



## MEMORANDUM

**To:** Cannabis Caucus Members and Cannabis Stakeholders

**From:** Representatives Earl Blumenauer and Barbara Lee, Congressional Cannabis Caucus Co-Chairs

### **Year in Review: Cannabis Reform on Capitol Hill**

2021 was a transformative year for cannabis reform, in which five new states—New Jersey, New Mexico, New York, Virginia, Connecticut—legalized adult-use cannabis, and Alabama became the 37th state to legalize medical cannabis. A wealth of policy ideas targeted at ending cannabis prohibition on the federal level have also been introduced on Capitol Hill. This growing bipartisan momentum for cannabis reform shows Congress is primed for progress in 2022, and we are closer than ever to bringing our cannabis policies and laws in line with the American people.

Polls show bipartisan public support for rationalizing drug policy is at an all-time high, with Gallup now reporting 68% of Americans, and a majority of Republicans, support legalizing marijuana.

While much work remains to be done, there have been substantive developments over the course of the year that have set the table for further action.

### **Enacted Federal Wins**

- **Marijuana Driving Standards and Researcher Access to Retail Products** (Sen. Hickenlooper): President Biden signed into law the Infrastructure Investment and Jobs Act, which contained an amendment to require the federal government to recommend the development of a national standard to prevent marijuana-impaired driving and a report to Congress to for ways for researchers to access retail marijuana samples. Development of clear impairment standards is a critical step towards development of rational drug policy and addresses one of the key issues raised by opponents to legalization.

### **Ongoing Policy Priorities**

- **Descheduling and sentencing reform:**
  - o **Marijuana Opportunity Reinvestment and Expungement (MORE) Act** (Nadler, Lee, Blumenauer, Jeffries, Jackson Lee, Velazquez) – The MORE Act, which was passed by the U.S. House in 2020, is the most comprehensive cannabis reform bill to be developed and considered by Congress to date, which would remove cannabis from the Controlled Substances Act, expunging federal cannabis charges and devout significant

funding to communities historically harmed by the war on drugs. The MORE Act was reported out of the Judiciary Committee on September 30, 2021 and Reps. Blumenauer and Lee are vigorously working to see that it gets a vote in the House soon.

- o **Expungement of Federal Non-Violent Cannabis Offenders** (Blumenauer, Lee, Bowman) – In addition to advancing legislation to expunge non-violent federal cannabis offenses, we have also repeatedly led efforts urging President Biden to act within his authority to commute or pardon these individuals.
- o **Harnessing Opportunities by Pursuing Expungement (HOPE) Act** (Joyce, Ocasio-Cortez) – Provide grants to states to assist with automating expungements for state and local cannabis-related offenses.
- o **States Reform Act (Mace)** – Builds off elements of the MORE Act, such as provisions promoting equity in SBA loans for cannabis operators and adds an additional bipartisan perspective as to how to best normalize our nation’s cannabis laws.
- o **Common Sense Cannabis Reform for Veterans, Small Businesses and Medical Professionals Act** (Joyce, Young) – This was the first legalization bill filled by Republicans in the House and would remove cannabis from the Controlled Substances Act, as well as direct the FDA and TTB to regulate cannabis like alcohol and provide protections for veterans.
- o **Cannabis Administration and Opportunity Act** (Schumer, Wyden, Booker) – This concept will incorporate many of the social justice and equity provisions of the MORE Act and marks the start of a robust dialogue on cannabis legalization in the Senate. We are willing to work with the Senate to produce legislation for action.

- **Protecting Consumers, State Cannabis Programs, and Businesses from Federal Intervention**

- o **Medical Marijuana Protection Amendment** – Congressional Cannabis Caucus members fought to see the inclusion of the appropriations amendment protecting state-legal cannabis programs, successfully defending the critical protection for state medical marijuana businesses and patients since 2014.
- o **Protecting State/Tribal Legal Cannabis Programs** (Blumenauer, McClintock, Norton, Lee) – Prohibits federal interference from the Department of Justice in state, territory, and tribal cannabis programs. The Caucus has successfully secured this protection in the House of Representatives in 2019 and 2020.
- **Removal of the DC Cannabis Amendment** (Norton) – Since 2014, DC residents have been prohibited from accessing a legal, regulated cannabis industry as result of an appropriations rider passed by Congress that prohibited the DC Council from regulating the plant. For the time, the amendment has not been included in either

House or Senate appropriations packages, likely clearing the way for DC to enact cannabis regulations within the year.

- o **SAFE Banking Amendment in FY22 National Defense Authorization Act (NDAA)** (Perlmutter) – This amendment is identical to the stand-alone SAFE Banking Act and was introduced by Rep. Ed. Perlmutter. While this amendment was not ultimately included in the final NDAA, it is notable that during this congressional session, it was adopted as a NDAA amendment by voice vote in the House of Representatives.
- o **Federal Employee Drug Testing Report Language** (Crist) – Instructs OPM to investigate modifying policies to protect the employment of federal workers who consume cannabis in legal jurisdictions.
- o **Protecting Federal Employees from unjust discrimination** (Blumenauer, Lee) – Led an effort urging the administration to rectify their employment policy that resulted in the suspension/resignation of White House staffers as result of cannabis use.

- **Veterans Access and Research**

- o **Veterans Medical Marijuana Safe Harbor Act** (Lee, Joyce, Schatz) – Creates a temporary, five-year safe harbor protection for veterans who use marijuana in accordance with the laws of the state they are currently living in and directs the VA to research how medical marijuana could help veterans better manage chronic pain and reduce opioid abuse.
- o **Veterans Equal Access to State-Legal Medical Cannabis** (Blumenauer, Merkley) – Prohibits the VA from punishing physicians who recommend medical cannabis to their patients, enabling vets to reduce their reliance on opioids and have access to an alternative treatment for conditions such as PTSD, depression, and chronic pain.
- o **VA Medicinal Cannabis Research Act** (Correa, Meijer, Tester, Sullivan) – Directs the VA to begin clinical trials to test the effects of medicinal cannabis as a treatment for chronic pain and symptoms of Post-Traumatic Stress Disorder (PTSD). The Senate Committee on Veterans' Affairs held a hearing on this legislation in June 2021, marking one of the first times the Senate has held a hearing aimed at easing access to cannabis.
- o **Medical Marijuana Research Act** (Blumenauer, Harris) – Addresses the obstacles faced by researchers seeking to study cannabis and ensure that researchers have access to the same high-grade product that is used by consumers.
- o **Cannabidiol and Marijuana Research Expansion Act** (Feinstein, Grassley, Schatz) – Seeks to address restrictive regulations for researchers and promote marijuana-derived drug development.

- **Banking and Access to Financial Services**

o **SAFE Banking Act** (Perlmutter) – Addresses the pressing public safety need caused as result of cannabis businesses being forced to operate in all cash, would allow state and tribal legal cannabis-related businesses to access financial services. This legislation has now passed the House in some version five times and was most recently passed on April 19, 2021.

- **Hemp and CBD Regulation**

o Multiple bills have been introduced that require the FDA to promptly issue rules regarding CBD as a food and dietary supplement, providing much needed regulatory clarity to hemp growers.

- **Hemp Access and Consumer Safety Act** (Wyden, Merkley, Paul)

- **CBD Product Safety and Standardization** (Rice, Griffith, Craig, Crenshaw)

- **Hemp and Hemp-Derived CBD Consumer Protection and Market Stabilization Act** (Schrader, Griffith)

- **House Appropriations**

o Multiple priorities were included in the FY 22 House Appropriations Bill. We are continuing to monitor what will be included in the final conferenced bill and will fight to ensure these priorities are included.

**Agriculture, Rural Development, Food and Drug Administration Subcommittee:**

- Report language on Hemp Extraction Regulation
- Report language on Removing Barriers to Entry for Communities of Color

**Commerce, Justice, and Science Subcommittee:**

- Report language prohibiting DOJ from Interference on Medical Marijuana
- Report language on Marijuana Research

**Interior, Environment Subcommittee:**

- Report language on Marijuana on Public Lands

**Labor, Health and Human Services, Education Subcommittee:**

- Bill language on Cannabis Research in Higher Education
- Report language on Cannabis Research through NIDA
- Report language on Cannabidiol Research
- Report language on Drug Impairment Standards for Marijuana

- Report language on Protecting Scientific Research on Marijuana
- Report language on Schedule I Drug Research through NIH, FDA, DEA, ONDCP and other agencies
- Report language on Underage and Perinatal Marijuana Use

**Financial Services and General Government Subcommittee:**

- Bill language on Safe Banking
- Report language on Federal Employment Guidelines

**Military Construction/Veterans Affairs Subcommittee:**

- Report language on Cannabis Research through the VA

**Transportation, Housing and Urban Development Subcommittee:**

- Report language on Research on Drug Impaired Driving

**Homeland Subcommittee:**

- Report language Prohibiting Denial of Immigration Benefits Solely Based on Cannabis Use

**Top Priorities in 2022**

**1. Federal Descheduling:**

- o We are getting closer to passing the MORE Act, the most comprehensive cannabis reform bill to be developed and considered by Congress to date, which would remove cannabis from the Controlled Substances Act.

**2. Sentencing reform:**

- o Once cannabis is removed from the Controlled Substances Act, we must expunge cannabis-related convictions and allocate more resources to communities most impacted by the racist War on Drugs. It is also imperative that the Biden administration utilize power available to the executive to pardon and commute sentences for individuals with cannabis-related offenses, while Congress continues to work to enact comprehensive sentencing reform.

**3. Industry Equity:**

- o For states making progress on cannabis reform, we must ensure access to the growing cannabis industry is equitable. In addition to investing in the communities most impacted by the war on drugs, it's crucial that states incentivize equal opportunity to participate in the cannabis industry, especially for people of color.

**4. Cannabis Research:**

- o We are well positioned to dramatically increase the scope and quality of our cannabis research, which will help inform future federal regulation and help us understand the full breadth of cannabis' therapeutic benefits, especially for our veterans and those living with chronic conditions, like epilepsy.

**5. Keeping the federal government from interfering with state-legal cannabis practices:**

- It's important that the federal government not waste resources with any state-legal interference.
- That means redirecting the Department of Justice must not interfere with state-legal businesses before we secure the SAFE Banking Act through the U.S. Senate.

**In Summary**

The House of Representatives has worked to enact cannabis reform, to set the stage for comprehensive reform. We will work with the Senate on a parallel strategy.

The Congressional Cannabis Caucus has brought together a broad coalition of members from across the country, with all their various policies, who all agree: it's time for Congress to finally reform federal cannabis policy.

As we enter another election year, it's more important than ever to seize the moment and heed the calls of the American public. We are poised to take bold action to end the failed war on drugs once and for all.

**Medical States (38 states and D.C.)**

1. Alabama
2. Alaska
3. Arizona
4. Arkansas
5. California
6. Colorado
7. Connecticut
8. Delaware
9. Florida
10. Georgia
11. Hawaii
12. Illinois
13. Iowa
14. Louisiana
15. Maine
16. Maryland
17. Massachusetts
18. Michigan
19. Minnesota
20. Mississippi
21. Missouri
22. Montana

**Adult-Use States (18 states, D.C., Northern Mariana Islands, and Guam)**

1. Alaska
2. Arizona
3. California
4. Colorado
5. Connecticut
6. Illinois
7. Maine
8. Massachusetts
9. Michigan
10. Montana
11. Nevada
12. New Jersey
13. New Mexico
14. New York
15. Oregon
16. Vermont
17. Virginia
18. Washington
19. Washington, D.C.

23. Nevada
24. New Hampshire
25. New Jersey
26. New Mexico
27. New York
28. North Dakota
29. Ohio
30. Oklahoma
31. Oregon
32. Pennsylvania
33. Rhode Island
34. Utah
35. Vermont
36. Virginia
37. Washington
38. West Virginia
39. District of Columbia

20. Northern Mariana Islands
21. Guam