

# Is the US on the Brink of Cannabis Legalization? Not Quite, but the House *has* Voted to Remove Cannabis from the Controlled Substances Act

## Cannabis Business Legal News

By Darren Grady on December 4, 2020

On the heels of the historic vote by the United Nations, which for the first time recognized the medicinal properties of cannabis and removed it from the most restricted substances under the 1961 Convention on Narcotic Drugs, the United States House of Representatives has voted to decriminalize cannabis. While certainly historic in every sense, this is potentially more of a *symbolic* moment, displaying the US legislature's sluggish progress towards accepting the pro-cannabis opinions held by an ever increasing majority of their constituents (2/3 support legalization in some polls).

Specifically, on December 4<sup>th</sup>, by a vote of 228 to 164, the Marijuana Opportunity Reinvestment and Expungement (MORE) Act was passed by the House. While the measure was approved by the House Judiciary Committee back in November of 2019, this is the very first time Congress has actually voted on a bill to decriminalize marijuana, as it is referred to in the Controlled Substances Act (CSA). Essentially, the MORE Act would strike cannabis from the CSA (where it is still a schedule I drug - purportedly having no medical value and high potential for abuse), giving states federal level clearance to deal with cannabis as they see fit. The Act also has long overdue criminal justice reform elements, as well as federal taxation provisions.

Due to the generalized reticence of Senate Republicans to actually pass the Act, this is more of a "step in the right direction" rather than an indication that The MORE Act will soon be passed based on the current Senate makeup. Nevertheless, pro-cannabis activists, those operating in the legal cannabis industry, and those seeking long overdue criminal justice reform should be very encouraged by this development. In recent years, states have been legalizing medical and recreational cannabis left and right. Most recently, in this November's election, four more states legalized recreational cannabis. Currently, recreational cannabis is legal in 15 states. Medical cannabis is now legal in 38

states. Despite this burgeoning progress, cannabis remains illegal at the federal level pursuant to the CSA.

So where do we look now? In short, GEORGIA. Two runoffs in early January of 2021 will decide control of the Senate. Should the Democrats prevail, it is possible we could see a Senate vote on the MORE Act in 2021. Those individuals and businesses already in the legal cannabis industry, or businesses waiting for the federal status of cannabis to change before entering the market, should monitor the Senate runoffs and subsequent the progress of the MORE Act *very* closely. Those businesses should also speak with trusted counsel about how this landmark piece of legislation could significantly change the landscape of the industry.

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