

FEDERAL CANNABIS REGULATIONS WORKING GROUP RECOMMENDATIONS REPORT

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Cannabis policy reform, if done right, can be a tool to achieving health equity, encompassing:

- Human equity and the advancement of community and individual physical and mental health;
- Environmental equity and the assurance of access to and maintenance of clean and safe air, water, land, indoor and outdoor spaces, and housing;
- Social equity and fairness in policy, regulation, access to and distribution of resources, and the social participation, cooperation, trust, cohesion, protection, and productivity of all people; and
- Economic equity and the impartial assurance of access to economic resources, such as income, savings, assets, and capital, and the personal and collective agency over the flow of economic resources through a household or community.

In order to achieve these ambitious outcomes, cannabis law reform must be advanced with intention. We must admit, document, and comprehensively assess past harm. We must seek to repair and undo that harm, and replace existing systems with ones that are anti-racist and that advance health equity. And we must thoroughly, carefully, and continually measure and assess the outcomes of reform to determine if it is achieving health equity, and modify the law and policy in any area that falls short.

The harm caused by past cannabis laws and their enforcement is pervasive and extensive and its undoing will be difficult and complex. At its most basic, cannabis policy must include reforms to the criminal legal system that reduce arrests and the barriers created by a criminal record; it must reform biased and harmful policing; it must prevent unnecessary deportations and denials of entry. And cannabis policy reform has the potential to create economic justice through the creation of equitable new jobs, new industry, and new sources of tax revenue. But it must aim to do more. Cannabis policy reform must undo harm to the people and communities that were and continue to be harmed, and build a system that centers and lifts up those same individuals and communities through investment and advancement of health equity.

We make the following recommendations to best achieve a new federal approach to cannabis grounded in health equity. The recommendations are organized around three main pillars: ending the harm of cannabis prohibition, repairing the harm caused by cannabis prohibition, and preventing future harm.

Recommended Terminology

Medical Cannabis Use

Use of cannabis by adults or minors who possess a medical cannabis recommendation, identification card, or registration under state law consistent with the medical use of cannabis under the relevant state law.

Personal Use, Personal Consumption, or Adult Use Cannabis

Any cannabis-related activity by adults, including medical use, recreational use, spiritual use, therapeutic use, and for wellness, and the use of cannabis alone or socially for discretionary purposes.

Avoid using “recreational” as we don’t know why people are using cannabis.

Unregulated Market or Informal Market

Commercial cannabis-related activity that occurs outside of a government regulated program.

Legacy Market

People who purchased and consumed cannabis or cultivated and distributed cannabis before there was a formal or regulated market.

Small Business

A business of 50 employees or less; an employee-owned or owner-operated business; a cooperative, or a social and equity focused not-for-profit corporation.

Social Equity

Fairness in policy, regulation, and in the distribution of social resources and services to ensure that policy and societal infrastructure facilitates: 1) impartial and continual access to economic, environmental, and human equity, and 2) the social participation, cooperation, trust, cohesion, protection, and productivity of all people.

Registration

At the federal level, businesses should be registered to reflect their state license rather than applying for and receiving an additional federal license or permit, with additional licensure or registration required to engage in interstate or international commerce.

If you have a state license, you should receive an automatic federal registration after determining that entity meets the criteria for federal legislation.

Acknowledge Responsibility for the History of Prohibition and Harm Caused

- Federal legislation should require the collection and evaluation of comprehensive qualitative and quantitative data and the issuance of a report that provides for a historical accounting of what the drug war was and is, the damage caused to individuals and communities by cannabis prohibition and enforcement, and an apology.
- Federal legislation should include a statement that because of its history, cannabis is unlike alcohol or tobacco, and that the intent and purpose of federal reform is to end and repair the harms caused by cannabis prohibition, to advance health equity, to foster social and economic equity, and to prevent future harm.

Deschedule Cannabis

- Cannabis should be completely removed as a scheduled substance under the Controlled Substances Act (CSA) and federal criminal penalties for cannabis should be repealed.
- Cannabis should be available as a medicine and as a regulated, age-restricted, legal consumer product.

End Criminalization and Punishment for Cannabis

- All federal criminal penalties for cannabis should be repealed from the Controlled Substances Act.
- People currently incarcerated or on probation, parole, or other supervised release for repealed offenses should be resentenced.
- The responsibility to file a motion to initiate a resentencing review must rest on the government rather than the individual.
- States should be encouraged and incentivized to remove and reduce state law penalties for cannabis, and to decriminalize cannabis offenses for minors. To the greatest extent possible, state and federal enforcement should use civil rather than criminal remedies for the enforcement of laws and regulations against both cannabis businesses and individuals.

Limit the Consequences of Cannabis Use or Convictions

- All temporary and lifelong consequences under federal law that result from cannabis use, convictions, or employment in the cannabis industry should be removed, including:
 - Disqualification of an applicant for naturalization, a visa, or temporary protected status.
 - Grounds for deportation or refusing entry into the United States.
 - Restrictions on eligibility for student loans.
 - Eviction or denial of public housing.
 - Denial of public benefits.
 - Limitations on the ownership of firearms should not be more severe for people who use cannabis.
 - Imposition of any penalty and denial of any benefit under immigration law (as a statutory bar or in the exercise of discretion) based on past conviction, conduct, findings, or lawful employment in the industry.
- The odor of cannabis should not constitute “probable cause” or “reasonable suspicion” of a crime.
- Cannabis should be removed from federal drug-free workplace guidelines and drug testing for federal employees, with new regulations and guidance developed for safety sensitive positions focused on field sobriety and cognitive testing rather than on biomarkers.
- Make funding states and other incentives contingent on the removal of state law of all lifelong consequences for cannabis priors and cannabis use, including protecting people in the context of employment, housing, education, medical care, child welfare, parenting, and pregnancy.
- The law should require that a record that continues to exist (for whatever reason) but is subject to expungement is no longer considered to be accurate, relevant, timely, or complete for any purpose by any agency or person.
- The law should affirmatively protect the lawful use of cannabis from discrimination, including prohibiting employers from discriminating against employees based on off-duty cannabis use; governments from restricting benefits based solely on cannabis use; the denial of medical treatment (including organ transplants), health care, or health insurance based on cannabis use; or landlords from discriminating based on cannabis use.



Protect Non-Commercial Activity and Personal Cultivation

- There should be an exception to any federal permitting, taxation, and regulation for all non-commercial cannabis activity that is lawful under the relevant state law, including the growing, possession, and sharing of medical and personal use amounts as allowed under state law.

Protect State Cannabis Regulatory Programs

- State medical cannabis programs should be protected with exemptions for people with medical cannabis identification cards or registrations and medical cannabis compassionate access programs, cooperatives, or social and equity focused not-for-profits from federal taxes and limitations on age, potency, and quantity, or other restrictions that are inconsistent with state law, for people acting in compliance with state medical cannabis laws.
- State and local government licensing schemes designed to meet specific local needs and policy goals, including social equity programs and labor peace agreements, should be protected. Federal permitting, taxation, and regulation should build upon what is allowed under the various state laws rather than cut out categories of licensure and/or protections that are included as part of the state licensing and regulatory programs.
- State laws that protect and promote their in-state industry should be respected.

Refocus and Reprioritize Enforcement

Restrict Federal Law Enforcement Funding

- Federal funding should not be used to support federal grants, joint federal-state task forces, or state and local law enforcement efforts focused on cannabis arrests, especially in states where all cannabis for personal use remains illegal under state law.
- The enforcement focus should be on cooperating with states to fund and incentivize non-criminal regulatory enforcement to shut down large scale unregulated actors through mechanisms other than criminal sanctions and large monetary fines (i.e., shutting off of electricity; pad-locking facilities).

- Criminal penalties should be reserved only for the largest scale, unregulated commercial violations and should be applied through existing tax evasion and regulatory penalties rather than the creation of new, cannabis-specific penalties.
- The primary goal of enforcement should be to bring entities and individuals into compliance with the laws and regulations.
- Opportunities to cure or remedy violations prior to levying sanctions should be offered.
- Continued funding should be refocused on prioritizing enforcement of environmental and labor regulations.
- Enforcement should be temporarily delayed during a transition period to federal permitting and while states are transitioning from unregulated to regulated markets.

Reorient Federal Agencies

- High Intensity Drug Trafficking Area Task Forces should be prohibited from spending resources to produce cannabis reports and laws that require these task forces to oppose legalization should be repealed.
- The Office of Drug Control Policy (ONDCP), whose mission is to coordinate the nation's drug policy so that it improves the health and lives of the American people, should adopt a policy of supporting legal access and regulation of cannabis and be charged with coordinating all agencies to effectuate this policy.
- The National Institutes of Health (e.g., NCI, NIMH, NICHD), the National Academy of Sciences, the Department of Veterans Affairs, and any other federal agency with access to public funding and the capability to conduct cannabis research should be funded and directed to explore the potential benefits of cannabis.
- All existing funding to ONDCP/DOJ/DEA related to cannabis should be redirected to agencies charged with the authority to make grants and/or recommend clemency and pardons.
- Byrne-JAG funds should be redirected to pay into the cannabis revenue fund.
- All involved agencies should be required to produce public reports that address racial disparities and their funding should be tied to reports and outcomes (e.g., Title 7 violation data based on disparities).
- All involved agencies should be required to produce baseline federal reports publishing findings on the breadth of impacts of prohibition.



REPAIRING HARM

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Automatically Expunge Prior Federal Cannabis Convictions and Arrests

- The repeal of federal criminal penalties should be retroactive.
- Revenue should be directed to:
 - Fund the expungement process.
 - Refund people for past court fees and fines, and other restitution.
 - Provide comprehensive reentry support services.
- Fund federal public defenders for filing of petitions, resentencing, and collection of restitution for past fees and fines, with an expansive definition of who is indigent and qualifies for court appointed counsel, and to provide counsel for people seeking review (“second look”) of prior convictions and sentences for non-cannabis related offenses connected to prior cannabis convictions.
- Create a confidential system where people can confirm that their records were expunged and access legal counsel to address problems.
- Create a bureau within the Department of Justice that includes representatives from the Federal Public Defenders and the National Association of Public Defenders to review all cannabis-related cases, manage the review and resentencing process, and provide technical assistance to the states.
- Fund the Attorney General and Chief Public Defender (or the equivalent) in each state that allows for expungement under state law to help facilitate and manage the expungement of state law convictions.
- Expungement should be automatic for *all* federal cannabis convictions (no limitations, such as “nonviolent”) with completion required by a set date with penalties/sanctions for courts that fail to meet the deadline. In the event that any exclusionary criteria are included, the terms of exclusion (such as “nonviolent”) must be defined through the enumeration of what specific offenses are excluded from relief.
- People should not be excluded from the expungement remedies based on any related non-cannabis convictions or sentencing enhancements or factors not pled to or proven beyond a reasonable doubt at the time of the trial.

- Federal immigration authorities, including Immigration and Customs Enforcement (ICE), should not issue or execute detainers for people who enter a state criminal system based on a cannabis-related arrest or conviction.

Limit the Role of Police and the Use of Racially-Biased Policing

- As a condition of federal funding for law enforcement, state and local law enforcement agencies should be required to:
 - End enforcement of cannabis possession and low-level distribution.
 - Adopt evidence-based, data-driven policies to end racial disparities in enforcement for cannabis that are developed by the community subject to the policing. The policies should be evaluated for effectiveness by researchers from the community through an evaluation process agreed to by members of the community.
 - Eliminate consent searches for cannabis.
 - Ensure that low-level cannabis arrests are not included in numerical performance measures.
 - Collect comprehensive, publicly available data, including on every stop, search, and arrest that includes demographics and outcomes.
- In the legislation, Congress should create a federal cause of action for equal protection violations based on the racially disparate impact of cannabis law enforcement, requiring the plaintiff to establish only racially disparate impact rather than a race-based intent to discriminate.

Recommend Descheduling from the International Drug Control Treaties

- The U.S. should take the position that cannabis be descheduled as a controlled substance under the international drug control treaties and that signatories may allow for the personal use of cannabis.



- People should be provided an opportunity for a review of their entire sentence, including related non-cannabis convictions, by a court and reduction based on fairness and equity.
- Expungement should include:
 - All cannabis convictions and associated arrests.
 - The restoration of all rights denied on the basis of convictions, including but not limited to the right to vote, and explicitly acknowledging and undoing all of the lifelong consequences.
 - The complete destruction, rather than concealment, of all records and a receipt that records were expunged.
 - Individuals who were subject to removal (deportation) based, in whole or in part, on an offense relating to cannabis, should have the opportunity to have their cases reconsidered irrespective of existing time and number bars for such motions. This should include people currently in the U.S. and those already deported.
 - Any court, public or private agency with custody of documents relating to the expunged cannabis arrest or conviction must provide for the timely destruction of the records.
 - Create an opportunity for individuals to file a writ of mandamus with the court in response to entities misusing records related to their expunged conviction or arrest.
 - Deletion of all PACER entries.
 - Arrests and convictions by minors under age 21.
 - Relief from court fees, fines and other criminal unpaid debt directly associated with the expunged conviction, and refunding of past fines and fees associated with expunged convictions.

- Aggregate data should be collected, maintained, and made publicly available on prior arrests, convictions, and expungements, without connecting the prior arrests, convictions, and expungements to specific individuals.
- Individuals should be given documentation (which is also kept in a federal database) saying the person was harmed by cannabis criminalization and is eligible for particular benefits (at federal, state or local level), such as participation in a cannabis social equity program, but it shall not include details about the offense for which they were arrested or convicted. A record of the documentation shall be placed in a database that is accessible only to the person or their agent.
- A record that is subject to expungement should be deemed inaccurate and unreliable and reliance on it by any person or entity improper, unless offered by the person whose record was expunged or their agent.
- A disposition that is the subject of any federal or state expungement, sealing or other record relief, vacatur order, or pardon should not be used to impose any penalty or deny any benefit under federal law.
- A new civil penalty should be created for a private company or individual to store and/or share records that are eligible for expungement with remedies that include a private cause of action for compensatory and punitive damages. Individuals cannot waive this protection or consent to company collecting, storing, or the sharing their information. There must be a simple procedure for filing a claim without an attorney.
- Expunged records may create gaps in peoples' education, employment, housing, or consumer/credit rating histories. Measures should be taken to ensure that people with expunged records are not further prejudiced on account of these gaps when they apply for a job, or a loan, or for further education.

Fund and Incentivize Programs to Expunge State Cannabis Convictions and Arrests

- Federal funding should shift from supporting state and local efforts to enforce cannabis offenses to funding state programs aimed at expunging state law cannabis convictions.
- Federal law enforcement funding should be reduced and/or withheld for failure to expunge state level cannabis arrests and convictions in a timely manner.

Create a Just and Equitable Ownership Model that Centers Social Equity

- All legal states should be charged with creating a regulatory structure that benefits and prioritizes disproportionately harmed communities.
 - Federal regulators should be charged with providing guidance that defines disproportionately harmed communities and model policies for states and localities that would meet this requirement.
- Disproportionately harmed communities should be defined in a manner that acknowledges that the damages of the war on drugs are more complex than just cannabis-related convictions and should include criteria related to gentrification, loss of housing, attendance in underfunded schools, receiving a Pell grant for higher learning, living in economically disadvantaged areas, receiving public assistance, and being a victim of gun or physical violence. Additionally, arrest and conviction criteria should be inclusive of individuals who have possession offenses for other controlled substances, particularly possession of crack cocaine. Criteria for establishing low income should take into consideration the higher cost of living in some urban areas, similar to the approach taken by the Department of Housing and Urban Development in determining “low income.”
- Funding should be allocated to collect data and provide specific local analysis as to best develop eligibility criteria, program design, and target social equity licensing and support to best achieve equitable outcomes.
- Funding should be allocated to states and local jurisdictions to support social equity programs and businesses.
- Funding should be allocated to comprehensively assess the existing unregulated market to create programs designed to establish clear and easy pathways to the regulated market based on the existing needs and practices of people in the unregulated market, including consumers.
- Sales from all registrations should not start until sales by social equity businesses start.
- No registration or permit fee should be required for social equity businesses, cooperatives, or other social and equity focused not-for-profit organizations.

- Creation of pathways to encourage, support, and reward transition from people working in the unregulated market to the regulated market, including an amnesty period, outreach, and very low initial barriers to entry.
- Require that state and local governments that receive federal funding for small business and workforce development open all existing programs to cannabis businesses and workers.
- The tax structure should support social equity business through a lower tax and/or an exemption from tax based on type of state license, business size, or participation in a state or local social equity program.

Limit Barriers to Registration

- There should be no exclusions from registration or employment for people with past drug convictions.
- There should be no high federal registration fees or bond requirements that will act as additional barriers to licensure than already exist under state cannabis programs.
- The only areas where exclusion from registration for otherwise qualified entities should be considered are:
 - Knowing sale by licensed entities of adulterated products; prior sales of products that cause serious illness or death (such as vitamin E acetate products).
 - Significant state regulatory violations, such as sales to minors.

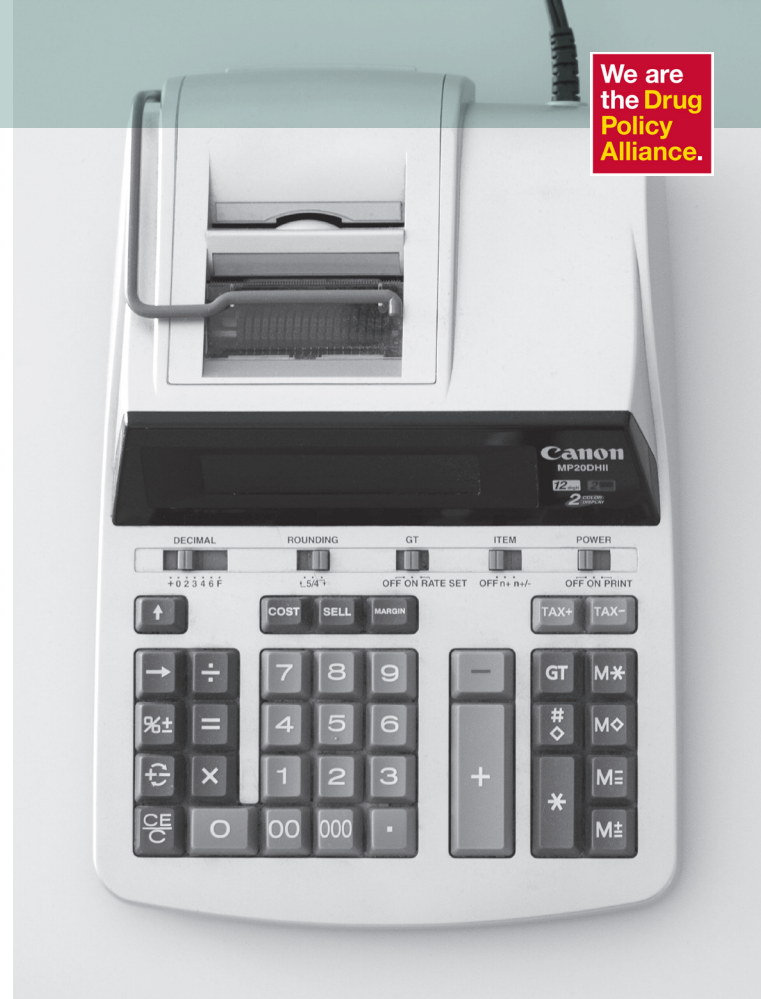
Establish Strong, Equitable Workforce and Job Creation

- Funding should be directed for higher education/ community colleges to establish training programs and industry apprenticeships to generate high skilled, well compensated jobs that bring employment opportunities and resources to individuals, families, and communities most harmed by past and present drug laws.
- States should be incentivized to experiment with alternative ownership and regulatory models, including state operated stores, worker cooperatives, buyers clubs, non-commercial sharing, and farm-to-table.
- The federal apprenticeship program should be expanded to include funding for apprenticeships and pre-apprenticeships in the legal cannabis industry. Training through apprenticeships ensures workers in this emerging industry have the skills and training required to be successful in the field.

- Ensure that cannabis and hemp industry apprenticeship programs are eligible for federal funding and benefits.
- Allow for federal funding of pre-apprenticeship programs in prisons for those transitioning out of incarceration.
- Provide incentives for apprenticeship and pre-apprenticeship programs to support participation among communities that have suffered disproportionate rates of cannabis-related enforcement actions.

Enact a Progressive Tax to Support an Equitable Industry (Federal Tax)

- The federal tax should:
 - Be complementary to the underlying licensing and tax structure of the state regulatory programs.
 - Not add additional barriers to entry into the market.
 - Not add additional civil or criminal penalties to those operating in the unregulated market.
 - Exempt non-commercial cannabis activity that is allowed under state law.
 - Exempt cannabis being used by people with medical cannabis identification cards or registrations under state law or sold by compassionate access programs, cooperatives, or social and equity focused not-for-profit entities operating pursuant to state medical cannabis programs.
 - Once collected, revenue should be invested (in a socially conscious manner) to maximize its growth.
- The rate of tax should increase incrementally with the size of the registered business entity, and a higher tax rate for multistate operators.
- Small, lower barrier license types, such as craft growers, community cooperatives, worker collectives, and equity licenses, should have the lowest tax rates.
- Tax incentives for equity benchmarks and environmentally sustainable practices, such as sun-grown, renewable energy, and reducing waste, should be created.



Allocate Revenue to Repair Past Harms & Support the Creation of an Equitable Industry

- Federal tax revenue should be directed to reparative justice through grants for:
 - Fund automatic expungement for federal and state cannabis convictions and legal representation.
 - Targeted investment in the most harmed communities disproportionately impacted by structural racism and/or the highest arrest and incarceration rates for drug offenses for affordable housing, health care, education, civil legal services, and other community needs.
 - Investment in an equitable cannabis industry, including grants and loans, workforce development, and technical assistance.
 - Workforce development, apprenticeships, and other job training in the cannabis industry.
 - Assistance to people involved in the criminal legal system, including workforce development, pre-apprenticeships, and reentry programs and services.

Properly Regulate Cannabis

Categorize Cannabis within the Appropriate Regulatory Framework

- A sensible, workable regulatory framework should be established to regulate all cannabis products — cannabinoid-containing products derived from both hemp and marijuana — through one ecosystem. This is a matter of public safety as much as it is a matter of administration.
- Under one regulatory system, all cannabis products, including hemp-cannabinoid products (e.g., “CBD products”) and cannabis products (i.e., Adult Use and Medical Use products) are regulated to the same qualitative, quantitative, and labeling standards, and by the same oversight bodies to ensure consistency in manufacturing practices and product integrity, to properly route cannabis products through distribution and retail channels based on the concentration (i.e., strength) of “intoxicating” cannabinoids, and to avoid costly redundancies and enforcement measures necessary to regulate the hemp-cannabinoid and cannabis industries separately.

Industrial Cannabis

- Industrial cannabis is all cannabis produced, manufactured, distributed, and retailed for agricultural, industrial, and nutritional purposes. These include agricultural commodities, industrial commodities, nutritional commodities (that are cannabinoid-free), and nutritional goods (commercial products derived from cannabis that are cannabinoid-free).
- These products should be regulated and processed by the Food and Drug Administration (FDA).

Cannabinoid Cannabis

- Cannabinoid cannabis is cannabis cultivated, produced, processed, distributed, and retailed for the personal use of cannabinoids.
- Commercial products that contain cannabinoids and sold in retail shops, such as chain stores, grocery markets, personal care stores, online, or in licensed dispensaries depending on cannabinoid potency. These products should be regulated as cannabinoids consumer packaged goods consistent with existing adult use cannabis programs within states.

- The FDA should regulate these products to ensure product safety under one regulatory framework for cannabinoid products derived from cannabis that includes CBD and THC derived products.
- Within the regulatory framework products should be classified according to concentration tiers that determine where cannabis products (all products containing cannabinoids) can be sold. Such tiers should be defined to frame access and safety thresholds and be designated as:
 - “Low-strength products”: products with low concentrations of cannabinoids that are considered low risk and generally regarded as safe to distribute through the general marketplace such as grocery stores, chain-stores, online, etc.;
 - “High-strength products”: products with concentrations of cannabinoids determined to require more restricted access through dispensaries (like those with over 0.3% THC or products with more than 50mg CBD per serving); and
 - “Medical-strength products”: products containing cannabinoids at concentrations higher than what is allowed for adult use. This tier protects patient access to products at concentrations they might need or be directed to use by their medical providers, and that exceed potential adult use caps wherever they are imposed.
- Cannabis products should be given parity with other non-cannabis consumer products and treated similarly.

Pharmaceutical Cannabinoid Drugs (PCD)

- Pharmaceutical cannabinoid drugs are cannabis-derived drugs that have been FDA approved at varying concentrations and doses for the treatment of medical conditions, are available only by a doctor’s prescription, and that are distributed through pharmacies. These cannabis products should be regulated through the existing pharmaceutical model for both prescription and over the counter access to allow cannabis to be developed, marketed, and prescribed to address specific diseases. (Examples of PCDs are marinol [generic name: dronabinol], cesamet [generic name: nabilone], and epidiolex [generic name: cannabidiol]).

- Opportunities to develop cannabis-based pharmaceutical medicine should be maximized.
- Pharmaceutical companies should not be involved or interfere with the cannabis retail space or non-commercially. The availability of cannabis by prescription for a certain disease should not limit its broader availability for other purposes.
- Cannabis should not be marketed as a product for any specific diseases unless approved for that purpose by the FDA.

Non-Commercial/Homegrown Cannabis

- Any cannabis cultivar grown and prepared by a person 21 years of age or older, or by a registered patient (person registered in a state's official medical cannabis program, and not typically tied to age restrictions)¹ over 18 years of age for non-commercial purposes.
- Federal regulations should, at minimum, protect non-commercial activity that is allowed within each state.

State Medical Cannabis Programs

- Cannabis use by people with medical cannabis identification cards or registrations should not be taxed.
- Cannabis produced, manufactured, and sold by compassionate access programs, cooperatives, or social and equity focused not-for-profit entities under state laws should be exempt from certain federal regulations, such as taxation, age restrictions, any cannabinoid or product limits, so long as the activity complies with the state medical cannabis use guidelines.
- The federal government should not create its own medical program separate from the state programs, but rather allow for medical use to continue and be protected under state laws.
- Medical cannabis patients should be able to deduct their medical cannabis expenses from their taxes and Medicare and Medicaid should cover medical cannabis expenses.
- In the event that state laws or regulators impose THC concentration caps, medical cannabis patients should have access to higher strength products (medical-strength products with over 70% THC should be allowed for medical use).

Create a Federal Oversight and Accountability Board

- An oversight board composed of federal and congressional appointees should be created and charged with advising the President, Congress, and federal agencies regarding policies, programs, practices, and procedures related to the equitable and just regulation of cannabis.
- The work of the oversight board should include convening stakeholders for input; gathering and analyzing data and other information; monitoring enforcement and policing; conducting disparity studies; creating a social equity plan and program and monitoring the impact; and documenting the outcomes of reform.
- Appointed members shall have expertise in public health, race and economic justice, criminal justice reform, small business development, labor, cannabis policy, civil liberties, medical cannabis patients, consumer advocates, state level regulators, regulating commercial activity related to intoxicating substances, cannabis laboratory science, environmental policy, and representation from people from communities disproportionately affected by past federal and state drug policies, indigenous communities, and medical cannabis patients.

Allow State Programs Adequate Transition Time

- There should be a grace period before any federal regulations take effect in order to allow for a proper transition to the new rules and to maximize compliance.
- Revenue should be redirected from existing federal enforcement efforts to programming, education, assistance, and outreach to all state actors before federal rules and regulations take effect.

Limit and Tightly Regulate Large Corporations

- Some companies, based on type of company, size or past convictions, should be excluded from the cannabis industry.
 - Companies that are over a certain size should not receive a federal registration.
 - Companies with ownership or control by a tobacco company convicted under the RICO Act should not receive a federal registration.

¹ Registered patient: a person registered in a state's official medical cannabis program, and not typically tied to age-restrictions.



- The largest corporations should be subject to the most robust regulation, marketing restrictions, and taxes, including taxation of large organizations providing technology platforms or other services to businesses operating in the cannabis space (i.e., delivery).
- Predatory pricing should be prohibited and enforced.
- Fees should be scaled based on the size of the corporation.
- Congress, to the extent allowed through exercise of its commerce clause powers, should specifically allow states to ban, limit, or delay interstate commerce in a way that promotes equity, or to limit the ability to engage in interstate commerce to small and/or equity owned companies.
- States should be specifically allowed and encouraged to develop state or municipal run stores and to develop models that allow for and support small producers.
- There should be a federal limit or cap on the number of licenses (no more than 5) that one person or entity can own or have an ownership interest in.
- Taxation deductions should not be allowed for advertising or marketing and special taxes should be enacted on environmental waste, water usage, digital advertising, and interstate commerce.
- Some aspects of the market should only be open to small businesses, including onsite consumption, delivery and online sales
- The law should include strong limitations on monopolies and application of existing anti-monopoly tools. There should be strong enforcement of antitrust laws.
- Full transparency and a requirement of 100% disclosure of ownership/financial interests should be required.
- Acquisition of a company's licenses should be coded as a functional merger/acquisition of a company and require the same qualifications and approval as a new license.

Regulate to Protect Consumer Health

- Product safety requirements and methods — product forms, serving sizes, THC content, packaging, branding, etc. — should be aligned as much as possible across jurisdictions to effectively protect consumers.

- A range of product types and strengths should be allowed: medical grade (cannabis free from additives, such as food coloring and sweeteners) and medical strength should be available for medical use under state medical cannabis laws.
- The use of cannabis should be allowed in some types of regulated public spaces with separate areas for smoking and consuming cannabis and with proper worker protections and ventilation. Alcohol consumption and cannabis consumption should be separated.
- Federal pesticide guidelines should apply.
- Federal testing and labeling standards should be adopted to provide consistency and protection for consumers, including that all cannabis for sale is subject to independent, third-party testing, and properly labeled, including a universal symbol on packaging and products that contain THC and a standardized dose.
- State run testing facilities should be incentivized and allowed.
- Incentivize states to collect and publish accurate information related to cannabis use and health.
- Products that combine cannabis and nicotine or alcohol, or other additives that increase addiction potential, should be prohibited; and selling cannabis and nicotine or alcohol from the same outlet should be prohibited.
- Limit advertising and marketing:
 - Tax deductions for advertising and marketing costs should be prohibited.
 - Prohibit the use of spokespeople or testimonials to advertise or market brands, while allowing the sharing of accurate information and education related to cannabis with consumers.
 - Unproven medical claims or claims of health benefits should be restricted.
 - No advertising or marketing targeted to minors.
 - No associations with tobacco or alcohol products.
- Fund public health education to be developed in partnership with, and tailored to, a range of different audiences including young people, parents, educators, seniors, racialized populations, and other groups.

Regulate to Protect Consumer Privacy

- The tracking by government or private entities of specific consumer's purchases and activity should be prohibited.

Regulate to Protect the Environment

- The Environmental Protection Agency (EPA) should have authority to apply and enforce existing rules and regulations.
- Federal incentives for registrants who adopt beneficial environmental approaches, such as solar energy, should be created.

Regulate to Protect Labor

- All federal labor standards and protections should apply to people, including non-citizens, working in the cannabis industry, including the right to join a union and collectively bargain.
- Workers in the cannabis industry should be treated as employees, with all the rights and protections guaranteed under the National Labor Relations Act (NLRA) and the Fair Labor Standards Act (FLSA). Cannabis businesses should be required to treat their workers as employees in accordance with the Department of Labor's "Administrator's Interpretation" of 2015 (FLSA 2015-1) issued under then Secretary Perez. In this guidance, it was concluded that "most workers are employees under [definition of] the FLSA" to ensure that workers have access to benefits like Social Security, disability insurance, unemployment insurance, as well as protections like enforcement of wage and hour laws and the ability to join a union.
- Require the highest workplace safety standards by:
 - Allowing the Occupational Safety and Health Administration (OSHA) to immediately start work on a national workplace safety standard for legal cannabis business, using the regulations set by California as a model.
 - Fund longitudinal studies on the long-term effects of exposure to the chemicals involved with growing, processing and selling cannabis.

Regulate to Protect Minors

- Drug education and outreach should be funded and must be evidence-based, grounded in harm reduction principles, and reject the failed war on drug educational approach (D.A.R.E.). Any funding from the U.S. Justice Department's Bureau of Justice Assistance going to fund D.A.R.E. must be redirected to evidence-based, harm reduction education.

- Minors under age 18 should not be subject to criminal sanctions or fines and fees for any cannabis-related conduct. Minors should be provided with drug education and/or voluntary counseling.
- People aged 18-21 should only be subject to small fines for conduct that is lawful for people 21+ with discretion given to the court to waive any fees and fines.
- Cannabis patients who are minors should be allowed access to medical cannabis if they qualify under their state's medical cannabis program.
- Advertising and marketing targeted at young people should be restricted, including restrictions on colorful or attractive packaging and advertising that glamorizes or glorifies cannabis use.

Research Should be Encouraged and Funded

- Federal constraints that severely limit the access to cannabis products for research should be lifted.
- Research to assess actual impairment and to incentivize laws that avoid criminalizing sober driving (per se DUI laws) should be funded.

Establish Accountability Systems

- All federal agencies that touch on cannabis regulation, enforcement, research, or consequences of prior cannabis convictions, including, but not limited to, the Federal Judiciary, the Department of Agriculture, the Department of Commerce, the Drug Enforcement Administration, the Department of Education, the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of Justice, the Department of Labor, the Department of the Treasury, and the Department of Veterans Affairs should be required and funded to measure, monitor, and report on implementation of and outcomes of the federal reform annually with ONDCP charged with overseeing and coordinating the agencies efforts.
- Agencies should be required to and funded to collect and share comprehensive data on outcomes annually.

INDIAN NATIONS, TRIBES, & PUEBLOS

- The federal government and states should be authorized to enter into one or more intergovernmental agreements with any tribal government to coordinate the cross-jurisdictional administration of the federal and state laws and the laws of tribal governments relating to cannabis. The agreements should allow for provisions relating to:
 - Criminal and civil law enforcement.
 - Regulatory issues relating to the possession, delivery, production, processing, or use of cannabis.
 - Taxation and the administration of laws relating to taxation.
 - Any immunity, preemption or conflict of laws relating to the possession, delivery, production, processing or use of cannabis.
 - The resolution of any disputes between tribal governments and the states, including the use of mediation or other nonjudicial processes.
- Intertribal commerce should be allowed and protected across jurisdictions.
- Tribal governments should be treated with parity with states regarding regulation, cultivation, and sales of cannabis or any other cannabis-related commerce.
- Tribal sovereignty shall not be in any way limited and independent decisions as to the regulation and taxation of cannabis must be respected.

INTERNATIONAL TRADE

- International trade policies should protect domestic producers.
- Agencies should be required to collect data and assess harms of the war on drugs on communities outside the United States. Trade policy that allows for the importation of cannabis should be developed to specifically address and remediate these harms.
- To the extent that international trade policies facilitate the importation of cannabis, such policies should not enact extraordinary trade barriers against Mexico, Central American countries or other countries that have traditionally served as a major source for cannabis consumed in the U.S., any less favorable than trade barriers imposed on other importing countries.



We would like to extend our gratitude and appreciation to the numerous outside experts in the areas of public health, medicine, immigration, international law, labor, civil rights, tribal sovereignty/indigenous rights, and federal regulation who generously gave their time to review and strengthen these recommendations.

FEDERAL CANNABIS REGULATIONS WORKING GROUP: CORE GROUP MEMBERS



a working group of experts convened by the Drug Policy Alliance to explore and develop policy recommendations for federal cannabis regulations grounded in public health, equity, and justice reform considerations.

** Individuals with an asterisk are listed in their individual capacities only and their affiliations are noted for identification purposes only, not meant to represent the views of the affiliated organizations.*



QUEEN ADESUYI

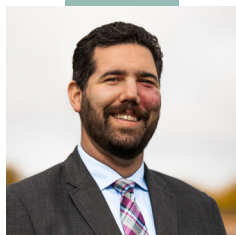
Queen Adesuyi is a policy manager at the Drug Policy Alliance's National Affairs office in Washington, D.C., where she works to advance several of DPA's legislative priorities on the federal level, including marijuana legalization with a racial justice focus, drug decriminalization, and eliminating punitive consequences for drug use and previous convictions. She also advocates for equity/racial justice in plans for the District of Columbia's emerging marijuana industry, in addition to advancing overdose prevention measures and harm reduction in the District.

While at DPA, Queen saw through the introduction of the Marijuana Justice Act, Congress' first marijuana reform bill that addressed racial justice and justice reform issues. She helped convene and co-leads the [Marijuana Justice Coalition](#). Under her co-leadership, the Marijuana Justice Coalition has worked on the introduction and the historic passage of the Marijuana Opportunity Reinvestment & Expungement (MORE) Act by the U.S. House of Representatives in the 116th Congress. The Coalition continues to work to see the continued improvement of the MORE Act and its successful reintroduction and movement through both chambers of Congress.



AAMRA AHMAD

Aamra Ahmad is currently the Senior Policy Counsel for the Justice Division of the ACLU and an advocate for federal criminal justice reform. She previously served as legislative counsel to Congressman Bobby Scott (VA-3) and in her previous role at the Federal Public & Community Defenders, oversaw their national litigation strategy that contributed to reduced sentences for over 3,363 people incarcerated under racially unjust drug laws. She also served as an Assistant Federal Public Defender in the U.S. District Court for the Eastern District of Virginia.



DANIEL BEAR *

Daniel Bear is a Professor with the Criminal Justice degree program at Humber College in Toronto. His research focuses on drug policy, specifically policy relating to cannabis and harm reduction. He also studies the impact of drug policing on police/community interactions, the impact of drug policy on communities, and the use of technology in community safety practices. Professor Bear has a Doctorate in Social Policy from London School of Economics and Political Science and previously worked as part of the ACLU's Drug Law Reform Project.



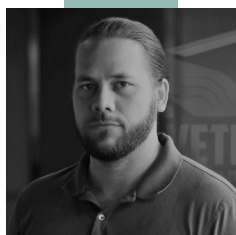
CRISTINA BUCCOLA

Cristina Buccola is an attorney and advocate who specializes in cannabis law. As an advocate, a portion of her practice is committed to policy work, relating to racial and economic cannabis justice. She has worked with elected officials on their cannabis platforms and testified in front of the New York and New Jersey State Legislatures. She is also a professor of law at Pace University's Elisabeth Haub School of Law where she teaches a course she designed on Cannabis Law and Policy. She is licensed to practice in NY, NJ, MA, OR, and IL (ret.).



DASHEEDA DAWSON *

Dasheeda Dawson is the City of Portland's Cannabis Program Supervisor, where she oversees the city's medical and adult-use cannabis regulatory programs. Supported by an ongoing allocation from the city's cannabis tax revenue, her office also administers the Social Equity & Educational Development (SEED) Initiatives, including the SEED Grant Fund. She is the founding chair of the Cannabis Regulators of Color Coalition (CRCC) and author of *How to Succeed in the Cannabis Industry*, a workbook published by The WeedHead™ & Company to help entrepreneurs and professionals navigate the legal cannabis industry.



ERIC GOEPEL

Eric Goepel is a U.S. Army veteran of the Iraq War and an advocate for ending cannabis prohibition and driving veteran-focused cannabis research. He founded the Veterans Cannabis Coalition in 2018 to create bridges between patient communities and lawmakers to demonstrate the breadth of experience of people who use cannabis medicinally and the societal harms of prohibition. Currently, he is actively building out free compassionate cannabis donation programs in California and pushing for protected access and affordability in Congress. Eric graduated from the University of California, Berkeley with a bachelor's degree in political science with the assistance of the Post-9/11 GI Bill.



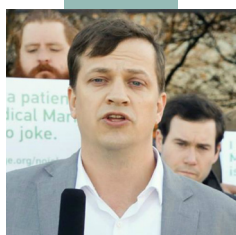
ELIANA GREEN

Eliana Green is an Equal Justice Works Fellow at Root & Rebound, a national nonprofit focused on restoring power and resources—through advocacy, policy reform, and public education—to those most harmed by mass incarceration. Eliana's work at Root and Rebound entirely focuses on restoring the rights of survivors of the War on Drugs. She does this through direct legal services, community organizing, facilitating cannabis-related corporate partnerships, and policy advocacy led by impacted people. Eliana also serves as the Policy Advisor for The Hood Incubator, whose mission is to reverse the negative impacts that the drug war has on Black communities. Eliana is a double alumnus of Loyola University New Orleans where she earned her J.D. (cum laude) with a certificate in Social Justice as well as her B.A. in Sociology and African American Studies. Eliana is licensed to practice law in both California and Illinois.



RACHEL KNOX

Dr. Rachel Knox, MD, MBA is a cannabinoid medicine specialist and clinical endocannabinologist with a background in family, integrative, and functional medicine. Dr. Knox is co-founder and chair of the Association for Cannabis Health Equity and Medicine (ACHEM), a professional medical association for BIPOC in cannabis that is uniquely centered around health equity. She also chairs the Oregon Cannabis Commission and serves on the boards of Cannabis Regulators of Color Coalition (CRCC), Doctors For Cannabis Regulation (DFCR), Minority Cannabis Business Association (MCBA), the American Academy of Cannabinoid Medicine, and Nuleaf PDX.



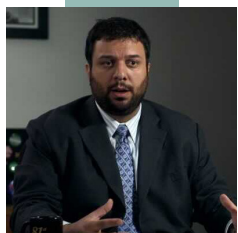
MIKE LISZEWSKI

Mike Liszewski is the founder and principal of Enact Consulting, LLC, a DC-based firm that provides lobby and policy advising services to advocacy organizations on drug policy issues. The firm also advises business entities on regulatory compliance issues. He has served as an in-house regulatory affairs and compliance counsel for a multi-state cannabis company. Prior to founding Enact Consulting, Mr. Liszewski was the government affairs director for Americans for Safe Access, where he was instrumental in the passage of the Rohrabacher-Farr amendment, and several other bills at the state and focusing on creating safe access and protection from discrimination for medical cannabis patients.



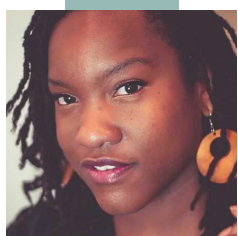
LANESE MARTIN

Lanese Martin is a community organizer with a background in electoral campaigns, policy and advocacy on issues impacting Black people and the areas they work, live & play - Lanese supports projects that address systemic inequality. As co-Founder of The Hood Incubator, which is a national grassroots organization, she guides the organization's mission to end the drug war and reverse its impacts on Black communities. Lanese spearheads the organization's political strategy. In less than 5 years she has grown the organization to be the leading voice in the cannabis justice space. Lanese also Chairs the City of Oakland's Cannabis Regulatory Commission. Under Lanese's leadership the city of Oakland has the most comprehensive equity program to date in the country.



CHRIS MICHALAKIS

Chris Michalakakis has served multiple roles at the United Food and Commercial Workers International Union, currently serving as a Federal Legislative Representative. He has previously served as President of the Metro Detroit AFL-CIO, and as UFCW Michigan's Legislative and Political Director.



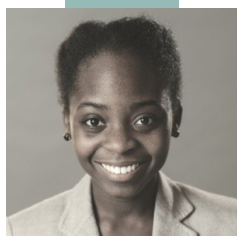
JAY MILLS *

Jamila Hogan, publicly known as Jay Mills, was the first Black woman to manage a cultivation center on the east coast. Her passion for plant medicine led to the creation of the Green Life Learning Center in 2016, and self publishing a series of cannabis reference manuals. She is a DC native who ran for public office in 2018 and is well known for community organizing and political action. After successfully managing first a cultivation center then a dispensary, she currently devotes her full attention to hemp agroecology education and consultation services provided by The Green Life Learning Center.



CAT PACKER *

Cat Packer is the first Executive Director of the City of Los Angeles Department of Cannabis Regulation. Appointed by Los Angeles Mayor Eric Garcetti in 2017, Packer has established the City's commercial cannabis licensing and regulatory program and Social Equity Program and is responsible for advising and managing the City's cannabis-related goals and priorities. Prior to joining the City of Los Angeles, Packer served as California Policy Coordinator for the Drug Policy Alliance, where she worked to ensure the successful and equitable implementation of various cannabis policy reforms. Packer is an alumna of The Ohio State University where she received a Bachelor's in Political Science, a Master's in Public Policy & Management and a Juris Doctor.



TABATHA ROBINSON *

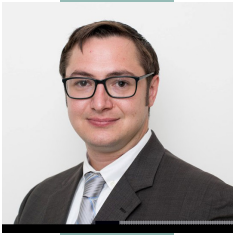
Tabatha Robinson is a 2020 graduate of Harvard University's joint JD/MBA Program. She is a special assistant attorney general at a state attorney general's office and a policy advisor to the Massachusetts House of Representatives. She has also served as a strategy and operations consultant to startups in emerging sectors. Her cannabis-related work relates primarily to the legacy market and social equity programs. During her time in law school, she was the Summer Associate in Asset Management for Ropes and Gray LLP.



CYNTHIA W. ROSEBERRY

Cynthia W. Roseberry is the deputy director of policy at the ACLU's Justice Division, where she focuses on criminal justice reform. Prior to joining the ACLU, she was a member of the Charles Colson Task Force, a bipartisan, blue-ribbon task force commissioned to examine over-incarceration and make recommendations to the President, Attorney General, and Congress.

During the Obama administration, Ms. Roseberry was the project manager of the Clemency Project 2014, which provided pro bono support to the more than 36,000 applicants for presidential clemency.



JUSTIN STREKAL *

Justin Strekal is the Political Director for the National Organization for the Reform of Marijuana Laws, or NORML, where he serves as an advocate to end the federal prohibition of marijuana and to reform our nation's laws to no longer unduly discriminate against its consumers in various aspects of their lives.

Prior to working on drug policy, he focused on tax, wage, and campaign finance reform as well as managed electoral campaigns throughout the country for positions in various levels of government.

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SHALEEN TITLE

Shaleen Title is an attorney and drug policy activist who is currently a Distinguished Cannabis Policy Practitioner in Residence at The Ohio State University College of Law Drug Enforcement and Policy Center. She is a frequent lecturer and consultant on cannabis policy and has testified in front of governmental bodies around the world about restorative justice in marijuana laws, and she is vice-chair of the Cannabis Regulators of Color Coalition. From 2017 to 2020, she served as an inaugural commissioner of the Massachusetts Cannabis Control Commission. She holds a law degree, business degree, and graduate degree in accounting from the University of Illinois.

TAMAR TODD *

Tamar Todd works on legislative drafting, statewide political campaign strategy, regulatory implementation, and non-profit management in the areas of drug law reform, marijuana law and policy, public health, and criminal justice. She currently teaches marijuana law at Berkeley Law and drug law and policy at UC Davis School of Law. She also serves on the California Cannabis Advisory Committee, which advises the California Bureau of Cannabis Control on the implementation of California's marijuana legalization law. Todd is the former legal director of the Drug Policy Alliance where she continues to work as a consultant.

FEDERAL CANNABIS REGULATIONS WORKING GROUP: ORGANIZATIONAL SIGN-OFFS



American Civil Liberties Union

Association for Cannabis Health Equity and Medicine (ACHEM)

Cannabis Regulators of Color

CB Counsel PLLC

Doctors for Cannabis Regulations

Drug Policy Alliance

The Hood Incubator

Parabola Center

Root & Rebound

Students for Sensible Drug Policy

United Food & Commercial Workers International Union

Veterans Cannabis Coalition