MORE OR LESS, UNLESS MORE IS MORE…THE MORE ACT, THAT IS

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By: Colin M. Roopnarine

Now that the dust has settled and the smoke has cleared, let's take a look at December 5, 2020, - a day on which the first domino fell that many hope will lead to many more falling dominoes and the eventual legalization of marijuana in the United States. On July 23, 2019 Rep. Jerrold Nadler introduced House Bill 3884 (the companion, Senate Bill 2227, was introduced on that same day by then Sen. and now by projected Vice-President-elect Kamala Harris) – The MORE Act.

In that historic vote on December 5, 2020, the MORE Act passed the House. Under the Act, marijuana is decriminalized and will be removed from Schedule I drugs (other Schedule I drugs include heroin, LSD, mescaline, GHB, etc.) under the Controlled Substances Act. On a more practical level, it also eliminates criminal penalties for individuals who produce, process, distribute, or possess marijuana. It is a comprehensive bill that imposes a 5% tax on cannabis products to be deposited in a trust fund to support programs and services for persons and businesses who may have been impacted by the decade's long war on drugs. It makes Small Business Administration loans available to legitimate cannabis-related businesses or service providers, prohibits the denial of federal public benefits based on certain cannabis-related conduct or convictions, and prohibits the denial of benefits and protections under immigration laws based on cannabis-related conduct or a conviction. It even goes so far as to establish a process to expunge convictions and conduct sentencing review hearings related to federal cannabis offenses. It also importantly directs the Government Accountability Office to study the societal impact of cannabis legalization.

It is a wide-ranging Bill that makes very sweeping modifications in the federal cannabis laws. While many are enthusiastic, it must be tempered with the sobering reality that the Act may not pass the Senate, which has been traditionally and historically opposed to removing the Schedule I designation from marijuana. In addition, one has to question the impact this could have, if passed, on "legitimate cannabis businesses" operating in states that have already either decriminalized marijuana or permit medical cannabis production, processing and distribution. Surely the effect will be felt by the medical cannabis businesses that have invested a great deal of effort, time and money and are reaping tremendous benefits, as are the many hundreds of thousands of patients who have eschewed their opioids in favor of medical cannabis. Will the recreational/permissive industry co-exist alongside the medical cannabis businesses? Should they? And more importantly, can they? or will medicinal users simply opt for "self-medication?" Stay tuned because this debate is far from over and has reached such a swell that it can no longer be ignored or disregarded as the fanciful yearning of a misguided population.

For more information on legal issues facing cannabis businesses in Florida, please contact Colin M. Roopnarine of our Cannabis Law Advisory Group.

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