When a state legalizes adult-use cannabis, it is acknowledging that public interest has shifted on the criminalization of cannabis. However, millions of individuals still bear the life-long burden of a cannabis record, impeding access to housing, employment, public benefits and more. In order to adequately address the past harms of cannabis criminalization, legalization must provide retroactive relief through state-initiated record clearance.

By mitigating the collateral consequences of cannabis records, record clearance provides a necessary pathway towards just cannabis legalization.

**WHAT IS RECORD CLEARANCE?**

- Record clearance is the process of updating an individual’s criminal record to remove a specific event, like a violation, arrest, or conviction.
- The most common forms of record clearance are expungement and sealing.
  - Expungement: a record is completely deleted from an individual’s criminal record as well as government agency databases.
  - Sealing: a record is shielded from public view, but still accessible for some stakeholders, such as law enforcement agencies and certain employers.

**THE GOLD STANDARD**

- **State Initiated Process**: State agencies identify and clear eligible records, with no action or fees from record holders.
- **Broad Eligibility Scheme**: Criteria for eligible records is clearly defined, retroactively applied, and broad-reaching.
- **No Waiting Period**: The process begins immediately upon the state’s identification of the eligible records.
- **No Discretionary Review**: The discretionary review of individual eligible records is limited.
- **Oversight**: The process is monitored for compliance, with transparent data reporting.
- **Notification**: Public advocacy campaigns ensure affected individuals are aware they received relief.

**LAWS AT A GLANCE**

- Of the 21 legal states, 19 have included cannabis-specific record clearance.
- 12 states have state-initiated cannabis record clearance process.
- 0 states have fully completed cannabis record clearance process due to implementation difficulties.