years in a jurisdiction that is determined to have been disproportionately policed for marijuana crimes. These jurisdictions have not yet been identified.
  - Resided for at least three of the past five years in a jurisdiction determined to be economically distressed. These jurisdictions have not yet been identified.
  - Graduated from a historically black college or university located in Virginia.
- 2. Equity Goals:** Virginia has not created any concrete equity goals at this time.
- 3. Equity Lead:** Virginia has created the Cannabis Business Equity and Diversity Support Team, led by the Cannabis Social Equity Liaison, which is tasked with working on (1) matters related to diversity, equity, and inclusion standards in the marijuana industry, (2) studies regarding the barriers to entry for small, women-owned, minority-owned, and veteran-owned businesses,(3) providing technical assistance to potential marijuana establishment licensees, and (4) the promotion of cannabis business opportunities in communities disproportionately impacted by marijuana prohibition and enforcement.<sup>251</sup>
- 4. License Priority:** The Virginia Cannabis Control Authority has been directed to create standards and requirements for “any preference in the licensing process” for qualified social equity applicants.<sup>252</sup> The exact nature of the preference is not provided. It is unclear if this will be a priority review or a scoring preference.
- 5. License Scoring Preference:** The Virginia Cannabis Control Authority has been directed to create standards and requirements for “any preference in the licensing process” for qualified social equity applicants.<sup>253</sup> The exact nature of the preference is not provided. It is unclear if this will be a priority review or a scoring preference.



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6. **Special Licenses:** Virginia has not created any special licenses for social equity applicants at this time.
  7. **Microbusiness License:** Virginia does not have microbusiness licenses currently.
  8. **Wholesale License:** Virginia does not have wholesale licenses.
  9. **Training Services:** The Cannabis Business Equity and Diversity Support Team is tasked with providing training and technical assistance. Its services include assisting with business planning for potential marijuana establishment licensees and providing technical assistance in navigating the administrative process for potential marijuana establishment licensees. However, these services appear to be open to all applicants, not just social equity applicants.<sup>254</sup>
  10. **Financial Services:** The Virginia Cannabis Equity Business Loan Fund was created to provide low-interest and zero-interest loans to social equity cannabis licensees “in order to foster business ownership and economic growth within communities that have been the most disproportionately impacted by the former prohibition on cannabis.”<sup>255</sup> The Virginia Cannabis Control Authority will select a community development financial institution (CDFI) to help administer this program. The selected CDFI will have a statewide presence, experience in business lending, a proven track record of working with disadvantaged communities, and sufficient staffing to manage the program.<sup>256</sup> The Virginia Cannabis Control Authority is also required to draft regulations regarding what percentage of application and license fees are waived for social equity applicants.<sup>257</sup>
  11. **Community Reinvestment:** Virginia instituted a 21 % retail tax on adult-use cannabis sales.<sup>258</sup> These taxes and the various fees for this program are used in the following manner. The funds are first used to cover the cost of administering the Virginia Cannabis Control Authority. The remaining fees are put towards four programs. Forty percent is allocated to pre-kindergarten programs for at-risk three-year-olds and four-year-olds. Thirty percent is allocated to the Cannabis Equity Reinvestment Fund. Twenty-five percent goes to the Department of Behavioral Health and Developmental Services, which shall distribute such appropriated funds to community services boards for the purpose of administering substance use disorder prevention and treatment programs. Five percent is allocated for public health programs, including public awareness campaigns that are designed to prevent drugged driving, discourage consumption by persons younger than 21 years of age, and inform the public of other potential risks.<sup>259</sup> The **Cannabis Equity Reinvestment Fund** focuses on (1) supporting persons, families, and communities historically and disproportionately targeted and affected by drug enforcement; (2) scholarship opportunities and educational and vocational resources for historically marginalized persons, including persons in foster care, who have been adversely impacted by substance use individually, in their families, or in their communities; (3) grants to support workforce development, mentoring programs, job training and placement services, apprenticeships, and reentry services that serve persons and communities historically and disproportionately targeted by drug enforcement; (4) the Virginia Indigent Defense Commission; and (5) the Virginia Cannabis Equity Business Loan Fund.<sup>260</sup>


## **Washington**

1. **Target Population for Social Equity Program:** Washington defines a “social equity applicant” as an applicant(s) for a marijuana business license who (a) has at least 51% ownership and control by one or more individuals who have resided in a disproportionately impacted area for a period of time defined by the Liquor and Cannabis Board, or (b) has at least 51% ownership and control by at least



one individual who has been convicted of a cannabis offense, drug offense, or is a family member of such an individual, or (c) meets other criteria defined by the board.<sup>261</sup>

- A “disproportionately impacted area” is a census tract or comparable geographic area that has a high poverty rate, a high rate of participation in income-based federal or state programs, a high rate of unemployment, and a high rate of arrest, conviction, or incarceration related to the sale, possession, use, cultivation, manufacture, or transport of cannabis. These criteria may be further defined by the Board. In addition, the required residency period in a disproportionately impacted area has yet to be defined.<sup>262</sup>
  - What qualifies as a “cannabis offense” for purposes of determining whether a person is a social equity applicant is not defined. The Board may, however, consider any prior criminal arrests or convictions of an applicant in their decision to grant or deny a license, and denial may be based on the existence of chronic illegal activity.<sup>263</sup>
2. **Social Equity Goal:** When the state legalized adult-use cannabis in 2012, it set a statewide cap of [569 cannabis retail licenses](#). In 2020, the state passed legislation that reserved the 34 remaining cannabis retail licenses for social equity applicants.<sup>264</sup>
  3. **Social Equity Lead:** Washington established a social equity in cannabis task force. The task force must include diverse leadership such as a member from the Commission on African American Affairs, an organization representing the Latinx community, etc. The goal of the task force is to make recommendations to the Board including on establishing a social equity program for the issuance and reissuance of cannabis business licenses, and to advise the governor and legislature on policies that will facilitate development of the program. By December 9, 2022, the task force must submit final recommendations to the governor, the Board, and appropriate committees of the legislature. These recommendations must include, among other things, the social equity impact of altering residential cannabis agriculture regulations, the social equity impact of removing nonviolent cannabis-related crimes from the existing point system for granting licenses, the social equity impact of creating new cannabis license types, and recommendations for the cannabis social equity technical assistance program.<sup>265</sup>
  4. **License Priority:** Washington does not provide license priority.
  5. **License Scoring Preference:** Washington does not use a license scoring preference.
  6. **Special Licenses:** Washington does not provide special license opportunities.
  7. **Microbusiness License:** Washington does not provide a microbusiness license.
  8. **Wholesale License:** Washing does not provide a wholesale license.
  9. **Training Services:** The Department of Commerce is authorized to enter contracts to establish a roster of mentors who will be available to support and advise social equity applicants and current licensees who meet the social equity applicant criteria. Among other qualifications, these contractors must be businesses that are at least 51% minority or woman owned.<sup>266</sup> The mentors are funded by a dedicated marijuana account in the state treasury.<sup>267</sup>
  10. **Financial Services:** The cannabis social equity technical assistance grant program administered through the Department of Commerce awards grants to (1) social equity applicants submitting social equity plans and (2) licensees holding a license issued between June 30,



2020, and July 25, 2021, who meet the social equity applicant criteria. These grants may be used for technical assistance activities including (1) assistance navigating the cannabis licensure process, (2) cannabis business education and business plan development, (3) regulatory compliance training, (4) financial management training and assistance in seeking financing, (5) strengthening a social equity plan, and (6) connecting social equity applicants with industry members for mentoring and other support.<sup>268</sup> The social equity technical assistance grant program is funded by the dedicated marijuana account.<sup>269</sup>

11. **Community Reinvestment:** Washington has a marijuana excise tax on retail sales of marijuana and marijuana products at a rate of 37% of the selling price.<sup>270</sup> The state also created a dedicated marijuana account within the state treasury, which holds all money received by the Board from marijuana-related activities including license fees and the excise tax.<sup>271</sup> Each year, in addition to other enumerated appropriations, the legislature is required to appropriate the following from the dedicated marijuana account: (a) \$125,000 to the health care authority to support the Washington state healthy youth survey, which includes survey questions concerning substance use, (b) \$50,000 to the health care authority to support a cost-benefit evaluation of the legalization of marijuana,<sup>272</sup> (c) \$5,000 to the University of Washington alcohol and drug abuse institute to create and support web-based public education materials on health and safety risks associated with marijuana use, (d) at least \$1,250,000 to the Board for administration of marijuana-related laws, (e) \$2,453,000 for fiscal year (FY) 2020 and \$2,423,000 for FY 2021, 2022, and 2023 to the Washington state patrol for a drug enforcement task force, (f) \$1,650,00 for FY 2022 and 2023 to the Department of Commerce to fund the cannabis social equity technical assistance grant program, and (g) \$163,000 for FY 2022 and 2023 to the Department of Commerce to establish a roster of mentors as part of the cannabis social equity technical assistance grant program. After these specific appropriations have been made, the funds remaining in the dedicated marijuana account shall be dispersed as follows: (a) up to 15% but at least \$25,536,000 to the health care authority to support programs and practices aimed at preventing or reducing substance use disorders among middle and high school students, mental health services for children and youth, and services for pregnant and parenting women, (b) up to 10% but at least \$9,750,000 to the Department of Health to support a marijuana education and public health program, and the Washington Poison Control Center, (c) up to 0.6% but at least \$1,021,000 after FY 23 to the University of Washington and up to 0.4% but at least \$681,000 to Washington State University for research on the short and long-term effects of marijuana use, (d) 50% to the state basic health plan trust, (e) 5% to the state health care authority to be spent on contracts with community health centers providing primary health care, dental care, migrant health, and maternity health care services, (f) up to 0.3% but at least \$511,000 to the Superintendent of Public Education to fund grants to the building bridges program to prevent student dropout,<sup>273</sup> and the remainder may be deposited to the general fund. If more than \$25,000,000 is deposited to the general fund, then 30% of all excise taxes collected the following year must be distributed to counties, cities, and towns.<sup>274</sup>



## SUPPORTERS

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This document was developed by Mathew R. Swinburne, J.D., Associate Director for the Network for Public Health Law-Eastern Region and Brianne Schell, J.D., Staff Attorney for the Network for Public Health Law-Eastern Region. The Network for Public Health Law provides information and technical assistance on issues related to public health. The legal information and assistance provided in this document does not constitute legal advice or legal representation. For legal advice, please consult specific legal counsel.

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<sup>1</sup> New Frontier Data, *Cannabis in the U.S. 2021 Mid-Year Market Update*, 12 (June 2021).

<sup>2</sup> See Mathew Swinburne, & Kathleen Hoke, *State Efforts to Create an Inclusive Marijuana Industry in the Shadow of the Unjust War on Drugs*, 15 J. Bus. & Tech. L. 235 (2020) available at <https://digitalcommons.law.umaryland.edu/jbtl/vol15/iss2/3> (discussing the racial disparities in ownership and economic opportunity within the legal cannabis market).

<sup>3</sup> Nicolas Jones, et. al., *2020 Census Illuminates Racial and Ethnic Composition of the Country* (August 2021) available at <https://www.census.gov/library/stories/2021/08/improved-race-ethnicity-measures-reveal-united-states-population-much-more-multiracial.html>.

<sup>4</sup> See Swinburne, *supra* note 2 (discussing drug use and racially discriminatory enforcement of drug laws).

<sup>5</sup> American Civil Liberties Union, *A Tale of Two Countries Racially Targeted Arrests in the Era of Marijuana Reform*, 5 (July 2021) available at [https://www.aclusd.org/sites/default/files/field\\_documents/marijuanareport\\_03232021\\_0.pdf](https://www.aclusd.org/sites/default/files/field_documents/marijuanareport_03232021_0.pdf).

<sup>6</sup> New Mexico Regulation and Licensing Department, Cannabis Control Division, *Social Equity Definition and Programing*, February 4, 2022 available at <https://www.rld.nm.gov/wp-content/uploads/2022/06/CCD-Social-Equity.pdf>.

<sup>7</sup> ALASKA ADMIN. CODE TIT. 3, § 306.410.

<sup>8</sup> *Id.* § 306.100.



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<sup>9</sup> ALASKA STAT. § 43.61.010.

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<sup>10</sup> ARIZ. ADMIN. CODE § R9-18-303.

<sup>11</sup> Arizona Department of Health Services, *Social Equity Campaign*, available at <https://www.azdhs.gov/licensing/marijuana/social-equity/index.php#qualification>.

<sup>12</sup> ARIZ. REV. STAT. ANN. § 36-2854.

<sup>13</sup> *Id.* § 36-2850.

<sup>14</sup> Arizona Department of Health Services, *Social Equity Campaign- Preparing applicants to succeed in running a marijuana business in Arizona*, available at <https://www.azdhs.gov/licensing/marijuana/social-equity/index.php#allocation>.

<sup>15</sup> *Id.* § 36-2856.

<sup>16</sup> *Id.* § 36-2856.

<sup>17</sup> *Id.* § 36-2863.

<sup>18</sup> CAL. BUS. & PROF. CODE § 26249.

<sup>19</sup> *Id.* § 26244.

<sup>20</sup> *Id.* § 26240.

<sup>21</sup> *Id.* § 26200.

<sup>22</sup> *Id.* § 26010.5.

<sup>23</sup> *Id.* § 26014.

<sup>24</sup> *Id.* § 26055; CAL. CODE REGS. TIT. 4, § 15001.1.

<sup>25</sup> CAL. BUS. & PROF. CODE § 26070.5.

<sup>26</sup> *Id.* § 26001; CAL. CODE REGS. TIT. 4, § 15500.

<sup>27</sup> CAL. CODE REGS. TIT. 4, § 15500.

<sup>28</sup> Cal. Bus. & Prof. Code § 26246.

<sup>29</sup> *Id.* § 26242.

<sup>30</sup> CAL. CODE REGS. TIT. 4, § 15014.1.

<sup>31</sup> CAL. BUS. & PROF. CODE § 26244.

<sup>32</sup> CAL. REV. & TAX. CODE § 34019.

<sup>33</sup> *Id.* § 34011.

<sup>34</sup> *Id.* § 34019.

<sup>35</sup> COLO. REV. STAT. § 44-10-308; COLO. CODE REGS. § 212-3.2-220.

<sup>36</sup> COLO. CODE REGS. § 212-3.2-115.

<sup>37</sup> *Id.*

<sup>38</sup> Colorado Department of Revenue, *Social Equity Program Advisory Work Group*, available at <https://sbg.colorado.gov/med/social-equity-work-group>.

<sup>39</sup> COLO. REV. STAT. § 44-10-103.

<sup>40</sup> *Id.* §§ 44-10-602, 44-10-603; COLO. CODE REGS. § 212-3.2-1105.

<sup>41</sup> COLO. REV. STAT. § 44-10-103.

<sup>42</sup> COLO. CODE REGS. § 212-3.2-285.

<sup>43</sup> *Id.* § 212-3.2-1105.

<sup>44</sup> COLO. CODE REGS. §212-3:2-205

<sup>45</sup> COLO. CODE REGS. §212-3:3-1105

<sup>46</sup> COLO. REV. STAT. § 24-48.5-128.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.* § 44-10-801.

<sup>49</sup> *Id.* § 39-28.8-203.

<sup>50</sup> *Id.* § 39-28.8-501.

<sup>51</sup> *Id.* § 18-25-101.

<sup>52</sup> *Id.* § 24-48.5-128.

<sup>53</sup> CONN. GEN. STAT. § 21a-420

<sup>54</sup> *Id.* § 21a-420g.

<sup>55</sup> *Id.* § 21a-420d.

<sup>56</sup> *Id.* § 21a-420p.

<sup>57</sup> *Id.* § 21a-420e.

<sup>58</sup> *Id.* § 21a-421f.

<sup>59</sup> *Id.* § 21a-421g.

<sup>60</sup> *Id.* § 21a-420m, § 21a-420u.

<sup>61</sup> *Id.* § 21a-420e.


<sup>62</sup> *Id.* § 21a-420m, § 21a-420u.

<sup>63</sup> *Id.* § 21a-420l.

<sup>64</sup> *Id.* § 21a-420m.

<sup>65</sup> *Id.* § 21a-421h.

<sup>66</sup> *Id.* § 21a-420f.



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<sup>67</sup> *Id.* §12-330II.

<sup>68</sup> *Id.* § 21a-420f.

<sup>69</sup> *Id.* § 21a-420

<sup>70</sup> *Id.* § 21a-420f.

<sup>71</sup> *Id.* § 12-330mm.

<sup>72</sup> 20 ILL. COMP. STAT. 2630/5.2, 720 ILL. COMP. STAT. 550/4, 720 ILL. COMP. STAT. 550/5.

<sup>73</sup> 410 ILL. COMP. STAT. 705/1-10.

<sup>74</sup> 410 ILL. COMP. STAT. 705/1-10.

<sup>75</sup> ILL. ADM. CODE TIT. 14 § 650.15.

<sup>76</sup> *Id.* 705/15-35.10.

<sup>77</sup> *Id.* 705/1-10.

<sup>78</sup> *Id.* 705/15-25.

<sup>79</sup> *Id.* 705/15-30.

<sup>80</sup> *Id.* 705/20-20, 705/30-15, 705/35-15, 705/40-15.

<sup>81</sup> *Id.* 705/1-10.

<sup>82</sup> ILL. ADM. CODE TIT. 8 §§ 1300.300, 1300.100.

<sup>83</sup> 410 ILL. COMP. STAT. 705/7-15.

<sup>84</sup> *Id.*, *Id.* 705/20-10.

<sup>85</sup> ILL. ADM. CODE TIT. 14 § 651.20.

<sup>86</sup> *Id.*

<sup>87</sup> 410 ILL. COMP. STAT. 705/7-15.

<sup>88</sup> *Id.* 705/7-10.

<sup>89</sup> *See* 410 ILL. COMP. STAT. 705/15-15, 15-20 (requiring early approval adult use dispensing organizations to pay into the Cannabis Business Development fund); *see also* 410 ILL. COMP. STAT. 705/20-10 (requiring early approval adult use cultivation centers to pay into the Cannabis Business Development Fund).

<sup>90</sup> *Id.* 705/15-15, 705/20-10.

<sup>91</sup> *Id.* 705/20-10.

<sup>92</sup> *Id.* 705/7-20.

<sup>93</sup> 30 ILL. COMP. STAT. 105/6Z-112.

<sup>94</sup> 410 ILL. COMP. STAT. 705/10-40.

95 Me. Rev. Stat. Ann. 28-B § 901.

96 *Id.* § 903.

97 *Id.* § 902.

98 *Id.* §§ 301, 501.

99 *Id.* § 207; 18-691-1 Me. Code R. § 11.6 (recently amended regulations that have not been updated in Westlaw) available at <https://www.maine.gov/dafs/ocp/adult-use/rules-statutes/18-691-C.M.R.-ch.-1-070122>

100 Me. Rev. Stat. Ann. 36 § 4923.

101 *Id.* § 4925.

102 *Id.* §§ 1811, 1818.

103 Me. Rev. Stat. Ann. 28-B § 1101.

104 *Id.* § 108.

105 *Id.* § 1101.

106 *Id.* § 109.

107 935 MASS. CODE REGS. 500.002.

108 See 935 MASS. CODE REGS. 500.002 (defining Area of Disproportionate Impact); see also Guidance for Identifying Areas of Disproportionate Impact, Cannabis Control Commission (identifying the 29 communities that qualify as Areas of Disproportionate Impact) available at [https://mass-cannabis-control.com/wp-content/uploads/200825\\_Guidance\\_for\\_Identifying\\_Areas\\_of\\_Disproportionate\\_Impact.pdf](https://mass-cannabis-control.com/wp-content/uploads/200825_Guidance_for_Identifying_Areas_of_Disproportionate_Impact.pdf).

109 935 MASS. CODE REGS. 500.105

110 Senate Bill 3096, An Act Relative to Equity in the Cannabis Industry” Section 18 available at <https://malegislature.gov/Bills/192/S3096>

111 *Id.* 500.102(2).

112 *Id.* 500.050.

113 *Id.*

114 *Id.*

115 *Id.*

116 *Id.*

117 *Id.*

118 *Id.*


119 *Id.*

120 935 MASS. CODE REGS. 500.005.

121 *Id.*



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- <sup>122</sup> *Id.*
- <sup>123</sup> Massachusetts Senate Bill 3096, *An Act Relative to Equity in the Cannabis Industry*, Section 18 available at <https://malegislature.gov/Bills/192/S3096>.
- <sup>124</sup> *Id.* at Section 17 available at <https://malegislature.gov/Bills/192/S3096>.
- <sup>125</sup> MASS. GEN. LAWS CH. 64N § 2.
- <sup>126</sup> MASS. GEN. LAWS CH. 94G § 14.
- <sup>127</sup> MICH. COMP. LAWS § 333.27958(1) (j).
- <sup>128</sup> *Michigan's Marijuana Regulatory Agency Announces Social Equity Program Expansion*, Michigan Department of Licensing and Regulatory Affairs ( May 19, 2020) (providing new definition of disproportionately impacted communities) available at [https://www.michigan.gov/mra/0,9306,7-386-79784-529549--y\\_2020,00.html](https://www.michigan.gov/mra/0,9306,7-386-79784-529549--y_2020,00.html).
- <sup>129</sup> *Marijuana Regulatory Agency Issues Final Recommendations of the Racial Equity Advisory Workgroup*, Michigan Department of Licensing and Regulatory Affairs (January 19,2021) available at <https://www.michigan.gov/mra/0,9306,7-386-79784-549851--00.html>.
- <sup>130</sup> MICH. ADMIN. CODE r. 420.105.
- <sup>131</sup> *What is the cost of applying for an adult-use marijuana establishment license*, Michigan Department of Licensing and Regulatory Affairs (providing all application and licensing fees) available at <https://www.michigan.gov/mra/0,9306,7-386-83746-516320--00.html>.
- <sup>132</sup> *Marijuana Regulatory Agency Announces the Joint Ventures Pathway Program*, Michigan Department of Licensing and Regulatory Affairs (August 31, 2021) (announcing the creation of the program) available at <https://www.michigan.gov/mra/0,9306,7-386-79784-566990--00.html>.
- <sup>133</sup> *Michigan's Marijuana Regulatory Agency Announces Social Equity Program Expansion*, Michigan Department of Licensing and Regulatory Affairs (October 2, 2019) (explaining educational sessions and the accompanying application assistance) available at <https://www.michigan.gov/lara/0,4601,7-154-89505-508912--00.html>.
- <sup>134</sup> *Michigan's Marijuana Regulatory Agency Announces Social Equity Program Expansion*, Michigan Department of Licensing and Regulatory Affairs (May 19, 2020) (providing fee waiver structure) available at [https://www.michigan.gov/mra/0,9306,7-386-79784-529549--y\\_2020,00.html](https://www.michigan.gov/mra/0,9306,7-386-79784-529549--y_2020,00.html).
- <sup>135</sup> *Id.*
- <sup>136</sup> MICH. COMP. LAWS § 333.27963.
- <sup>137</sup> *Id.* § 333.27964.
- <sup>138</sup> MONT. CODE. ANN. § 16-12-223.
- <sup>139</sup> MONT. CODE. ANN. § 15-64-102.
- <sup>140</sup> MONT. CODE. ANN. § 16-12-111.
- <sup>141</sup> *Id.*
- <sup>142</sup> NEV. REV. STAT. § AB 341 § 9.
- <sup>143</sup> *Id.* § 11.
- <sup>144</sup> N.C.C.R § 5.005 available at [https://ccbnvdev.wpengine.com/wp-content/uploads/2022/07/Reg-5\\_v072122.pdf](https://ccbnvdev.wpengine.com/wp-content/uploads/2022/07/Reg-5_v072122.pdf).
- <sup>145</sup> NEV. REV. STAT. § 678A.005.
- <sup>146</sup> NEV. REV. STAT. AB 341 § 12.4.



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<sup>147</sup> *Id.* § 12.5.

<sup>148</sup> *Id.* §§ 4, 5.5.

<sup>149</sup> *Id.* §§ 3, 5.

<sup>150</sup> NEV. REV. STAT. § 678A.300.

<sup>151</sup> *Id.* § 678B.280; NEV. REV. STAT. AB 341 § 12.

<sup>152</sup> *Id.*

<sup>153</sup> NEV. REV. STAT. § 678A.450.

<sup>154</sup> *Id.* § 678B.390.

<sup>155</sup> N.C.C.R § 5.005 available at [https://ccbnvdev.wpengine.com/wp-content/uploads/2022/07/Reg-5\\_v072122.pdf](https://ccbnvdev.wpengine.com/wp-content/uploads/2022/07/Reg-5_v072122.pdf).

<sup>156</sup> *Id.* § 372A.290; NEV. ADMIN. CODE § 453D.239.

<sup>157</sup> NEV. REV. STAT. § 372A.290.

<sup>158</sup> *Id.* § 387.1212.

<sup>159</sup> N.J. ADMIN. CODE. § 17:30-6.6.

<sup>160</sup> *Id.* § 17:30-1.2.

<sup>161</sup> *Id.* § 17:30-6.6.

<sup>162</sup> *Id.*

<sup>163</sup> *Id.* §17:30-7.12(e).

<sup>164</sup> *Id.* §17:30-6.4.

<sup>165</sup> *Id.* §17:30-6.5.

<sup>166</sup> N.J. STAT. ANN. §24:6I-25.

<sup>167</sup> *Id.*

<sup>168</sup> N.J. ADMIN. CODE § 17:30-6.1.

<sup>169</sup> N.J. STAT. ANN. § 24:6I-33.

<sup>170</sup> *Id.* §24:6I-36.

<sup>171</sup> *Id.*

<sup>172</sup> *Id.*

<sup>173</sup> N.J. ADMIN. CODE § 17:30-6.7

<sup>174</sup> N.J. STAT. ANN. § 24:6I-33.

<sup>175</sup> N.J. STAT. ANN. § 24:6I-50.

176 N.J. ADMIN. CODE § 17:30-3.4.

177 N.J. STAT. ANN. § 24:6I-50.

178 N.M. STAT. ANN. § 26-2C-3.

179 *Id.*

180 New Mexico Regulation and Licensing Department, Cannabis Control Division, *Social Equity Definition and Programing*, February 4, 2022 available at <https://www.rld.nm.gov/wp-content/uploads/2022/06/CCD-Social-Equity.pdf>.

181 N.M. CODE. § 16.8.1.8

182 N.M. STAT. ANN. § 26-2C-3.

183 New Mexico Regulation and Licensing Department, Cannabis Control Division, *Social Equity Definition and Programing*, February 4, 2022 available at <https://www.rld.nm.gov/wp-content/uploads/2022/06/CCD-Social-Equity.pdf>.

184 *Id.* § 26-2C-2.

185 *Id.* § 26-2C-9.

186 *Id.* § 26-2C-2.

187 *Id.* § 26-2C-9.

188 New Mexico Regulation and Licensing Department, Cannabis Control Division, *Social Equity Definition and Programing*, February 4, 2022 available at <https://www.rld.nm.gov/wp-content/uploads/2022/06/CCD-Social-Equity.pdf>.

189 New Mexico Finance Authority, Cannabis Microbusiness Program, *available at* <https://www.nmfinance.com/new-cannabis-microbusiness-program/>

190 *Id.* § 7-42-3.

191 THE CANNABIS REGULATION ACT, HB02, §7-1-6.1 *available at* <https://www.nmlegis.gov/Sessions/21%20Special/final/HB0002.pdf>

192 N.Y. CANNABIS LAW § 87.

193 N.Y. COMP. CODES R & REGS.TITL.9, § 116.4.

194 N.Y. CANNABIS LAW § 87.

195 N.Y. CANNABIS LAW § 12.

196 *Id.* § 87.

197 *Id.* § 64.


198 *Id.* §§ 73, 74.

199 N.Y. COMP. CODES R & REGS.TITL.9, § 116.4.

200 N.Y. CANNABIS LAW § 73.

201 *Id.* §§ 68, 68-a

202 *Id.* § 71.



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<sup>203</sup> *Id.* § 87.

<sup>204</sup> *Id.* § 63.

<sup>205</sup> N.Y. STATE FIN. LAW § 99-ii.

<sup>206</sup> *Id.* § 99-kk.

<sup>207</sup> *Id.* § 99-ii.

<sup>208</sup> *Id.* § 99-jj.

<sup>209</sup> *Id.* § 99-kk.

<sup>210</sup> OR. ADMIN. R. 845-025-2040.

<sup>211</sup> OR. ADMIN. R. 845-025-1060.

<sup>212</sup> *Id.*

<sup>213</sup> OR. ADMIN. R. 845-025-3510

<sup>214</sup> *Id.* at 845-025-3500.

<sup>215</sup> OR. REV. STAT. § 475B.705.

<sup>216</sup> *Id.* § 475B.759.

<sup>217</sup> *Id.* §§ 475B.759, .760.

<sup>218</sup> OR. REV. STAT. § 475B.759.

<sup>219</sup> R.I GEN. LAWS § 21-28.11-3

<sup>220</sup> *Id.* § 21-28.11-10.2

<sup>221</sup> *Id.* § 21-28.11-6

<sup>222</sup> *Id.* § 21-28.11-9.

<sup>223</sup> *Id.* § 21-28.11-31

<sup>224</sup> *Id.*

<sup>225</sup> R.I GEN. LAWS §21-28.11-13

<sup>226</sup> *Id.* §21-28.11-31

<sup>227</sup> Vt. Admin. Code 26-1-1:1

<sup>228</sup> *Id.*

<sup>229</sup> *Id.*

<sup>230</sup> *Id.* § 843.

<sup>231</sup> *Id.* § 989.

232 VT. ADMIN. CODE 26-1-1:14

233 Vermont Cannabis Control Board, Guidance for Social Equity Applicants-July 2022, 3(July 2022) available at [https://ccb.vermont.gov/sites/ccb/files/2022-07/Social.Equity.Guidance\\_FINAL\\_0.pdf](https://ccb.vermont.gov/sites/ccb/files/2022-07/Social.Equity.Guidance_FINAL_0.pdf).

234 VT. ADMIN. CODE 26-1-1:14

235 Vermont Cannabis Control Board, Guidance for Social Equity Applicants-July 2022, 3(July 2022) available at [https://ccb.vermont.gov/sites/ccb/files/2022-07/Social.Equity.Guidance\\_FINAL\\_0.pdf](https://ccb.vermont.gov/sites/ccb/files/2022-07/Social.Equity.Guidance_FINAL_0.pdf).

236 *Id.* § 881.

237 VT. ADMIN. CODE 26-1-1:13

238 *Id.*

239 VT. ADMIN. CODE 26-1-2:7, see also Vermont Cannabis Control Board, Guidance on Application and Licensing Fees-May 2022, 4 (May 2022) available at [https://ccb.vermont.gov/sites/ccb/files/2022-05/Fee.Schedule.Guidance\\_FINAL\\_0.pdf](https://ccb.vermont.gov/sites/ccb/files/2022-05/Fee.Schedule.Guidance_FINAL_0.pdf).

240 *Id.* § 903.

241 Vermont Cannabis Control Board, Guidance for Social Equity Applicants-July 2022, 3(July 2022) available at [https://ccb.vermont.gov/sites/ccb/files/2022-07/Social.Equity.Guidance\\_FINAL\\_0.pdf](https://ccb.vermont.gov/sites/ccb/files/2022-07/Social.Equity.Guidance_FINAL_0.pdf).

242 *Id.* §§ 987, 988.

243 *Id.* § 987.

244 *Id.* § 909.

245 Vermont Cannabis Control Board, Guidance on Application and Licensing Fees-May 2022, 5 (May 2022) available at [https://ccb.vermont.gov/sites/ccb/files/2022-05/Fee.Schedule.Guidance\\_FINAL\\_0.pdf](https://ccb.vermont.gov/sites/ccb/files/2022-05/Fee.Schedule.Guidance_FINAL_0.pdf).

246 VT. STAT. ANN. TIT. 32, § 7902.

247 *Id.* § 7909.

248 See Virginia House Bill 950, *Cannabis control; retail market, penalties* (2022) available at <https://lis.virginia.gov/cgi-bin/legp604.exe?221+cab+HC10208HB0950+BREF> (Bill creating framework for adult-use cannabis industry died in the General Laws Committee)

249 VA. CODE. ANN. § 4.1-606.

250 *Id.* §§ 18.2-248.1, 265.3

251 *Id.* § 4.1-604.


252 *Id.* § 4.1-606.

253 *Id.*

254 *Id.* § 4.1-604.

255 *Id.* § 4.1-1501.

256 *Id.* § 4.1-1502.



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<sup>257</sup> *Id.* § 4.1-606.

<sup>258</sup> *Id.* § 4.1-1003 available at <https://lis.virginia.gov/000/chapter550.pdf>.

<sup>259</sup> *Id.* § 4.1-614.

<sup>260</sup> *Id.* § 2.2-2499.8.

<sup>261</sup> Wash. Rev. Code § 69.50.335.

<sup>262</sup> *Id.*

<sup>263</sup> *Id.* § 69.50.331.

<sup>264</sup> *Id.* § 69.50.336.

<sup>265</sup> *Id.*

<sup>266</sup> *Id.* § 43.330.540.

<sup>267</sup> *Id.* § 69.50.540.

<sup>268</sup> *Id.* § 43.330.540.

<sup>269</sup> *Id.* § 69.50.540.

<sup>270</sup> *Id.* § 69.50.535.

<sup>271</sup> *Id.* § 69.50.530.

<sup>272</sup> *Id.* § 69.50.550.

<sup>273</sup> Wash. Rev. Code § 28A.175.035.

<sup>274</sup> Wash. Rev. Code § 69.50.540.