

ACLU OF RI POSITION: NEUTRAL/AMEND

**TESTIMONY ON 26-H 7410,
RELATING TO FOOD AND DRUGS -- THE RHODE ISLAND CANNABIS ACT
March 12, 2026**

This legislation would amend the state's cannabis licensing laws to eliminate the requirement that applicants for licenses, including social equity licenses, be residents of Rhode Island in order to qualify. We assume that the legislation is in response to the U.S. Court of Appeals' recent decision in *Jensen v. Rhode Island Cannabis Control Commission*, 160 F.4th 18 (1st Cir. 2025). In that case, the appeals court reversed a lower court decision that had dismissed a challenge to the constitutionality of the law's residency requirements. The appellate court opinion suggested that these claims had merit and required the District Court to examine the legal arguments raised by the challengers.

The ACLU of Rhode Island appreciates the efforts of the original drafters of this legislation to focus on the needs of Rhode Islanders, particularly in the context of the social equity licenses, which are designed to help individuals who fell victim over the years to the state's unfair drug criminalization statutes. At the same time, the legal arguments of the plaintiffs in the *Jensen* case, challenging the constitutionality of a residency requirement, are far from frivolous. In terms of the lesser of two evils, we believe it would be a step backward for a court, after finding the residency requirement unconstitutional, to strike the entire social equity program from the law rather than open it up to non-residents. We therefore understand and support the rationale that appears to underlie this legislation.

At the same time, we would note that if the goal of this bill is to eliminate the constitutional concerns raised in *Jensen*, it only goes halfway. As the appellate court noted, some of the standards for qualifying for a social equity license are exclusively related to Rhode Island residency. However, this legislation leaves those standards in place, and we therefore believe that the statute could continue to be subject to constitutional challenge.

If the intent of this legislation is to make moot the legal challenge, we would urge the committee to reexamine the social equity standards in the statute and consider whether they also need to be amended to avoid Commerce Clause or other constitutional pitfalls.

Thank you for your consideration of our views.