

Congress Keeps Taking Baby Steps on Marijuana Reform

This month, two congressional Republican lawmakers introduced a bill to legalize marijuana at the federal level, as well as to protect banks that service state-legal cannabis businesses and to ensure that military veterans treated by the Veterans' Administration ("VA") are allowed to be treated with medical marijuana in compliance with state law. The "Common Sense Cannabis Reform for Veterans, Small Businesses, and Medical Professionals Act" is sponsored by Reps. David Joyce (R-OH) and Don Young (R-AK).

The legislation *deschedules* cannabis at the federal level, as some prior bills have sought to do, but goes further than that by including legal protections and mandates for federal studies into medical cannabis. Under the proposed bill, marijuana would be removed from the Controlled Substances Act's Schedule I, where it currently resides. Cannabis could then be transported and sold across state lines, although it would still be illegal to transport marijuana into states where it remains unlawful. That is to say, the bill does not nationally legalize cannabis by preempting state law.

Under the proposed legislation, the Food and Drug Administration, and the Treasury Department's Bureau of Alcohol and Tobacco Tax and Trade would be responsible for regulating cannabis nationally. Those agency rules would be "similar to federal rules regulating alcohol," per the text, and would be issued within one (1) year of bill's enactment into law.

"For too long, the federal government's outdated cannabis policies have stood in the way of both individual liberty and a state's 10th Amendment rights," said Rep. Young, co-chair of the Congressional Cannabis Caucus, regarding the bill. "It is long past time that these archaic laws are updated for the 21st Century."

Another provision of the proposed law protects financial institutions who work with state-legal marijuana businesses, allowing them to avoid the current risk of being penalized by the federal government for providing banking and other financial services to such customers. This generally mirrors a standalone bill that cleared the House last month, the SAFE Banking Act.

The bill also specifically provides that military veterans can legally use, possess and transport medical cannabis in compliance with state law. While it is unclear why that provision would even be necessary—since the if the bill passed into law, marijuana would be removed from the Controlled Substances Act schedules for everyone, not just veterans—the provision does add explicit protection for veterans who use medical marijuana in compliance with state law.

"This bill takes significant steps to modernize our laws by removing cannabis from the Controlled Substances Act and allowing the VA to prescribe medical cannabis to veterans, in addition to finally permitting state-legal cannabis businesses to utilize traditional financial services," Young said via a press release regarding the bill. "I call on my colleagues on both sides of the aisle to stand with us in this crucial effort."

One last interesting proposal in the bill is that it authorizes the National Institutes of Health to “conduct or support a study on the effects of medical marijuana on individuals in pain or who are impaired” and issue a report on its findings within one hundred and eighty (180) days of the study’s completion. One of the under-reported aspects of federal marijuana prohibition has been the difficulty in conducting medical or scientific research on marijuana – despite the *lack of such research* being cited as a basis to continue federal prohibition. The Controlled Substances Act’s Schedule I is defined by substances that have a “high potential for abuse,” “no currently accepted medical use in treatment in the United States” and a “lack of accepted safety for use of the drug.” An inability to do research makes it very challenging to establish a currently accepted medical use or any criteria for safe use of a drug.

While ending marijuana prohibition is the key goal for reform advocates, the “Common Sense Cannabis Reform for Veterans, Small Business, and Medical Professionals Act” lacks any provisions promoting social equity or otherwise reinvesting in communities most impacted by cannabis criminalization. Several states, in enacting marijuana reform, have focused heavily on these issues. Senate Majority Leader Chuck Schumer (D-NY), Senate Finance Committee Chairman Ron Wyden (D-OR) and Sen. Cory Booker (D-NJ) have expressed their intent to propose legislation that will contain such components, to be filed this session.

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