

H.R. 3617, The Marijuana Opportunity Reinvestment and Expungement Act (MORE Act) of 2021

Decriminalize Marijuana, Expunge Convictions, and Community Reinvestment

Over the past two decades, public support for legalizing marijuana has surged. The resulting trend in state-level legalization of marijuana has placed states in apparent conflict with federal law and undermines the justification for federal criminal prohibitions that apply to conduct in any state. Because marijuana is still a controlled substance under the Controlled Substances Act, the possibility of federal prosecution for cannabis use or participation in the cannabis industry looms large, even though medicinal marijuana is legal in 37 states and the District of Columbia, and adult use is legal in 18 states plus the District of Columbia.

The Marijuana Opportunity Reinvestment & Expungement (MORE) Act of 2021 would decriminalize marijuana and correct the historical and continued injustices concerning our marijuana laws that have disproportionately impacted communities of color and low-income communities. It is more important than ever to create new funding streams to offset devastating economic losses, create new business and investment opportunities, remove barriers to employment, and reduce rates of incarceration. The MORE Act will help to achieve these goals. Adopted by the House in a historic vote last Congress, the MORE Act addresses the harms of prohibition while reinvesting in communities directly impacted by the failed war on drugs.

The MORE Act:

- Decriminalizes marijuana at the federal level:
 - The MORE Act decriminalizes marijuana at the federal level by removing the substance from the Controlled Substances Act and applies this retroactively to prior and pending convictions. It does not undermine the ability of states to apply their criminal laws to marijuana or to legalize and regulate it, as they see fit. The bill retains the FDA's existing regulatory authority.
- Addresses the following barriers to research and public benefits by descheduling marijuana:
 - *Research* – Descheduling, rather than rescheduling, is the best way to open up avenues to robust research on marijuana.
 - *Immigration* – Descheduling protects noncitizens from deportation or other adverse immigration consequences based on marijuana activity, including protecting non-citizens working in state-legal marijuana businesses.
 - *Veterans* – Descheduling will allow the U.S. Department of Veterans' Affairs to recommend medical marijuana to veterans living with Post-Traumatic Stress Disorder (PTSD), and other qualifying conditions.
 - *Banking Access* – Descheduling will allow banks and other financial institutions to service the marijuana industry, which is a public safety and economic issue for many businesses.

Prepared by House Judiciary Committee Democratic Staff

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- Addresses the collateral consequences of marijuana convictions:
 - The MORE Act requires federal courts to expunge marijuana arrests and convictions and resentence those still in custody or under court supervision for a federal marijuana offense. It also supports the development of expungement programs at the state and local level.
- Increases access to federal benefits:
 - The MORE Act prevents the government from denying an individual their federal benefits, student financial aid, or security clearances needed to obtain government jobs because of marijuana use.
- Authorizes a sales tax:
 - The MORE Act authorizes the assessment of a 5% initially to 8% in five years excise tax on marijuana sales at the manufacturer level. These tax revenues will fund a newly-established Opportunity Trust Fund.
- Establishes programming under the Opportunity Trust Fund:
 - The Community Reinvestment Grant Program administered by a newly created Office of Cannabis Justice in the U.S. Department of Justice to give grants to communities negatively impacted by the war on drugs for the development of expungement processes, employment programs, reentry guidance, youth resources, substance use disorder treatment, and more.
 - The Cannabis Opportunity Program administered by the Small Business Administration (SBA) to encourage socially and economically disadvantaged people to enter the cannabis industry.
 - The Equitable Licensing Grant Program administered by the SBA to create equitable licensing programs in states and local governments that minimize barriers to marijuana licensing while maximizing employment for individuals most adversely impacted by the war on drugs.
- Ensures testing for safety protections:
 - The MORE Act ensures that employees working in safety-sensitive transportation positions regulated by the Federal government continue to be tested for the presence of alcohol, marijuana, and illegal substances.
- Studies the effectiveness:
 - The MORE Act requires the Bureau of Labor Statistics to collect data on the demographics of the industry to ensure equitable participation and mandates a GAO study to oversee effectiveness of SBA programs in diversifying the cannabis industry.

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