

**Advancing Rational Appropriations Efforts In Regards To State-Legal Cannabis Programs
Senate Appropriations Requests—Fiscal Year 2022**

Since 1970, marijuana has been federally criminalized and prohibited as a Schedule 1 substance under the Controlled Substances Act.

Starting with California in 1996, states have chosen to defy federal law by implementing programs to regulate the distribution of cannabis for medical or adult-use purposes. As of March 1st, 2021, some 15 states and Washington, DC have legalized the adult use of marijuana and a total of 36 states -- as well as the District of Columbia -- regulate access to medical cannabis.

Congress first took a step in 2014 to remedy this federal-state conflict by approving an appropriations amendment restricting the Department of Justice from using taxpayers' resources to interfere with state-authorized medical cannabis programs. Since its initial approval, this rider has been included in each subsequent annual spending package.

While Congress continues to prepare to enact further legislative changes to federal marijuana laws, as demonstrated by the House passage of the Marijuana Opportunity, Reinvestment, and Expungement Act in the 116th session, it is absolutely critical that the Senate appropriations package support common-sense actions to provide certainty to those providers operating in these state-legal marijuana marketplaces and to the millions of Americans who rely upon them.

Appropriations Amendments Currently in Effect:

State-Legal Regulatory Medical Cannabis Protections

Currently in effect, Bipartisan

Commerce-Justice-Science

This provision restricts taxpayer funds from being used to prosecute those who regulate, operate, or participate in either the state-sanctioned use or dispensing of medical cannabis. This policy has been validated by the 9th Circuit twice since it went into effect in 2014.¹

Implementation has had no substantive budget implications.

Goal: Maintain or expand these protections

Blocking Implementation of DC Legal Cannabis Regulatory Frameworks

Currently in effect, Partisan

Financial Services-General Government

This provision currently prohibits the full enactment of DC voters to establish a regulated marketplace for adult-use marijuana sales. This lack of regulation of non-medical marijuana has caused DC to lose out on millions of dollars in tax revenue as well as the establishment of hundreds of good jobs in a legal marketplace, while continuing to drive the marijuana market underground.

This amendment was not included in the House versions of the appropriations process in the 116th Congress. Its removal would have no substantive budget implications.

Previous budget requests: the Obama Administration's budget request for FY16 sought the removal of this rider; the Trump Administration supported the rider in budget requests through FY20.

Goal: Removal

¹ <https://www.jdsupra.com/legalnews/ninth-circuit-clarifies-restrictions-on-87879/>

Appropriations Amendments Addressing the Emerging Legal Status of Cannabis:

State-Legal Regulatory Cannabis Protections

Modeled off Bipartisan Legislation

Commerce-Justice-Science

This provision would restrict taxpayer funds from being used to prosecute those who regulate, operate, or participate in the state-sanctioned use and dispensing of cannabis. This language is nearly identical to the existing policy, simply removing the word medical from the current provision.

This amendment has passed in a bipartisan floor vote on two separate occasions in the previous Congress. Implementation would have no substantive budget implications.

Veterans Equal Access Amendment

Modeled off Bipartisan Legislation

MilCon-VA

This provision would restrict the Department of Veterans Affairs from taking disciplinary actions against VA doctors solely for the act of issuing medical cannabis recommendations in a manner that is compliant with their state's laws.

Presently, V.A. doctors in states where cannabis therapy is permitted are forbidden from providing the paperwork necessary to complete a medical cannabis recommendation, thus forcing military veterans to seek the advice of a private, out-of-network physician.

According to nationwide survey data conducted by The American Legion in 2017², 39 percent of respondents affirmed that they “know a veteran” who is using the plant medicinally. Twenty-two percent of respondents said they themselves “use cannabis to treat a mental or physical condition.”

This amendment has been advanced multiple times in both chambers of Congress in previous years. Implementation would have no substantive budget implications.

Fairness in Federal Drug Testing Amendment

Modeled off Bipartisan Legislation

Financial Services-General Government

This provision would direct the Office of Personnel Management to review its policies and guidelines regarding the hiring and firing of individuals who use marijuana in private in states where that individual's private use of marijuana is no longer prohibited under state law.

The emerging body of data and evidence demonstrates that the off-the-job cannabis use is not positively associated with elevated rates of occupational accidents or injuries.³

Implementation would have no substantive budget implications.

The SAFE Banking Amendment

Modeled off Bipartisan Legislation

Financial Services-General Government

This provision would restrict the ability of federal regulators from using taxpayer resources to take enforcement actions against financial institutions who engage in formal relationships with state-licensed marijuana-related businesses.

² <https://www.legion.org/veteranshealthcare/239814/survey-shows-veteran-households-support-research-medical-cannabis>

³ <https://pubmed.ncbi.nlm.nih.gov/33108459/>



This amendment has been advanced multiple times in both chambers of Congress in previous years. Implementation would have no substantive budget implications.

Tribal Marijuana Sovereignty Amendment

Modeled off Bipartisan Legislation

Interior-Environment

This provision would prohibit the federal government from denying benefits to a Native American tribe solely because that tribe engages in marijuana regulation upon tribal lands.

Implementation would have no substantive budget implications.

Protecting Emerging Research Amendment

Bipartisan

Labor-HHS-Education

This provision would prohibit the Department of Education from using taxpayer resources to take enforcement actions against institutions of higher education solely because that institute is conducting or is preparing to conduct research on marijuana.

Implementation would have no substantive budget implications.

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