

ACLU OF RI POSITION: SUPPORT

**TESTIMONY ON 26-H 8544,
RELATING TO FOOD AND DRUGS -- THE RHODE ISLAND CANNABIS ACT
May 21, 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. This legislation is in response to the U.S. Court of Appeals' decision in *Jensen v. Rhode Island Cannabis Control Commission*, 160 F.4th 18 (1st Cir. 2025) and the federal district court's response to that decision, at 2026 WL 1041974. In that case, the court held that the law's residency requirements violated equal protection of the law and the federal dormant commerce clause. Despite the clear direction of the First Circuit opinion, the state has decided to appeal the district court's ruling, which will only delay the long-awaited implementation of social equity licenses.

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, as these court decisions have found, 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 then strike the entire social equity program from the law rather than open it up to non-residents because the legislature failed to address the constitutional shortcomings of the current law. We therefore support the rationale that underlies this legislation and urge its passage.

Thank you for your consideration of our views.