



*A Letter on the Developments in State Cannabis Laws and
Bipartisan Cannabis Reforms at the Federal Level Hearing*
November 14, 2022

The Honorable Jamie Raskin

Chairman, Subcommittee on Civil Rights and Civil Liberties
House Committee on Oversight and Reform
U.S. House of Representatives
Washington, DC 20515

Dear Chairman and Members of the Subcommittee on Civil Rights and Civil Liberties,

On behalf of the National Craft Cannabis Coalition (NCCC), we are writing today regarding the Subcommittee hearing scheduled for November 15 titled “Developments in State Cannabis Laws and Bipartisan Cannabis Reforms at the Federal Level,” to request that the committee consider the perspectives of small and independent cannabis businesses in your future deliberations.

The NCCC is a nationwide coalition comprised of cannabis trade associations, advocacy organizations, and cooperatives in seven U.S. states, including New York, Vermont, Maine, Massachusetts, Washington, Oregon, and California, collectively representing over 1,600 small and independent cannabis businesses. While NCCC’s coalition partners represent all sectors of the cannabis supply chain, the significant majority of our members are small, independent, licensed cannabis farmers and producers.

In establishing local regulations for cannabis production, some states have chosen to take a tightly-controlled approach, with a very small number of licenses available to legally cultivate or manufacture cannabis. In other cases, however, states have made an effort to establish more inclusive licensing frameworks that enable hundreds or thousands of independent small and craft producers to obtain licenses and operate within the legal cannabis market. As a result, across the United States, thousands of small cannabis producers have made the transition into legal operation under state-regulated markets.

In many ways, small and independent cannabis producers are no different from craft producers of other artisanal products such as wine, beer, and spirits. In other ways, however - whether due to the specific qualities of the cannabis plant, or the legacy of cannabis prohibition - small cannabis producers are unique. Specifically:

Small cannabis farmers cultivate on scales that are much smaller than traditional agriculture – compared with other agricultural products, the cannabis plant has an unusually high productivity yield per unit of land area, with researchers estimating that 10,000 acres of cannabis cultivation



would be adequate to supply the entirety of U.S. demand for cannabis. At the same time, high-quality craft cannabis cultivation benefits from very small scales of production that enable close personal attention to each plant. As a result, nearly all small state-legal cannabis farms cultivate under an acre of plant canopy on an outdoor farm, and a significant majority cultivate a quarter acre or less - scales which are substantially smaller than in most other forms of U.S. agriculture. Many of these producers are small rural landholders, and a significant number are homestead farmers.

Small cannabis producers are often legacy operators who have been disproportionately impacted by the War on Drugs – in addition to the inherent qualities of the cannabis plant, the legacy of cannabis prohibition has strongly encouraged cannabis producers to historically operate on very small scales. As legacy producers, small and micro-scale cannabis producers have been highly impacted by the War on Drugs, with many being subject to arrests, detentions, raids, and convictions under prohibition at the state, local, and federal level. While state-level legalization of cannabis has led to consolidation of production in some cases, the predominant mode of cannabis production in the United States remains at a very small scale.

Small cannabis producers have unique skill-sets, knowledge, and specialty genetics related to craft cannabis production – collectively, small and legacy cannabis producers hold a substantial and unique body of knowledge concerning the cannabis plant, its cultivation, and its beneficial medicinal effects. In many cases, this knowledge is multi-generational, spanning decades of small-scale production among family members. Additionally, just as certain wine regions specialize in certain specialty varietals of wine, small-scale cannabis producers collectively hold a tremendous diversity of cannabis cultivars with substantial implications for both craft production and medicinal applications.

As representative organizations which have been active in the establishment of cannabis policy in our respective states, we have fought for, and won, many policies which are crucial for small and independent producers to operate successfully within our state-legal cannabis frameworks. At the same time, we have observed trends in some jurisdictions towards the consolidation and monopolization of the cannabis industry, often through forms of regulatory capture that effectively exclude small and independent businesses from participation within legal markets.

Through this experience, we believe that the perspectives of small and independent operators are critical to the process of building a diverse, inclusive, and equitable cannabis industry that provides high-quality products to consumers and medical patients. With this in mind, we are disappointed that this week's Subcommittee hearing



does not include perspectives from any individual or organization that predominantly represents small and independent cannabis businesses.

While a range of perspectives will be represented at the hearing, including representatives for larger cannabis, alcohol, and tobacco businesses, as well as advocates for consumers, veterans, and criminal justice reforms, we believe that small and independent cannabis businesses - with on-the-ground, practical experience operating within state-legal cannabis markets - have a critical voice to add to the conversation.

For the past several months, NCCC has been working in collaboration with Rep. Huffman (D-CA) on the introduction of the SHIP Act (H.R.8825) in the House of Representatives, legislation which would guarantee direct-to-consumer shipping for small cannabis producers conditional upon federal descheduling of cannabis. In other craft agricultural industries, such as America's world-renowned artisanal wine industry, the ability to ship and sell products directly to consumers has been the cornerstone of ensuring market access for small producers.

Policies such as the SHIP Act are an example of the opportunity to establish an inclusive legal cannabis framework from day one of federal legalization. As Congressional policymakers increasingly consider the nuances of a comprehensive cannabis legalization framework, we believe that this type of direct input from small producers will be essential to building a just and equitable foundation for federal cannabis policy.

We thank you for your attention to the critical nexus between civil rights, civil liberties, and cannabis issues, and hope to continue a conversation with you on these topics in the coming months and years.

Sincerely,

Genine Coleman
Executive Director
Origins Council (CA)

Geoffrey Pizzutillo
Executive Director
Vermont Growers Association

Brittany Carbone
Board Member & Sustainability Chair
Cannabis Association of New York

Amanda Metzler
President
F.A.R.M.S. Inc. (OR)

Mark Barnett
Policy Director
Maine Craft Cannabis Association

Micah Sherman
Board Member
Washington Sun & Craft Growers
Association

Eric Schwartz
Founding Member
Farm Bug Co-Op (MA)