

LAW, JUSTICE, AND ETHICS

Resolution LJE-20-10

A RESOLUTION ON MOVING CANNABIS POLICY INTO THE 21ST CENTURY

WHEREAS, 33 states, 4 United States territories, and the District of Columbia have authorized the use of medical cannabis; 22 states, the United States Virgin Islands, and the District of Columbia have decriminalized cannabis;

WHEREAS, eleven states, the Northern Mariana Islands, the District of Columbia, and 3 Native American tribes have legalized adult use of cannabis;

WHEREAS, over 650 thousand Americans were arrested for a marijuana law violation in 2017, 90% of whom were arrested for possession only;

WHEREAS, people who are Black or Latino make up nearly 47% of those arrested for drug law violations despite accounting for only 31.5% of the U.S. population;

WHEREAS, people of color encounter various social and economic disparities when attempting to enter the cannabis industry, such as acquiring access to loans and capital;

WHEREAS, in the enactment of legislation allowing for the use of cannabis for medicinal or recreational purposes, states have provided for the regulation and taxation of the use of cannabis;

WHEREAS, Schedule I is defined in the United States Code as drugs or other substances which have a high potential for abuse, have no currently accepted medical use, and lack the ability to be safely used under medical supervision;

WHEREAS, cannabis remains a Schedule I Controlled Substance under the federal Controlled Substances Act, classifying it among the most dangerous drugs;

WHEREAS, cannabis being listed as a Schedule I Controlled Substance adds numerous barriers to studying cannabis and funding research for cannabis, which without the necessary data, makes it more difficult to make the correct policy decisions;

WHEREAS, the entirety of health benefits associated with marijuana remain uncertain since marijuana and its derivatives cannot be legally studied by research institutions if it remains a Schedule I drug;

WHEREAS, simply moving marijuana to a less restrictive schedule would not protect existing state medical marijuana programs or change federal penalties, nor would it prevent people from being arrested and punished for using marijuana;

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WHEREAS, the continued classification of cannabis under the federal Controlled Substances Act impairs the ability of medical cannabis dispensaries and other cannabis-related businesses to operate without the prospect of federal seizures, forfeitures, arrests, and other enforcement and prosecutorial actions in states that have legalized such use;

WHEREAS, this creates a problem for cannabis-related businesses that are legally operating pursuant to state law and makes it more difficult for consumers or businesses who are authorized to grow, sell, or purchase cannabis products under state law;

WHEREAS, many financial institutions have been unable to do business with cannabis-related businesses because of existing federal law and policies;

WHEREAS, many cannabis-related businesses rely upon cash transactions, which increases the risk of various crimes and impairs the ability of states to collect taxes;

WHEREAS, in the interest of promoting efficient business practices, financial institutions should be confident in serving businesses legally operating under state law so long as safety and soundness requirements are met;

WHEREAS, legislation has been introduced in congress to provide specific regulatory protection and immunity from federal prosecution for depository institutions providing financial services to cannabis-related businesses acting under applicable state law; and

WHEREAS, maintaining a business relationship with financial institutions will allow for greater access to loans, as well as debit and credit transactions for businesses serving the cannabis industry, their employees, and for consumers purchasing cannabis legally under state law.

THEREFORE, BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) believe that Congress should enact legislation removing cannabis from the federal Controlled Substances Act and to amend federal law to remove the threat of federal prosecution and regulatory protections for financial institutions that legally provide services to cannabis-related businesses, licensees, and consumers pursuant to applicable state law;

BE IT FURTHER RESOLVED, that the NBCSL believes that the federal government should begin studying the enactment of these laws and their effects on our states and communities, so we can improve on the actions already taking place in our states, and improve the laws and regulations in our states, as well as to better understand cannabis and all its effects; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials and agencies as appropriate.

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SPONSOR(S): Representative Dar'shun Kendrick (GA) and Senator Steven Bradford (CA)

Committee of Jurisdiction: Law, Justice, and Ethics Policy Committee

Certified by Committee Co-Chair: Representative Reginald Meeks (KY)

Ratified in Plenary Session: Ratification Date is December 6, 2019

Ratification is certified by: Representative Gilda Cobb-Hunter (SC), President