

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3884
OFFERED BY MR. NADLER OF NEW YORK**

Strike all that follows after the enacting clause and
insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Marijuana Opportunity
3 Reinvestment and Expungement Act of 2019” or the
4 “MORE Act of 2019”.

5 SEC. 2. FINDINGS.

6 The Congress finds as follows:

7 (1) The communities that have been most
8 harmed by cannabis prohibition are benefiting the
9 least from the legal marijuana marketplace.

10 (2) A legacy of racial and ethnic injustices,
11 compounded by the disproportionate collateral con-
12 sequences of 80 years of cannabis prohibition en-
13 forcement, now limits participation in the industry.

14 (3) 33 States, the District of Columbia, Puerto
15 Rico, and Guam have adopted laws allowing legal ac-
16 cess to cannabis, and 11 States, the District of Co-
17 lumbia, and the Commonwealth of the Northern

1 Mariana Islands have adopted laws legalizing can-
2 nabis for adult recreational use.

3 (4) A total of 47 States have reformed their
4 laws pertaining to cannabis despite the Schedule I
5 status of marijuana and its Federal criminalization.

6 (5) Legal cannabis sales totaled \$9.5 billion in
7 2017 and are projected to reach \$23 billion by 2022.

8 (6) According to the American Civil Liberties
9 Union (ACLU), enforcing cannabis prohibition laws
10 costs taxpayers approximately \$3.6 billion a year.

11 (7) The continued enforcement of cannabis pro-
12 hibition laws results in over 600,000 arrests annu-
13 ally, disproportionately impacting people of color
14 who are almost 4 times more likely to be arrested
15 for cannabis possession than their White counter-
16 parts, despite equal rates of use across populations.

17 (8) People of color have been historically tar-
18 geted by discriminatory sentencing practices result-
19 ing in Black men receiving drug sentences that are
20 13.1 percent longer than sentences imposed for
21 White men and Latinos being nearly 6.5 times more
22 likely to receive a Federal sentence for cannabis pos-
23 session than non-Hispanic Whites.

24 (9) In 2013, simple cannabis possession was the
25 fourth most common cause of deportation for any of-

1 fense and the most common cause of deportation for
2 drug law violations.

3 (10) Fewer than one-fifth of cannabis business
4 owners identify as minorities and only approximately
5 4 percent are black.

6 (11) Applicants for cannabis licenses are lim-
7 ited by numerous laws, regulations, and exorbitant
8 permit applications, licensing fees, and costs in these
9 States, which can require more than \$700,000.

10 (12) Historically disproportionate arrest and
11 conviction rates make it particularly difficult for
12 people of color to enter the legal cannabis market-
13 place, as most States bar these individuals from par-
14 ticipating.

15 (13) Federal law severely limits access to loans
16 and capital for cannabis businesses, disproportion-
17 ately impacting minority small business owners.

18 (14) Some States and municipalities have taken
19 proactive steps to mitigate inequalities in the legal
20 cannabis marketplace and ensure equal participation
21 in the industry.

22 **SEC. 3. DECRIMINALIZATION OF CANNABIS.**

23 (a) CANNABIS REMOVED FROM SCHEDULE OF CON-
24 TROLLED SUBSTANCES.—

1 (1) REMOVAL IN STATUTE.—Subsection (c) of
2 schedule I of section 202(c) of the Controlled Sub-
3 stances Act (21 U.S.C. 812) is amended—

4 (A) by striking “(10) Marihuana.”; and

5 (B) by striking “(17)
6 Tetrahydrocannabinols, except for
7 tetrahydrocannabinols in hemp (as defined in
8 section 297A of the Agricultural Marketing Act
9 of 1946).”.

10 (2) REMOVAL FROM SCHEDULE.—Not later
11 than 180 days after the date of the enactment of
12 this Act, the Attorney General shall finalize a rule-
13 making under section 201(a)(2) removing mari-
14 huana and tetrahydrocannabinols from the schedules
15 of controlled substances. Marihuana and
16 tetrahydrocannabinols shall each be deemed to be a
17 drug or other substance that does not meet the re-
18 quirements for inclusion in any schedule. A rule-
19 making under this paragraph shall be considered to
20 have taken effect as of the date of enactment of this
21 Act for purposes of any offense committed, case
22 pending, conviction entered, and, in the case of a ju-
23 venile, any offense committed, case pending, and ad-
24 judication of juvenile delinquency entered before, on,
25 or after the date of enactment of this Act.

1 (b) CONFORMING AMENDMENTS TO CONTROLLED
2 SUBSTANCES ACT.—The Controlled Substances Act (21
3 U.S.C. 801 et seq.) is amended—

4 (1) in section 102(44) (21 U.S.C. 802(44)), by
5 striking “marihuana,”;

6 (2) in section 401(b) (21 U.S.C. 841(b))—

7 (A) in paragraph (1)—

8 (i) in subparagraph (A)—

9 (I) in clause (vi), by inserting
10 “or” after the semicolon;

11 (II) by striking clause (vii); and

12 (III) by redesignating clause
13 (viii) as clause (vii);

14 (ii) in subparagraph (B)—

15 (I) in clause (vi), by inserting
16 “or” after the semicolon;

17 (II) by striking clause (vii); and

18 (III) by redesignating clause
19 (viii) as clause (vii);

20 (iii) in subparagraph (C), in the first
21 sentence, by striking “subparagraphs (A),
22 (B), and (D)” and inserting “subpara-
23 graphs (A) and (B)”;

24 (iv) by striking subparagraph (D);

- 1 (v) by redesignating subparagraph (E)
2 as subparagraph (D); and
- 3 (vi) in subparagraph (D)(i), as so re-
4 designated, by striking “subparagraphs (C)
5 and (D)” and inserting “subparagraph
6 (C)”;
- 7 (B) by striking paragraph (4); and
- 8 (C) by redesignating paragraphs (5), (6),
9 and (7) as paragraphs (4), (5), and (6), respec-
10 tively;
- 11 (3) in section 402(c)(2)(B) (21 U.S.C.
12 842(c)(2)(B)), by striking “, marihuana,”;
- 13 (4) in section 403(d)(1) (21 U.S.C. 843(d)(1)),
14 by striking “, marihuana,”;
- 15 (5) in section 418(a) (21 U.S.C. 859(a)), by
16 striking the last sentence;
- 17 (6) in section 419(a) (21 U.S.C. 860(a)), by
18 striking the last sentence;
- 19 (7) in section 422(d) (21 U.S.C. 863(d))—
- 20 (A) in the matter preceding paragraph (1),
21 by striking “marijuana,”; and
- 22 (B) in paragraph (5), by striking “, such
23 as a marihuana cigarette,”; and

1 (8) in section 516(d) (21 U.S.C. 886(d)), by
2 striking “section 401(b)(6)” each place the term ap-
3 pears and inserting “section 401(b)(5)”.

4 (c) OTHER CONFORMING AMENDMENTS.—

5 (1) NATIONAL FOREST SYSTEM DRUG CONTROL
6 ACT OF 1986.—The National Forest System Drug
7 Control Act of 1986 (16 U.S.C. 559b et seq.) is
8 amended—

9 (A) in section 15002(a) (16 U.S.C.
10 559b(a)) by striking “marijuana and other”;

11 (B) in section 15003(2) (16 U.S.C.
12 559c(2)) by striking “marijuana and other”;
13 and

14 (C) in section 15004(2) (16 U.S.C.
15 559d(2)) by striking “marijuana and other”.

16 (2) INTERCEPTION OF COMMUNICATIONS.—Sec-
17 tion 2516 of title 18, United States Code, is amend-
18 ed—

19 (A) in subsection (1)(e), by striking “mari-
20 huana,”; and

21 (B) in subsection (2) by striking “mari-
22 huana”.

23 (d) RETROACTIVITY.—The amendments made by this
24 section to the Controlled Substances Act (21 U.S.C. 801
25 et seq.) are retroactive and shall apply to any offense com-

1 mitted, case pending, conviction entered, and, in the case
2 of a juvenile, any offense committed, case pending, or ad-
3 judication of juvenile delinquency entered before, on, or
4 after the date of enactment of this Act.

5 **SEC. 4. DEMOGRAPHIC DATA OF CANNABIS BUSINESS OWN-**
6 **ERS AND EMPLOYEES.**

7 (a) IN GENERAL.—The Bureau of Labor Statistics
8 shall regularly compile, maintain, and make public data
9 on the demographics of—

10 (1) individuals who are business owners in the
11 cannabis industry; and

12 (2) individuals who are employed in the can-
13 nabis industry.

14 (b) DEMOGRAPHIC DATA.—The data collected under
15 subsection (a) shall include data regarding—

16 (1) age;

17 (2) certifications and licenses;

18 (3) disability status;

19 (4) educational attainment;

20 (5) family and marital status;

21 (6) nativity;

22 (7) race and Hispanic ethnicity;

23 (8) school enrollment;

24 (9) veteran status; and

25 (10) sex.

1 (c) CONFIDENTIALITY.—The name, address, and
2 other identifying information of individuals employed in
3 the cannabis industry shall be kept confidential by the Bu-
4 reau and not be made available to the public.

5 (d) DEFINITIONS.—In this section:

6 (1) CANNABIS.—The term “cannabis” means
7 either marijuana or cannabis as defined under the
8 State law authorizing the sale or use of cannabis in
9 which the individual or entity is located.

10 (2) CANNABIS INDUSTRY.—The term “cannabis
11 industry” means an individual or entity that is li-
12 censed or permitted under a State or local law to en-
13 gage in commercial cannabis-related activity.

14 (3) OWNER.—The term “owner” means an in-
15 dividual or entity that is defined as an owner under
16 the State or local law where the individual or busi-
17 ness is licensed or permitted.

18 **SEC. 5. CREATION OF OPPORTUNITY TRUST FUND AND IM-**

19 **POSITION OF TAX ON CANNABIS PRODUCTS.**

20 (a) TRUST FUND.—

21 (1) ESTABLISHMENT.—Subchapter A of chap-
22 ter 98 of the Internal Revenue Code of 1986 is
23 amended by adding at the end the following new sec-
24 tion:

1 **“SEC. 9512. OPPORTUNITY TRUST FUND.**

2 “(a) CREATION OF TRUST FUND.—There is estab-
3 lished in the Treasury of the United States a trust fund
4 to be known as the ‘Opportunity Trust Fund’ (referred
5 to in this section as the ‘Trust Fund’), consisting of such
6 amounts as may be appropriated or credited to such fund
7 as provided in this section or section 9602(b).

8 “(b) TRANSFERS TO TRUST FUND.—There are here-
9 by appropriated to the Trust Fund amounts equivalent to
10 the net revenues received in the Treasury from the tax
11 imposed by section 5701(h).

12 “(c) EXPENDITURES.—Amounts in the Trust Fund
13 shall be available, without further appropriation, only as
14 follows:

15 “(1) 50 percent to the Attorney General to
16 carry out section 3052(a) of part OO of the Omni-
17 bus Crime Control and Safe Streets Act of 1968.

18 “(2) 10 percent to the Attorney General to
19 carry out section 3052(b) of part OO of the Omni-
20 bus Crime Control and Safe Streets Act of 1968.

21 “(3) 20 percent to the Administrator of the
22 Small Business Administration to carry out section
23 6(b)(1) of the Marijuana Opportunity Reinvestment
24 and Expungement Act of 2019.

25 “(4) 20 percent to the Administrator of the
26 Small Business Administration to carry out section

1 6(b)(2) of the Marijuana Opportunity Reinvestment
2 and Expungement Act of 2019.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions for subchapter A of chapter 98 of such Code
5 is amended by adding at the end the following new
6 item:

 “Sec. 9512. Opportunity trust fund.”.

7 (b) IMPOSITION OF TAX.—

8 (1) IN GENERAL.—Section 5701 of the Internal
9 Revenue Code of 1986 is amended by redesignating
10 subsection (h) as subsection (i) and by inserting
11 after subsection (g) the following new subsection:

12 “(h) CANNABIS PRODUCTS.—On cannabis products,
13 manufactured in or imported into the United States, there
14 shall be imposed a tax equal to 5 percent of the price for
15 which sold.”.

16 (2) CANNABIS PRODUCT DEFINED.—Section
17 5702 of such Code is amended by adding at the end
18 the following new subsection:

19 “(q) CANNABIS PRODUCT.—

20 “(1) IN GENERAL.—Except as provided in para-
21 graph (2), the term ‘cannabis product’ means any
22 cannabis or any article which contains cannabis or
23 any derivative thereof.

24 “(2) EXCEPTION.—The term ‘cannabis product’
25 shall not include any medicine or drug that is a pre-

1 scribed drug (as such term is defined in section
2 213(d)(3)).

3 “(3) CANNABIS.—The term ‘cannabis’—

4 “(A) means all parts of the plant *Cannabis*
5 *sativa* L., whether growing or not; the seeds
6 thereof; the resin extracted from any part of
7 such plant; and every compound, manufacture,
8 salt, derivative, mixture, or preparation of such
9 plant, its seeds or resin; and

10 “(B) does not include—

11 “(i) hemp, as defined in section 297A
12 of the Agricultural Marketing Act of 1946;
13 or

14 “(ii) the mature stalks of such plant,
15 fiber produced from such stalks, oil or cake
16 made from the seeds of such plant, any
17 other compound, manufacture, salt, deriva-
18 tive, mixture, or preparation of such ma-
19 ture stalks (except the resin extracted
20 therefrom), fiber, oil, or cake, or the steri-
21 lized seed of such plant which is incapable
22 of germination.”.

23 (3) CANNABIS PRODUCTS TREATED AS TO-
24 BACCO PRODUCTS.—Section 5702(c) of such Code is
25 amended by striking “and roll-your-own tobacco”

1 and inserting “roll-your-own tobacco, and cannabis
2 products”.

3 (4) MANUFACTURER OF CANNABIS PRODUCTS
4 TREATED AS MANUFACTURER OF TOBACCO PROD-
5 UCTS.—Section 5702 of such Code is amended by
6 adding at the end the following new subsection:

7 “(r) MANUFACTURER OF CANNABIS PRODUCTS.—

8 “(1) IN GENERAL.—Any person who plants,
9 cultivates, harvests, produces, manufactures, com-
10 pounds, converts, processes, prepares, or packages
11 any cannabis product shall be treated as a manufac-
12 turer of cannabis products (and as manufacturing
13 such cannabis product).

14 “(2) EXCEPTION.—Paragraph (1) shall not
15 apply with respect to any cannabis product which is
16 for such person’s own personal consumption or use.

17 “(3) APPLICATION OF RULES RELATED TO
18 MANUFACTURERS OF TOBACCO PRODUCTS.—Any
19 reference to a manufacturer of tobacco products, or
20 to manufacturing tobacco products, shall be treated
21 as including a reference to a manufacturer of can-
22 nabis products, or to manufacturing cannabis prod-
23 ucts, respectively.”.

1 (5) APPLICATION OF CERTAIN RULES FOR DE-
2 TERMINING PRICE.—Section 5702(l) of such Code is
3 amended—

4 (A) by striking “section 5701(a)(2)” and
5 inserting “subsections (a)(2) and (h) of section
6 5701”; and

7 (B) by inserting “AND CANNABIS PROD-
8 UCTS” after “CIGARS” in the heading thereof.

9 (6) CONFORMING AMENDMENT.—Section
10 5702(j) of such Code is amended by adding at the
11 end the following new sentence: “In the case of a
12 cannabis product, the previous sentence shall be ap-
13 plied by substituting ‘from a facility of a manufac-
14 turer required to file a bond under section 5711’ for
15 ‘from the factory or from internal revenue bond
16 under section 5704’.”.

17 (c) EFFECTIVE DATE.—

18 (1) IN GENERAL.—Except as otherwise pro-
19 vided in this subsection, the amendments made by
20 this section shall apply to articles manufactured or
21 imported in calendar quarters beginning more than
22 one year after the date of the enactment of this Act.

23 (2) TRUST FUND.—The amendments made by
24 subsection (a) shall take effect on the date of the en-
25 actment of this Act.

1 **SEC. 6. OPPORTUNITY TRUST FUND PROGRAMS.**

2 (a) CANNABIS JUSTICE OFFICE; COMMUNITY REIN-
3 VESTMENT GRANT PROGRAM.—

4 (1) CANNABIS JUSTICE OFFICE.—Part A of
5 title I of the Omnibus Crime Control and Safe
6 Streets Act of 1968 (34 U.S.C. 10101 et seq.) is
7 amended by inserting after section 109 the fol-
8 lowing:

9 **“SEC. 110. CANNABIS JUSTICE OFFICE.**

10 “(a) ESTABLISHMENT.—There is established within
11 the Office of Justice Programs a Cannabis Justice Office.

12 “(b) DIRECTOR.—The Cannabis Justice Office shall
13 be headed by a Director who shall be appointed by the
14 Assistant Attorney General for the Office of Justice Pro-
15 grams. The Director shall report to the Assistant Attorney
16 General for the Office of Justice Programs. The Director
17 shall award grants and may enter into compacts, coopera-
18 tive agreements, and contracts on behalf of the Cannabis
19 Justice Office. The Director may not engage in any em-
20 ployment other than that of serving as the Director, nor
21 may the Director hold any office in, or act in any capacity
22 for, any organization, agency, or institution with which the
23 Office makes any contract or other arrangement.

24 “(c) EMPLOYEES.—

25 “(1) IN GENERAL.—The Director shall employ
26 as many full-time employees as are needed to carry

1 out the duties and functions of the Cannabis Justice
2 Office under subsection (d). Such employees shall be
3 exclusively assigned to the Cannabis Justice Office.

4 “(2) INITIAL HIRES.—Not later than 6 months
5 after the date of enactment of this section, the Di-
6 rector shall—

7 “(A) hire no less than one-third of the
8 total number of employees of the Cannabis Jus-
9 tice Office; and

10 “(B) no more than one-half of the employ-
11 ees assigned to the Cannabis Justice Office by
12 term appointment that may after 2 years be
13 converted to career appointment.

14 “(3) LEGAL COUNSEL.—At least one employee
15 hired for the Cannabis Justice Office shall serve as
16 legal counsel to the Director and shall provide coun-
17 sel to the Cannabis Justice Office.

18 “(d) DUTIES AND FUNCTIONS.—The Cannabis Jus-
19 tice Office is authorized to—

20 “(1) administer the Community Reinvestment
21 Grant Program; and

22 “(2) perform such other functions as the Assist-
23 ant Attorney General for the Office of Justice Pro-
24 grams may delegate, that are consistent with the
25 statutory obligations of this section.”.

1 (2) COMMUNITY REINVESTMENT GRANT PRO-
2 GRAM.—Title I of the Omnibus Crime Control and
3 Safe Streets Act of 1968 (34 U.S.C. et seq.) is
4 amended by adding at the end the following:

5 **“PART OO—COMMUNITY REINVESTMENT GRANT**
6 **PROGRAM**

7 **“SEC. 3052. AUTHORIZATION.**

8 “(a) IN GENERAL.—The Director of the Cannabis
9 Justice Office shall establish and carry out a grant pro-
10 gram, known as the ‘Community Reinvestment Grant Pro-
11 gram’, to provide eligible entities with funds to administer
12 services for individuals most adversely impacted by the
13 War on Drugs, including—

14 “(1) job training;

15 “(2) reentry services;

16 “(3) legal aid for civil and criminal cases, in-
17 cluding expungement of cannabis convictions;

18 “(4) literacy programs;

19 “(5) youth recreation or mentoring programs;

20 and

21 “(6) health education programs.

22 “(b) SUBSTANCE USE TREATMENT SERVICES.—The
23 Community Reinvestment Grant Program established in
24 subsection (a) shall provide eligible entities with funds to

1 administer substance use treatment services for individ-
2 uals most adversely impacted by the War on Drugs.

3 **“SEC. 3053. FUNDING FROM OPPORTUNITY TRUST FUND.**

4 “The Director shall carry out the program under this
5 part using funds made available under section 9512(e)(1)
6 and (2) of the Internal Revenue Code.

7 **“SEC. 3054. DEFINITIONS.**

8 “In this part:

9 “(1) The term ‘cannabis conviction’ means a
10 conviction, or adjudication of juvenile delinquency,
11 for a cannabis offense (as such term is defined in
12 section 13 of the Marijuana Opportunity Reinvest-
13 ment and Expungement Act of 2019).

14 “(2) The term ‘substance use treatment’ means
15 an evidence-based, professionally directed, deliberate,
16 and planned regimen including evaluation, observa-
17 tion, medical monitoring, harm reduction, and reha-
18 bilitative services and interventions such as
19 pharmacotherapy, mental health services, and indi-
20 vidual and group counseling, on an inpatient or out-
21 patient basis, to help patients with substance use
22 disorder reach remission and maintain recovery.

23 “(3) The term ‘eligible entity’ means a non-
24 profit organization, as defined in section 501(c)(3)
25 of the Internal Revenue Code, that is representative

1 of a community or a significant segment of a com-
2 munity with experience in providing relevant services
3 to individuals most adversely impacted by the War
4 on Drugs in that community.

5 “(4) The term ‘individuals most adversely im-
6 pacted by the War on Drugs’ has the meaning given
7 that term in section 6 of the Marijuana Opportunity
8 Reinvestment and Expungement Act of 2019.”.

9 (b) CANNABIS OPPORTUNITY PROGRAM; EQUITABLE
10 LICENSING GRANT PROGRAM.—

11 (1) CANNABIS OPPORTUNITY PROGRAM.—The
12 Administrator of the Small Business Administration
13 shall establish and carry out a program, to be known
14 as the “Cannabis Opportunity Program” to provide
15 any eligible State or locality funds to make loans
16 under section 7(m) of the Small Business Act (15
17 U.S.C. 363(m)) to assist small business concerns
18 owned and controlled by socially and economically
19 disadvantaged individuals, as defined in section
20 8(d)(3)(C) of the Small Business Act (15 U.S.C.
21 637(d)(3)(C)) that operate in the cannabis industry.

22 (2) EQUITABLE LICENSING GRANT PROGRAM.—
23 The Administrator of the Small Business Adminis-
24 tration shall establish and carry out a grant pro-
25 gram, to be known as the “Equitable Licensing

1 Grant Program”, to provide any eligible State of lo-
2 cality funds to develop and implement equitable can-
3 nabis licensing programs that minimize barriers to
4 cannabis licensing and employment for individuals
5 most adversely impacted by the War on Drugs, pro-
6 vided that each grantee includes in its cannabis li-
7 censing program at least four of the following:

8 (A) A waiver of cannabis license applica-
9 tion fees for individuals who have had an in-
10 come below 250 percent of the Federal Poverty
11 Level for at least 5 of the past 10 years who
12 are first-time applicants.

13 (B) A prohibition on the denial of a can-
14 nabis license based on a conviction for a can-
15 nabis offense that took place prior to State le-
16 galization of cannabis or the date of enactment
17 of this Act, as appropriate.

18 (C) A prohibition on criminal conviction re-
19 strictions for licensing except with respect to a
20 conviction related to owning and operating a
21 business.

22 (D) A prohibition on cannabis license hold-
23 ers engaging in suspicionless cannabis drug
24 testing of their prospective or current employ-
25 ees, except with respect to drug testing for safe-

1 ty-sensitive positions, as defined under the Om-
2 nibus Transportation Testing Act of 1991.

3 (E) The establishment of a cannabis li-
4 censing board that is reflective of the racial,
5 ethnic, economic, and gender composition of the
6 State or locality, to serve as an oversight body
7 of the equitable licensing program.

8 (3) DEFINITIONS.—In this subsection:

9 (A) The term “individual most adversely
10 impacted by the War on Drugs” means an indi-
11 vidual—

12 (i) who has had an income below 250
13 percent of the Federal Poverty Level for at
14 least 5 of the past 10 years; and

15 (ii) has been arrested for or convicted
16 of the sale, possession, use, manufacture,
17 or cultivation of cannabis or a controlled
18 substance (except for a conviction involving
19 distribution to a minor), or whose parent,
20 sibling, spouse, or child has been arrested
21 for or convicted of such an offense.

22 (B) The term “eligible State or locality”
23 means a State or locality that has taken steps
24 to—

1 (i) create an automatic process, at no
2 cost to the individual, for the
3 expungement, destruction, or sealing of
4 criminal records for cannabis offenses; and

5 (ii) eliminate violations or other pen-
6 alties for persons under parole, probation,
7 pre-trial, or other State or local criminal
8 supervision for a cannabis offense.

9 (C) The term “State” means each of the
10 several States, the District of Columbia, Puerto
11 Rico, any territory or possession of the United
12 States, and any Indian Tribe (as defined in sec-
13 tion 201 of Public Law 90–294 (25 U.S.C.
14 1301) (commonly known as the “Indian Civil
15 Rights Act of 1968”).

16 **SEC. 7. AVAILABILITY OF SMALL BUSINESS ADMINISTRA-**
17 **TION PROGRAMS AND SERVICES TO CAN-**
18 **NABIS-RELATED LEGITIMATE BUSINESSES**
19 **AND SERVICE PROVIDERS.**

20 (a) DEFINITIONS RELATING TO CANNABIS-RELATED
21 LEGITIMATE BUSINESSES AND SERVICE PROVIDERS.—
22 Section 3 of the Small Business Act (15 U.S.C. 632) is
23 amended by adding at the end the following new sub-
24 section:

1 “(ff) CANNABIS-RELATED LEGITIMATE BUSINESSES
2 AND SERVICE PROVIDERS.—In this Act:

3 “(1) CANNABIS.—The term ‘cannabis’—

4 “(A) means all parts of the plant *Cannabis*
5 *sativa* L., whether growing or not; the seeds
6 thereof; the resin extracted from any part of
7 such plant; and every compound, manufacture,
8 salt, derivative, mixture, or preparation of such
9 plant, its seeds or resin; and

10 “(B) does not include—

11 “(i) hemp, as defined in section 297A
12 of the Agricultural Marketing Act of 1946;
13 or

14 “(ii) the mature stalks of such plant,
15 fiber produced from such stalks, oil or cake
16 made from the seeds of such plant, any
17 other compound, manufacture, salt, deriva-
18 tive, mixture, or preparation of such ma-
19 ture stalks (except the resin extracted
20 therefrom), fiber, oil, or cake, or the steri-
21 lized seed of such plant which is incapable
22 of germination.

23 “(2) CANNABIS-RELATED LEGITIMATE BUSI-
24 NESS.—The term ‘cannabis-related legitimate busi-
25 ness’ means a manufacturer, producer, or any per-

1 son or company that is a small business concern and
2 that—

3 “(A) engages in any activity described in
4 subparagraph (B) pursuant to a law established
5 by a State or a political subdivision of a State,
6 as determined by such State or political sub-di-
7 vision; and

8 “(B) participates in any business or orga-
9 nized activity that involves handling cannabis or
10 cannabis products, including cultivating, pro-
11 ducing, manufacturing, selling, transporting,
12 displaying, dispensing, distributing, or pur-
13 chasing cannabis or cannabis products.

14 “(3) SERVICE PROVIDER.—The term ‘service
15 provider’—

16 “(A) means a business, organization, or
17 other person that—

18 “(i) sells goods or services to a can-
19 nabis-related legitimate business; or

20 “(ii) provides any business services,
21 including the sale or lease of real or any
22 other property, legal or other licensed serv-
23 ices, or any other ancillary service, relating
24 to cannabis; and

1 “(B) does not include a business, organiza-
2 tion, or other person that participates in any
3 business or organized activity that involves han-
4 dling cannabis or cannabis products, including
5 cultivating, producing, manufacturing, selling,
6 transporting, displaying, dispensing, distrib-
7 uting, or purchasing cannabis or cannabis prod-
8 ucts.”.

9 (b) SMALL BUSINESS DEVELOPMENT CENTERS.—
10 Section 21(c) of the Small Business Act (15 U.S.C.
11 648(c)) is amended by adding at the end the following new
12 paragraph:

13 “(9) SERVICES FOR CANNABIS-RELATED LE-
14 GITIMATE BUSINESSES AND SERVICE PROVIDERS.—
15 A small business development center may not decline
16 to provide services to an otherwise eligible small
17 business concern under this section solely because
18 such concern is a cannabis-related legitimate busi-
19 ness or service provider.”.

20 (c) WOMEN’S BUSINESS CENTERS.—Section 29 of
21 the Small Business Act (15 U.S.C. 656) is amended by
22 adding at the end the following new subsection:

23 “(p) SERVICES FOR CANNABIS-RELATED LEGITI-
24 MATE BUSINESSES AND SERVICE PROVIDERS.—A wom-
25 en’s business center may not decline to provide services

1 to an otherwise eligible small business concern under this
2 section solely because such concern is a cannabis-related
3 legitimate business or service provider.”.

4 (d) SCORE.—Section 8(b)(1)(B) of the Small Busi-
5 ness Act (15 U.S.C. 637(b)(1)(B)) is amended by adding
6 at the end the following new sentence: “The head of the
7 SCORE program established under this subparagraph
8 may not decline to provide services to an otherwise eligible
9 small business concern solely because such concern is a
10 cannabis-related legitimate business or service provider.”.

11 (e) VETERAN BUSINESS OUTREACH CENTERS.—Sec-
12 tion 32 of the Small Business Act (15 U.S.C. 657b) is
13 amended by adding at the end the following new sub-
14 section:

15 “(h) SERVICES FOR CANNABIS-RELATED LEGITI-
16 MATE BUSINESSES AND SERVICE PROVIDERS.—A Vet-
17 eran Business Outreach Center may not decline to provide
18 services to an otherwise eligible small business concern
19 under this section solely because such concern is a can-
20 nabis-related legitimate business or service provider.”.

21 (f) 7(a) LOANS.—Section 7(a) of the Small Business
22 Act (15 U.S.C. 636(a)) is amended by adding at the end
23 the following new paragraph:

24 “(36) LOANS TO CANNABIS-RELATED LEGITI-
25 MATE BUSINESSES AND SERVICE PROVIDERS.—The

1 Administrator may not decline to provide a guar-
2 antee for a loan under this subsection to an other-
3 wise eligible small business concern solely because
4 such concern is a cannabis-related legitimate busi-
5 ness or service provider.”.

6 (g) DISASTER LOANS.—Section 7(b) of the Small
7 Business Act (15 U.S.C. 636(b)) is amended by inserting
8 after paragraph (15) the following new paragraph:

9 “(16) ASSISTANCE TO CANNABIS-RELATED LE-
10 GITIMATE BUSINESSES AND SERVICE PROVIDERS.—
11 The Administrator may not decline to provide assist-
12 ance under this subsection to an otherwise eligible
13 borrower solely because such borrower is a cannabis-
14 related legitimate business or service provider.”.

15 (h) MICROLOANS.—Section 7(m) of the Small Busi-
16 ness Act (15 U.S.C. 636(m)) is amended by adding at the
17 end the following new paragraph:

18 “(14) ASSISTANCE TO CANNABIS-RELATED LE-
19 GITIMATE BUSINESSES AND SERVICE PROVIDERS.—
20 An eligible intermediary may not decline to provide
21 assistance under this subsection to an otherwise eli-
22 gible borrower solely because such borrower is a can-
23 nabis-related legitimate business or service pro-
24 vider.”.

1 (i) STATE OR LOCAL DEVELOPMENT COMPANY
2 LOANS.—Title V of the Small Business Investment Act
3 of 1958 (15 U.S.C. 695 et seq.) is amended by adding
4 at the end the following new section:

5 **“SEC. 511. LOANS TO CANNABIS-RELATED LEGITIMATE**
6 **BUSINESSES AND SERVICE PROVIDERS.**

7 “The Administrator may not decline to provide a
8 guarantee for a loan under this title to an otherwise eligi-
9 ble State or local development company solely because
10 such State or local development company provides financ-
11 ing to an entity that is a cannabis-related legitimate busi-
12 ness or service provider (as defined in section 3(ff) of the
13 Small Business Act).”.

14 **SEC. 8. NO DISCRIMINATION IN THE PROVISION OF A FED-**
15 **ERAL PUBLIC BENEFIT ON THE BASIS OF**
16 **CANNABIS.**

17 (a) IN GENERAL.—No person may be denied any
18 Federal public benefit (as such term is defined in section
19 401(c) of the Personal Responsibility and Work Oppor-
20 tunity Reconciliation Act of 1996 (8 U.S.C. 1611(e))) on
21 the basis of any use or possession of cannabis, or on the
22 basis of a conviction or adjudication of juvenile delin-
23 quency for a cannabis offense, by that person.

24 (b) SECURITY CLEARANCES.—Federal agencies may
25 not use past or present cannabis or marijuana use as cri-

1 teria for granting, denying, or rescinding a security clear-
2 ance.

3 **SEC. 9. NO ADVERSE EFFECT FOR PURPOSES OF THE IMMI-
4 GRATION LAWS.**

5 (a) IN GENERAL.—For purposes of the immigration
6 laws (as such term is defined in section 101 of the Immi-
7 gration and Nationality Act), cannabis may not be consid-
8 ered a controlled substance, and an alien may not be de-
9 nied any benefit or protection under the immigration laws
10 based on any event, including conduct, a finding, an ad-
11 mission, addiction or abuse, an arrest, a juvenile adjudica-
12 tion, or a conviction, relating to cannabis, regardless of
13 whether the event occurred before, on, or after the effec-
14 tive date of this Act.

15 (b) CANNABIS DEFINED.—The term “cannabis”—

16 (1) means all parts of the plant *Cannabis sativa*
17 L., whether growing or not; the seeds thereof; the
18 resin extracted from any part of such plant; and
19 every compound, manufacture, salt, derivative, mix-
20 ture, or preparation of such plant, its seeds or resin;
21 and

22 (2) does not include—

23 (A) hemp, as defined in section 297A of
24 the Agricultural Marketing Act of 1946; or

1 (B) the mature stalks of such plant, fiber
2 produced from such stalks, oil or cake made
3 from the seeds of such plant, any other com-
4 pound, manufacture, salt, derivative, mixture,
5 or preparation of such mature stalks (except
6 the resin extracted therefrom), fiber, oil, or
7 cake, or the sterilized seed of such plant which
8 is incapable of germination.

9 (c) CONFORMING AMENDMENTS TO IMMIGRATION
10 AND NATIONALITY ACT.—The Immigration and Nation-
11 ality Act (8 U.S.C. 1101 et seq.) is amended—

12 (1) in section 212(h), by striking “and subpara-
13 graph (A)(i)(II) of such subsection insofar as it re-
14 lates to a single offense of simple possession of 30
15 grams or less of marijuana”;

16 (2) in section 237(a)(2)(B)(i), by striking
17 “other than a single offense involving possession for
18 one’s own use of 30 grams or less of marijuana”;

19 (3) in section 101(f)(3), by striking “(except as
20 such paragraph relates to a single offense of simple
21 possession of 30 grams or less of marihuana)”;

22 (4) in section 244(c)(2)(A)(iii)(II) by striking
23 “except for so much of such paragraph as relates to
24 a single offense of simple possession of 30 grams or
25 less of marijuana”;

1 (5) in section 245(h)(2)(B) by striking “(except
2 for so much of such paragraph as related to a single
3 offense of simple possession of 30 grams or less of
4 marijuana)”;

5 (6) in section 210(c)(2)(B)(ii)(III) by striking
6 “, except for so much of such paragraph as relates
7 to a single offense of simple possession of 30 grams
8 or less of marihuana”; and

9 (7) in section 245A(d)(2)(B)(ii)(II) by striking
10 “, except for so much of such paragraph as relates
11 to a single offense of simple possession of 30 grams
12 or less of marihuana”.

13 **SEC. 10. RESENTENCING AND EXPUNGEMENT.**

14 (a) **EXPUNGEMENT OF FEDERAL CANNABIS OF-**
15 **FENSE CONVICTIONS FOR INDIVIDUALS NOT UNDER A**
16 **CRIMINAL JUSTICE SENTENCE.—**

17 (1) **IN GENERAL.—**Not later than 1 year after
18 the date of the enactment of this Act, each Federal
19 district shall conduct a comprehensive review and
20 issue an order expunging each conviction or adju-
21 dication of juvenile delinquency for a Federal can-
22 nabis offense entered by each Federal court in the
23 district before the date of enactment of this Act and
24 on or after May 1, 1971. Each Federal court shall
25 also issue an order expunging any arrests associated

1 with each expunged conviction or adjudication of ju-
2 venile delinquency.

3 (2) NOTIFICATION.—To the extent practicable,
4 each Federal district shall notify each individual
5 whose arrest, conviction, or adjudication of delin-
6 quency has been expunged pursuant to this sub-
7 section that their arrest, conviction, or adjudication
8 of juvenile delinquency has been expunged, and the
9 effect of such expungement.

10 (3) RIGHT TO PETITION COURT FOR
11 EXPUNGEMENT.—At any point after the date of en-
12 actment of this Act, any individual with a prior con-
13 viction or adjudication of juvenile delinquency for a
14 Federal cannabis offense, who is not under a crimi-
15 nal justice sentence, may file a motion for
16 expungement. If the expungement of such a convic-
17 tion or adjudication of juvenile delinquency is re-
18 quired pursuant to this Act, the court shall expunge
19 the conviction or adjudication, and any associated
20 arrests. If the individual is indigent, counsel shall be
21 appointed to represent the individual in any pro-
22 ceedings under this subsection.

23 (4) SEALED RECORD.—The court shall seal all
24 records related to a conviction or adjudication of ju-
25 venile delinquency that has been expunged under

1 this subsection. Such records may only be made
2 available by further order of the court.

3 (b) SENTENCING REVIEW FOR INDIVIDUALS UNDER
4 A CRIMINAL JUSTICE SENTENCE.—

5 (1) IN GENERAL.—For any individual who is
6 under a criminal justice sentence for a Federal can-
7 nabis offense, the court that imposed the sentence
8 shall, on motion of the individual, the Director of
9 the Bureau of Prisons, the attorney for the Govern-
10 ment, or the court, conduct a sentencing review
11 hearing. If the individual is indigent, counsel shall
12 be appointed to represent the individual in any sen-
13 tencing review proceedings under this subsection.

14 (2) POTENTIAL REDUCED RESENTENCING.—
15 After a sentencing hearing under paragraph (1), a
16 court shall—

17 (A) expunge each conviction or adjudica-
18 tion of juvenile delinquency for a Federal can-
19 nabis offense entered by the court before the
20 date of enactment of this Act, and any associ-
21 ated arrest;

22 (B) vacate the existing sentence or disposi-
23 tion of juvenile delinquency and, if applicable,
24 impose any remaining sentence or disposition of
25 juvenile delinquency on the individual as if this

1 Act, and the amendments made by this Act,
2 were in effect at the time the offense was com-
3 mitted; and

4 (C) order that all records related to a con-
5 viction or adjudication of juvenile delinquency
6 that has been expunged or a sentence or dis-
7 position of juvenile delinquency that has been
8 vacated under this Act be sealed and only be
9 made available by further order of the court.

10 (c) EFFECT OF EXPUNGEMENT.—An individual who
11 has had an arrest, a conviction, or juvenile delinquency
12 adjudication expunged under this section—

13 (1) may treat the arrest, conviction, or adju-
14 dication as if it never occurred; and

15 (2) shall be immune from any civil or criminal
16 penalties related to perjury, false swearing, or false
17 statements, for a failure to disclose such arrest, con-
18 viction, or adjudication.

19 (d) DEFINITIONS.—In this section:

20 (1) The term “Federal cannabis offense” means
21 an offense that is no longer punishable pursuant to
22 this Act or the amendments made under this Act.

23 (2) The term “expunge” means, with respect to
24 an arrest, a conviction, or a juvenile delinquency ad-
25 judication, the removal of the record of such arrest,

1 conviction, or adjudication from each official index
2 or public record.

3 (3) The term “under a criminal justice sen-
4 tence” means, with respect to an individual, that the
5 individual is serving a term of probation, parole, su-
6 pervised release, imprisonment, official detention,
7 pre-release custody, or work release, pursuant to a
8 sentence or disposition of juvenile delinquency im-
9 posed on or after the effective date of the Controlled
10 Substances Act (May 1, 1971).

11 **SEC. 11. REFERENCES IN EXISTING LAW TO MARIJUANA OR**
12 **MARIHUANA.**

13 Wherever, in the statutes of the United States or in
14 the rulings, regulations, or interpretations of various ad-
15 ministrative bureaus and agencies of the United States—

16 (1) there appears or may appear the term
17 “marihuana” or “marijuana”, that term shall be
18 struck and the term “cannabis” shall be inserted;
19 and

20 (2) there appears or may appear the term
21 “Marihuana” or “Marijuana”, that term shall be
22 struck and the term “Cannabis” shall be inserted.

23 **SEC. 12. SEVERABILITY.**

24 If any provision of this Act or an amendment made
25 by this Act, or any application of such provision to any

1 person or circumstance, is held to be unconstitutional, the
2 remainder of this Act, the amendments made by this Act,
3 and the application of this Act and the amendments made
4 by this Act to any other person or circumstance shall not
5 be affected.

6 **SEC. 13. CANNABIS OFFENSE DEFINED.**

7 For purposes of this Act, the term “cannabis offense”
8 means a criminal offense related to cannabis—

9 (1) that, under Federal law, is no longer pun-
10 ishable pursuant to this Act or the amendments
11 made under this Act; or

12 (2) that, under State law, is no longer an of-
13 fense or that was designated a lesser offense or for
14 which the penalty was reduced under State law pur-
15 suant to or following the adoption of a State law au-
16 thORIZING the sale or use of cannabis.

17 **SEC. 14. RULEMAKING.**

18 Unless otherwise provided in this Act, not later than
19 1 year after the date of enactment of this Act, the Depart-
20 ment of the Treasury, the Department of Justice, and the
21 Small Business Administration shall issue or amend any
22 rules, standard operating procedures, and other legal or
23 policy guidance necessary to carry out implementation of
24 this Act. After the 1-year period, any publicly issued sub-
25 regulatory guidance, including any compliance guides,

1 manuals, advisories and notices, may not be issued with-
2 out 60-day notice to appropriate congressional commit-
3 tees. Notice shall include a description and justification
4 for additional guidance.

