

March 31, 2020

Memorandum

To: State Lawmakers, Cannabis Regulators, Prosecutors, and Interested Parties

RE: Mitigating The COVID-19 Crisis By Evolving Cannabis Policies

In light of the ongoing effort to promote public and health safety, the National Organization for the Reform of Marijuana Laws (NORML) strongly encourages state and local policymakers to implement the following guidelines to reduce person-to-person interactions and to better protect the health of cannabis patients and consumers, as well as the general public.

Policy Recommendations: Marijuana Criminalization States

Seventeen states still prohibit the legal use of cannabis for medicinal purposes¹ and 39 states prohibit the consumption of the substance by adults². In these jurisdictions, public servants ranging from the frontline police officers to prosecutors to judges to prison guards all continue to be legally required to engage in interactions with members of the public for the sole purpose of enforcing cannabis prohibition -- policies that have been proven to be expensive and ineffective. Because of the unique public health threat that we are now facing, one that is exacerbated by close physical contact among those infected, we are recommending the following policy changes:

- Immediately deprioritize the enforcement of criminal and civil violations specific to nonviolent marijuana-related crimes in order to reduce non-essential interactions between law enforcement and otherwise law-abiding members of the public;
- Immediately withdraw all charges for those currently facing prosecution for nonviolent marijuana-related offenses in order to reduce non-essential interactions between members of the judicial system and otherwise law-abiding members of the public;
- Immediately review and release currently incarcerated individuals who are either in jail or in prison solely for the commission of a nonviolent marijuana-related offense;
- Immediately review and waive all pending probation requirements for individuals who have solely been convicted of a nonviolent marijuana-related crime.

NORML has joined with numerous other public policy and safety organizations in advocating for these policy changes. Together, NORML along with the Law Enforcement Action Partnership, the Last Prisoner Project, Clergy for a New Drug Policy, Doctors for Cannabis Regulation, National Cannabis Industry Association, the Marijuana Policy Project, and Students

¹ <https://norml.org/legal/medical-marijuana-2>

² <https://norml.org/legal/legalization>

for Sensible Drug Policy sent a letter³ to the National District Attorneys Association, the National Governors Association, the National Sheriffs Association, the National Association of Chiefs of Police, the National Fraternal Order of Police, the American Correctional Association, the National Correctional Industries Association, and AFSCME calling for these changes.

Policy Recommendations: Regulated Market States

Both for Medical and Adult-Use Programs

The majority of states now regulate the commercial production and sale of medical marijuana for qualified patients and over 25 percent of the American public live in jurisdictions where the substance is legal for purchase for adult-use by those over the age of 21.

In order to efficiently ensure that these regulated, state-licensed businesses can serve their consumers in a manner that best comports with public health guidance, NORML recommends the following policy guidelines⁴:

Designation of dispensaries and the supply chain as Essential Services

- There are millions of state licensed patients in America who require uninterrupted access for their physician- recommended medicine, many of whom are elderly or are more vulnerable/at higher risk;
- These patients must not be inadvertently directed to the illicit market, where they may be exposed to non-lab tested, tainted or adulterated products that may compromise their health;
- In addition to providing patients with uninterrupted, above-ground, safe access to regulated cannabis products, designating the cannabis industry as an essential service also guarantees that retailers must comply with strict public health requirements and guarantees that employees are eligible for unemployment protections.

Allow for home delivery and curbside pickup

- In order to limit patients from congregating in one place, regulators should amend or expand existing regulations so that licensed facilities can engage in home delivery and/or curbside pickup;
- Both of these policies have already been adopted in various states, including: Colorado, Connecticut, Maryland, Michigan, New Mexico, Oregon, Rhode Island, and Vermont, among others.

Permit and encourage physicians to advise medical cannabis patients via telemedicine

- In order to mitigate time and interpersonal contact between physicians and patients during this outbreak, regulators should amend or expand regulations permitting patients and their physicians to engage in telemedicine for the purpose of medical cannabis authorizations and/or re-authorizations;

³ <https://blog.norml.org/2020/03/26/cease-arrests-and-incarcerations-norml-joins-law-enforcement-advocates-medical-professionals-and-others-on-letter/>

⁴ <https://blog.norml.org/2020/03/25/more-states-taking-action-to-ensure-uninterrupted-retail-access-to-medical-cannabis-during-covid-19-outbreak/>

- This policy has already been adopted in various states including: California, Connecticut, Delaware, Maine, Missouri, Nevada, New Mexico, New Jersey, New York, and Pennsylvania, among others.
- Waive or lower existing recommendation fees;
- Waive or amend existing patient re-authorization requirements.

Aggressively address fraudulent claims of cannabis/CBD “cure all” scams from predatory marketers

- NORML is aware of a growing number of predatory marketers seeking to profit by making unsubstantiated and/or false claims regarding the use of cannabis and/or CBD products as COVID-19 remedies;
- There is as of yet no substantiated clinical data supporting either the prophylactic or therapeutic use of cannabis products in the treatment of COVID-19;
- In the interest of public health and safety, NORML urges regulators to take appropriate actions against marketers who are engaging in the spread of misinformation and are seeking to profit financially from it.

Federal Policy Recommendations

Make Licensed Cannabis Businesses Eligible for Small Business Administration Crisis Relief Funds

- The state-licensed cannabis industry employs more than 240,000 American workers, over four times the number of American workers as does the coal industry;
- Currently, these cannabis businesses are ineligible for economic/crisis relief or access to low-interest loans;
- The exception of businesses that produce or sell hemp and hemp-derived products (Agriculture Improvement Act of 2018, Public Law 115-334), marijuana-related businesses are not eligible for SBA-funded services;”
- By enacting legislation such as The Ensuring Safe Capital Access for All Small Businesses Act, HR 3540⁵, which was introduced by House Small Business Committee Chairwoman Nydia Velazquez, small business owners would be better positioned to weather the crisis and continue to employ their workers and serve their consumers.

Allow State-Legal Business Access To Banking Services

- Currently, the state-legal marijuana economy is prohibited from obtaining bank accounts, forcing consumers and employees to engage in cash-only transactions thus increasing the potential for COVID-19 transmissions;
- By enacting legislation such as The SAFE Banking Act, HR 1595⁶, which has already passed the House of Representative by a bipartisan 321-103 vote, businesses would be able to significantly reduce the amount of interpersonal contacts between patients and employees.

⁵ <https://www.congress.gov/bill/116th-congress/house-bill/3540>

⁶ <https://www.congress.gov/bill/116th-congress/house-bill/1595>