

# No April Fool's Joke: The MORE Act was Just Passed by the House

## Cannabis Business Legal News

By Darren Grady on April 1, 2022

On Friday, April 1, 2022, the U.S House of representatives voted to pass the Marijuana Opportunity Reinvestment and Expungement (MORE) Act, which decriminalizes cannabis at the federal level. The vote was made mostly along party lines. The legislation will now move to the Senate. The MORE Act would be revolutionary legislation for the cannabis industry and individuals adversely affected by harsh penalties for cannabis convictions. The Act, which was first approved by the House of Representatives judiciary committee in late 2019, would officially remove cannabis from the Controlled Substances Act ("the CSA"), approve the distribution of resources for certain communities disproportionately impacted by the war on drugs, and establish the Cannabis Justice Office (a governmental organization that would levy a 5% sales tax on cannabis sales in states where the plant has been legalized).

The removal of cannabis from the CSA would be a landmark event, as the states would then officially be in charge of making their own laws relative to cannabis without the concern of running afoul of federal law. Apart from some of the additional social justice benefits of this legislation (e.g., courts could expunge certain cannabis-related convictions and reduce sentences and the Act would ban federal housing discrimination of cannabis users), the MORE Act, if passed, could inspire otherwise hesitant industries, for instance the banking industry, to finally provide services to legally operated cannabis businesses. The Act's supporters have argued that the federal government must legislatively align itself with the majority of states that have legalized cannabis for adult and / or recreational use. Presently, thirty-seven states, four territories and the Washington D.C. allow the use of medical cannabis, eighteen states, two territories and D.C have also legalized the use of recreational cannabis.

So, what is the likelihood of passage in the Senate? Currently, it is not entirely clear that legislation to legalize, decriminalize, or end the federal prohibition of cannabis would garner the requisite sixty votes to pass in the Senate. To do so, the Act would need all Democratic Senators to be on board, as well as ten Republications. Step one will be ensuring that all Democrats support the Act. It appears that two Democratic Senators, Joe Manchin (W.Va.) and Jeanne Shaheen (N.H.), have expressed some clear reticence about the cannabis legalization / decriminalization. At the same time, Democratic Senator Jeff Merkley (OR) has

nine Republican co-sponsors of a companion cannabis bill, so procuring the support of ten or more Republican Senators may not be that farfetched.

While it is certainly possible that the Act may stall out in the Senate, we are now closer than ever to real cannabis reform and policy change at the federal level. It is anticipated that the Act may be discussed in the Senate as soon as this Spring. Those in the industry, or businesses looking for the federal status of cannabis to change before entering the market, should monitor the progress of the MORE Act in the Senate very closely, for obvious reasons. Those businesses should also speak with trusted counsel about how this significant piece of legislation could change the landscape of the industry, and the nation, forever.

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