



## **The Medical Cannabis Landscape in 2020**

- Cannabis is classified under Schedule I of the Controlled Substances Act, making it federally illegal to prescribe, dispense, or administer it for medical use. Nevertheless, 33 states, the District of Columbia, and four territories have passed laws to establish comprehensive medical cannabis programs, and 14 additional states have passed laws granting their citizens some type of access to, or protection from arrest for possession of, one or more constituents of cannabis when used for a medical purpose.
- Federal case law maintains that individual federal agencies are free to enforce federal marijuana laws in jurisdictions that have legalized cannabis.
- Language in the FY2020 Commerce, Justice, Science, and Related Agencies (CJS) Appropriations Act bars the Department of Justice from expending funds to prosecute individuals for cannabis offenses when those individuals are acting in compliance with their state's medical cannabis law. These protections expire at the end of the fiscal year and cease to be in effect when the federal government is shut down.
- Cannabis' Schedule I status prevents robust research into its proven and potential medical benefits that would unlock yet more therapeutic benefits for suffering individuals and precludes health insurance reimbursement for the cost of doctor visits relating to medical cannabis or the cost of medical cannabis itself.
- Adding insult to injury, cannabis' Schedule I status makes federal criminals of the millions of patients with debilitating conditions who rely on cannabis to relieve their symptoms and of the hundreds of thousands of people who produce or provide medical cannabis to these patients.

## **What Congress Must Do**

- Deschedule cannabis to unshackle researchers, enable health insurance coverage, and end the threat of federal prosecution.
- If legislation that would deschedule cannabis would also impose a federal tax on it, exempt cannabis, cannabis-containing products, and cannabis-derived products intended for medical use from that tax.
- Failing a change in cannabis' scheduling status, ensure that protective language is retained in the CJS appropriations bill and extend identical protections to all state-legal cannabis activity to shield from harm those who obtain cannabis for the treatment of medical conditions through the adult market, such as those who suffer from illnesses that respond to treatment with cannabis but are not qualifying conditions in their state.



## **Marijuana Opportunity Reinvestment and Expungement Act of 2019 (H.R.3884 / S.2227)**

### Summary

This bill would, among other things, decriminalize and deschedule cannabis, provide for reinvestment in certain persons adversely impacted by the War on Drugs, and provide for expungement of certain cannabis offenses.

### Importance to medical cannabis patients

- Cannabis is currently a Schedule I substance. Therefore, it is federally illegal to prescribe, dispense, or administer cannabis for medical use.
- In addition to hindering robust research, cannabis' scheduling status makes criminals of the millions of patients who rely on cannabis to ease suffering caused by debilitating illness and the hundreds of thousands of individuals who cultivate, process, dispense, or otherwise handle cannabis intended for medical use.
- The descheduling of cannabis would immediately improve patient access and eliminate legal barriers to research.
- Medical cannabis is not currently covered by U.S. health insurance plans, and affordability is a key and ongoing concern for patients. Descheduling cannabis would improve prospects for health insurance companies to cover medical cannabis.

### Request

- In its current form, the bill would exempt from taxation cannabis products that are "prescribed" drugs. Please propose or support an amendment to the bill that would extend tax exemption to cannabis and cannabis products obtained pursuant to a recommendation from a healthcare provider to ensure that medical cannabis patients can obtain tax relief as quickly as possible after enactment.



## **Secure And Fair Enforcement Banking Act of 2019 (H.R.1595 / S.1200)**

### Summary

This bill would, inter alia, create protections for depository institutions that provide financial services to legitimate cannabis-related businesses and service providers for such businesses.

### Importance to medical cannabis patients

- The cost of medical cannabis is a significant barrier for many patients. If the SAFE Act is enacted, it would reduce the cost of operating a medical cannabis business, which almost certainly would result in lower prices for patients and increase access for those in need.
- Normal banking access would allow these businesses to begin accepting credit or debit cards, processing online orders, and providing cashless delivery services, all of which are important for patients with mobility issues or whose chronic condition might make it a challenge to make separate trips to an ATM and a dispensary every time they need to purchase medicine.
- Being able to pay with a credit card would help patients who need to refill their supply of medical cannabis before running out when those patients lack the cash on hand to pay for it.
- Offering protection to financial institutions working with cannabis businesses may move medical cannabis one step closer to being covered by health insurance companies.

### Request

- Please resist efforts in the Senate to deviate from the version passed by the House, especially with regard to any cap on THC levels, which would be arbitrary and unscientific.



## **Veterans Medical Marijuana Safe Harbor Act (H.R.1151 / S.445)**

### Summary

This bill would enable veterans to use, possess, or transport medical marijuana legally and to discuss the use of medical marijuana with a physician of the Department of Veterans Affairs as authorized by a State or Indian Tribe. It would also compel the Secretary of Veterans Affairs to report to Congress on 1) the effects of medical cannabis on veterans in pain and 2) the relationship between veteran access to state-approved medical cannabis programs and a reduction in opioid abuse among veterans.

### Importance to medical cannabis patients

- The United States has been at war for much of the past half-century, including 18.5 years and counting in Afghanistan. Hundreds of thousands of veterans are affected by chronic pain, post-traumatic stress disorder, and/or traumatic brain injuries. Many veterans are put on cocktails of drugs for their injuries, including dangerous and addictive opioids, but such treatment is often inadequate and produces its own intolerable side effects.
- The mental and physical injuries they bear, and the inadequate or inappropriate treatment thereof, impact veterans' quality of life and their ability to transition back to civilian life after their military service. Tragically, more than 60,000 of our veterans have taken their own lives over the past decade.
- For some veterans, cannabis is literally life-saving medicine. It offers relief from their mental and physical pain without the zombifying effects of powerful opioids, thereby enabling them to resume their lives and enjoy spending time with their families.
- Our veterans deserve effective care and the right to discuss medical cannabis with their healthcare providers, including those employed by the Department of Veterans Affairs. Veterans in jurisdictions with medical cannabis programs deserve to be able to make use of them without fear of losing any rights or privileges owed to them in return for their service, including comprehensive medical care at Veterans Health Administration facilities. This legislation would give veterans those options even if there are no changes to the Controlled Substances Act.



## **Removing Marijuana from Deportable Offenses Act (H.R.4390 / S.2021)**

### Summary

This bill would remove offenses involving the use, possession, or distribution of cannabis from the list of crimes that could render an alien inadmissible into the United States or deportable. An alien previously denied a visa for such cannabis-related activities could reapply for a visa, and an alien previously deported for such activities would be readmitted into the United States if not otherwise inadmissible.

### Importance to medical cannabis patients

- Millions of Americans treat debilitating medical conditions and ease their suffering with cannabis produced in accordance with U.S. state laws, but non-citizen residents of and visitors to the United States risk deportation and lifetime entry bans for so much as acknowledging past marijuana use.
- Ill and suffering individuals' citizenship status should not determine whether they can legally obtain cannabis.
- Passage of this bill would expand patient access to cannabis, protect patient rights, and provide an avenue for the redress of past injustice.