

**DEVELOPMENTS IN STATE CANNABIS
LAWS AND BIPARTISAN CANNABIS
REFORMS AT THE FEDERAL LEVEL**

HEARING

BEFORE THE
SUBCOMMITTEE ON CIVIL RIGHTS AND CIVIL
LIBERTIES

OF THE

**COMMITTEE ON OVERSIGHT
AND REFORM**

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

NOVEMBER 15, 2022

Serial No. 117-108

Printed for the use of the Committee on Oversight and Reform



Available on: *govinfo.gov*
oversight.house.gov or
docs.house.gov

U.S. GOVERNMENT PUBLISHING OFFICE

49-682 PDF

WASHINGTON : 2022

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DEVELOPMENTS IN STATE CANNABIS LAWS AND BIPARTISAN CANNABIS REFORMS AT THE FEDERAL LEVEL

Tuesday, November 15, 2022

HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND REFORM
SUBCOMMITTEE ON CIVIL RIGHTS AND CIVIL
LIBERTIES WASHINGTON, DC.

The subcommittee met, pursuant to notice, at 10:11 a.m., via Zoom, Hon. Jamie Raskin (chairman of the subcommittee) presiding.

Present: Representatives Raskin, Kelly, Pressley, Norton, Ocasio-Cortez, Tlaib, Mace, Higgins, Sessions, and Biggs.

Mr. RASKIN. The committee will come to order. Without objection, the chair is authorized to declare a recess of the committee at any point.

Without objection—do we have members who sought waiver on the committee? No, OK.

Well, good morning, everyone. Welcome to our witnesses for being here. We've got some sensational witnesses who have joined us.

Last month, President Biden announced that he was issuing a blanket pardon to people who had been convicted of simple possession of marijuana under Federal law, and he said that his administration would review the scheduling of marijuana under the Controlled Substances Act.

And I applaud his announcement as an important and key first step in rectifying the many social injuries that have been inflicted on communities and our people across the country by the war on marijuana. It's just a first step, and we already know what the next step should be: Cannabis must be decriminalized at the Federal level as a matter of basic justice in the country and, I would say, to vindicate the antiprohibition principle that's in our Constitution.

We tried prohibition of liquor, and all it did was lead to the growth of organized crime in the country. It pitted the government against the people. It eroded respect for the law as all of the prohibition laws were being honored only in the breach, and it basically set the society at war against itself. And we've seen the exact same thing with marijuana prohibition.

It's not that marijuana is great for everybody in all circumstances, and I certainly discourage my kids from smoking marijuana or drinking alcohol, but the point is that the war against

marijuana has ruined so many lives in our country, and we can do a lot better by treating all of these as public health questions and regulatory questions rather than questions of crime and putting people behind bars.

Decriminalizing cannabis would benefit a lot of communities, including especially people of color, individuals incarcerated for non-violent offenses, veterans, and Federal employees. It will also benefit the small businesses operating in states where cannabis has already been legalized by providing access to banking services. They will no longer have to operate on a cash-only basis, which is obviously dangerous and makes them ready targets for criminal gangs.

We've already seen the benefits of decriminalizing in the states. As of May 27, 2022, 19 states, 2 territories, and the District of Columbia, where we sit today, have enacted measures to regulate cannabis for adult non-medical use. They've accepted and embraced the antiprohibition principle that's in our Constitution. In addition, 37 states, 3 territories, and Washington, DC, the vast majority of the country, allow the use of medical marijuana. What an extraordinary outbreak of commonsense in America.

Despite efforts to legalize and decriminalize cannabis possession at the state level, cannabis arrests today still remain widespread. They account for 43 percent of all drug arrests. Nine in 10 of those arrests are for simple possession of marijuana. However, states that have reformed their cannabis laws have seen markedly fewer arrests between 2010 and 2018.

Regardless of the status of legalization, racial disparities in cannabis arrests continue to persist nationally, although Black and White people use cannabis at roughly the same rates. In fact, Black people are nearly four times as likely to be arrested for marijuana possession as White citizens are.

In many states, these arrests can have life-altering consequences: Parents lose children. Disabled and low-income recipients of public assistance may lose healthcare. Families can be evicted from public housing, and finding a job can be difficult or outright impossible for people who have a marijuana conviction on their resume.

Black and Brown people disproportionately face these repercussions, evidencing the systemic problems in the criminal justice system. Decriminalizing cannabis will help to relieve these disparities. Allowing automatic expungement for nonviolent arrests and convictions would quickly help to reverse much of the damage being caused by the war on drugs. It would also benefit the thousands of veterans who suffer from chronic pain and post-traumatic stress disorder. Under current law, the VA is unable to prescribe medical marijuana to its patients, instead having to rely on traditional pharmaceuticals and opioids, and we know the dangers of opioids.

Furthermore, decriminalization would benefit approximately 2.1 million Federal civil—civilian employees and countless applicants for government jobs. Even in the states where it's been fully legalized, Federal employees and applicants are still vulnerable to being fired or rejected from their jobs even for having used a medical marijuana prescription in a state where that's lawful. We should not be denying our constituents the opportunity to serve in Federal office simply because they have used marijuana, as a majority of the country records that it has.

In addition, the Federal cannabis prohibition hinders the operation of above-board cannabis companies and undermines communities' economic integrity due to lack of access to formal banking. It also leaves cannabis companies vulnerable to theft and burglary because they're forced to deal in an all-cash market. Moreover, entry into the industry is effectively much more difficult for historically disempowered groups, women and minorities, compared to more resourced competitors who dominate in this space.

Legalization at the Federal level is a step that must be taken economically for the public health and for social equity for everyone in the country. To achieve true equity, marijuana should be descheduled and removed from the Controlled Substances Act scheduled categories altogether. The House has already passed the MORE Act this Congress. I call on our Senate counterparts to do the same and to end the absurd prohibition on marijuana in the 21st century.

With that, I now get to recognize the very distinguished ranking member, Ms. Mace, for her opening statement. She has been a tremendous leader in this field. And, in fact, it was her idea for us to have this hearing today to collect information about what's taking place across the country and then to emphasize what needs to be done at the Federal level.

Ms. Mace, you are now recognized for your opening statement.

Ms. MACE. Thank you, Mr. Chairman, for the honor of putting together this hearing together, historic, bipartisan hearing on cannabis on the Oversight Committee. This is a great day in America, and it's a true honor to be here. And it's an honor to serve with you and to work together on so many issues. And we're—our Nation looks so divided on the outside, but today this is an example where we can work together.

And I've shared this before, but this issue is not just an issue that to me is just—it's just a bill. This issue is personal. I was raped when I was 16 years old, and it was a devastating event in my life. It's trauma that I have lived with for almost my entire lifetime.

I dropped out of school shortly thereafter. And my doctors at the time prescribed me antidepressants that made my depression worse. And, rather than end everything, I stopped taking those prescription drugs, and I started using cannabis, not realizing at the time that I was self-medicating for the trauma that I had experienced. And I used it for a period of time, and it cut my anxiety. I was able to sleep better, and I stayed alive.

And I took that job at the Waffle House. I turned my life around. I learned some tough lessons during some tough times. I eventually would become the first woman to graduate from The Citadel, the Military College of South Carolina. I'm the first Republican woman ever elected to Congress from South Carolina. If I can make it, anybody can. And this plant literally saved my life. I don't know where I would be today had I not had that kind of experience that I can share with millions of Americans today.

And so the only place that cannabis is really controversial today is here on the Capitol. In bright red South Carolina, medical cannabis is supported by the vast majority of South Carolina residents. And, in fact, in my very purple district, in South Carolina's First

congressional District, even recreational is supported by the vast majority of constituents in that area.

And so I have a lot to say about the problems with our cannabis laws, but more importantly, I have a solution. In my first year in Congress, we worked for nine months to create the States Reform Act that would be a bipartisan bill looking at the ways that we can come together, the left and the right, to put forth legislation that was smart, that was responsible, and can bring together ideas from both sides of the aisle.

So the States Reform Act puts power back where it should be at the state level. There are 47 of 50 states that have some form of cannabis regulation or reform. The last three don't even have CBD. But South Carolina, we have CBD and hemp; Florida, for example, has medical cannabis; you have other states that have full adult recreational use.

Every state is different, and the States Reform Act respects the laws of every single state in the country and respects the right of federalism. It empowers Governors and state legislators to choose the reforms that are best for their state and their constituents and what they support. And States Reform Act has the constituents' needs with oversight coordination and commerce in mind.

The States Reform Act would bring about regulatory reforms which would enable us to tackle complex issues within the cannabis industry that we've seen over the last couple of years. The States Reform Act, in addition, would bring certain protections to children and veterans, something I'm extremely proud of.

It looks at potency labeling—the consistency and concentration—in packaging. It looks at ensuring that we can reduce the proclivity of the illicit market by having very low—a very low Federal excise tax at three percent. It looks at sales to unintended customers like kids in coordination with the FDA. It looks and takes social equity and capital access in lending for small businesses through the SBA.

It ensures that there's parity with alcohol regulation. The regulatory framework already exists today: commerce through TTB, medical through the FDA, growers through agriculture, et cetera, and the ATF.

There's a safe harbor provision for veterans. There's no reason, with the rate of veteran suicide today, that any veteran in our country should be denied access to medical cannabis to prevent their suicides from happening.

It also brings together much needed medical research, including research into PTSD, epilepsy treatments, for example, and it would include crucial research into driver safety and including truck driver testing as well. This landmark legislation treats cannabis like alcohol. And, in fact, cannabis is safer than alcohol and tobacco. I know this by talking to our law enforcement and our police at every level of government.

It receives an entirely different treatment, though, under Federal law. As you mentioned, Blacks, Browns—Brown folks and African Americans are four times as likely to be arrested. So there's no time like the present to end this very expensive, very painful, very harmful war on a plant.

And, Mr. Chairman, I want to thank you for our discussion today.

I also want to thank President Biden for his executive order. I mean, he's looking at rescheduling cannabis.

And I would like to ask unanimous consent to enter the following documents for the record.

Mr. RASKIN. Without objection.

Ms. MACE. I have articles supporting the States Reform Act from various nonprofits. I have letters supporting and endorsing the States Reform Act from groups, including NORML and The Americans for Prosperity, law enforcement groups, veterans groups, et cetera. I also have articles regarding cannabis research, including the NIH-supported studies—we need data and research, more importantly—and also the Minority Cannabis Business Association's National Cannabis Equity Report for 2022 all right here for you today.

Mr. RASKIN. Thank you. Without objection, they will be entered into the record.

Ms. MACE. I want to really salute you for your intellectual vigor and courage with which you've pursued this question. And I hope that this extremely bipartisan hearing will be a harbinger of what can take place in the next Congress, regardless of which one of us ends up on top by one vote or two. And I thank you for the spirit with which you initiated this hearing.

Mr. SESSIONS. Mr. Chairman?

Mr. RASKIN. Yes.

Mr. SESSIONS. I'd seek time if the gentleman were to allow that?

Mr. RASKIN. I'm sorry?

Mr. SESSIONS. I would like to seek time if the gentleman would allow that.

Mr. RASKIN. Oh, sure. We were going to have the witnesses first, but we'll come to you immediately. Is that OK?

Mr. SESSIONS. Thank you, sir.

Mr. RASKIN. Great. All right.

Well, welcome to all of the members of the committee, and thank you to our witnesses for being here.

First, we're going to have Paul Armentano, who is the deputy director for NORML, the National Organization for the Reform of Marijuana Laws. Then we'll hear from Eric Goepel, the founder and CEO of the Veterans Cannabis Coalition. Then Amber Littlejohn, a senior policy adviser for the Global Alliance for Cannabis Commerce. Next we'll hear from Andrew Freedman, executive director of the Coalition for Cannabis Policy, Education, and Regulation. Then Jillian Snider, the policy director of Criminal Justice & Civil Liberties in the R Street Institute. Next, Keeda Haynes, a senior legal adviser at Free Hearts. And, finally, we'll hear from the Honorable Randall Woodfin, the mayor of Birmingham, Alabama.

So the witnesses will be unmuted so I can swear you in. Please, stand, if you would, and raise your right hands.

Do you swear or affirm that the testimony you're about to give today is the truth, the whole truth, and nothing but the truth so help you God?

Let the record show that all of the witnesses have answered in the affirmative. Thank you very much.

Without objection, your written statements are going to be made part of the complete record, but each of you will now have five minutes to synthesize your testimony.

And, with that, Mr. Armentano, you're now recognized as our first witness.

STATEMENT OF PAUL ARMENTANO, DEPUTY DIRECTOR, NATIONAL ORGANIZATION FOR THE REFORM OF MARIJUANA LAWS

Mr. ARMENTANO. Thank you. I wish to thank the members of this distinguished committee for allowing us to have the opportunity to speak to you today.

For nearly 30 years, I've worked professionally on cannabis policy reform. I've witnessed seismic shifts in scientific, cultural, and political opinions during this period of time.

In the summer of 1996, about one year into my career, there were no states that regulated the possession or use of cannabis. Public support for legalization hovered around 25 percent, and former House Speaker Newt Gingrich had just introduced legislation to impose the death penalty upon those convicted of importing as little as four ounces of cannabis into the United States. That's where we were then. My, how times have changed.

Today, 21 states have policies regulating the production, use, and retail sale of cannabis to adults, and 37 states authorized the use and dispensing of cannabis for medical purposes.

In the past 25 years, not a single state has ever repealed or rolled back their cannabis legalization laws. This is evidence that these policies are working primarily as both voters and as state officials have intended.

In addition, more than two-thirds of Americans, including majorities of Democrats, Independents, and Republicans, now say that cannabis use by adults should be legal. As more states have embraced legalization, public support for these policies has increased in parallel. There is no buyer's remorse among the American public. They see that legalizing and regulating cannabis works and that this policy is preferable to one of criminalization, discrimination, and stigmatization.

America now enjoys a quarter-century real-world experience with state-level cannabis legalization laws. The data gathered from this experience is plentiful and reassuring. A keyword search of PubMed, the repository for all peer-reviewed scientific studies, identifies over 42,000 published studies specific to cannabis and its effects. Over half of these papers were published just within the last decade. This literature establishes that, although cannabis is not all together harmless, it most certainly is not so dangerous as to warrant its Federal classification as a prohibited Schedule 1 substance like heroin.

President Biden recently acknowledged this reality when he publicly criticized Federal cannabis criminalization as a failed approach and called for a review of its prohibitive status under Federal law. On two recent occasions, the House has reached a similar conclusion when it voted to pass the Marijuana Opportunity Reinvestment and Expungement Act—which, among other changes, removes cannabis from the U.S. Controlled Substances Act in a man-

ner similar to that of alcohol. This policy is known as descheduling. It eliminates the existing state/Federal conflict by providing state governments with explicit authority to establish their own individual cannabis policies free from the threat of undue Federal intrusion.

Descheduling is necessary in order to close the growing and untenable divide between state and Federal cannabis laws. By descheduling cannabis, tens of millions of Americans who reside in states where cannabis is legal in some form, as well as the hundreds of thousands of people who work for the state license industry that services them, will no longer face needless hurdles and discrimination, such as a lack of access to financial services, loans, insurance, Second Amendment rights, tax deductions, certain professional security clearances, and other privileges. More importantly, these millions of Americans will no longer have to live in fear of Federal prosecution.

Nearly a century ago, the Federal Government wisely decided to repeal the Federal prohibition of alcohol. Then, much like today, a growing percentage of politicians recognized that criminal prohibition was a politically unpopular law that was running afoul of the policies of many states.

Congress' solution? Respect the 10th Amendment of the U.S. Constitution and empower states, not the Federal Government, to be the primary arbiters of local alcohol policies. This path made sense in 1933 and makes equal sense today.

Our Nation's Federalist principles demand that the Federal Government respects voters' decisions to legalize cannabis. At a time of record public support for legalization and when a majority of states have adopted this policy, it makes no sense from a political, fiscal, or cultural perspective for Congress to try to put this genie back in the bottle or to place its collective heads in the sand. It is time for the government to end its nearly century-long experiment with cannabis prohibition.

Mr. RASKIN. Thank you, Mr. Armentano. I appreciate that very much.

Mr. Goepel, you're now recognized for your five minutes.

**STATEMENT OF ERIC GOEPEL, FOUNDER AND CHIEF
EXECUTIVE OFFICER, VETERANS CANNABIS COALITION**

Mr. GOEPEL. Chairman Raskin, Ranking Member Mace, and members of the Subcommittee on Civil Rights and Civil Liberties, good morning.

My name is Eric Goepel, founder of the Veterans Cannabis Coalition. I served in the U.S. Army for seven years, including two tours in Iraq, providing communications and intelligence support in a special operations unit. I am also the son and grandson of veterans, all now passed, who have served this country since World War II.

In my capacity with the Veterans Cannabis Coalition, alongside my fellow Iraq war veteran and cofounder Bill Ferguson, we have been working for close to five years on this nexus of issues. On behalf of our community and all patients who rely on cannabis as a medicine, we thank you for holding this hearing and gathering a variety of perspectives on this knot of state and Federal challenges.

We greatly appreciate the bipartisan work the chair and ranking member have put into making this happen and look forward to the day when Congress comes together to end cannabis prohibition and restores those harmed by government action once and for all.

Every death by suicide, overdose, and toxic exposure is not a tragedy. It is a policy failure. It is not just a dereliction of Congress' duty to provide for the general welfare of the Nation but a betrayal of the explicit promise this country has made for hundreds of years to care for those who have borne the battle.

Each passing of family, friends, and brothers and sisters in arms leaves a void and, for those of us who go on, a lingering question: Could we have done more?

We are here to provide an answer: Yes, we could have done more. We can do more, and we should do more. We could've done more for the 127,560 veterans who have died by suicide in the last 20 years, despite billions of dollars spent on studies and interventions. We could've done more for the hundreds of thousands of Americans lost to overdose, made worse by crackdowns on legal prescribing and a tainted drug supply.

Congress, most of all, must do more to acknowledge, stop, and care for the generations of servicemembers, families, and host communities poisoned by toxic exposure caused by the Department of Defense.

So many veterans have served, suffered trauma, received care that they found lacking, and, teetering on the edge of crisis, discovered cannabis. Commonly, they pointed to how cannabis helped with pain, sleep, and stress where the pharmaceuticals and therapies fell short. For all, cannabis served as a catalyst that assisted them with regaining lost function and improving their quality of life.

The case is clear that change is needed, but where should we start? We have worked to apply those lessons in California where we have brought together nonprofits, educators, and licensed operators to raise awareness of a unique state law, the Dennis Peron and Brownie Mary Act, commonly referred to as SB-34. The law allows regulated companies to donate to eligible patients at no cost, eliminating a major barrier to access.

Our allies in Canada, who American servicemembers have fought side by side with since World War I, have provided their veterans with a medical cannabis reimbursement program since 2011. In the most recent year, Veterans Affairs Canada subsidized the purchase of \$150 million in legal cannabis for more than 18,000 veterans.

In contrast, the U.S. Department of Veterans Affairs have opposed every congressional attempt to expand research, make it easier for veterans to access state legal medical programs, codify protections for veterans using cannabis, or provide them safe harbor. Their counter arguments always boil down to the simple fact that cannabis is a Schedule 1 substance.

That is one of many reasons that the cornerstone of any Federal reform must be removing cannabis from the Controlled Substances Act entirely. Keeping cannabis on the schedule keeps the plant criminalized. Even if you were to move it to Schedule 5, possession without a doctor's prescription would still remain a Federal felony. Deschedule is decriminalization.

Once cannabis is descheduled, Congress must also mandate the Department of Veterans Affairs—excuse me, the Department of Defense initiate an automatic review and upgrade process for veterans with an other-than-honorable discharge linked to a cannabis offense. Elements of this are in the States Reform Act, for which we would very much like to thank the ranking member. Far too many veterans have been stripped of their benefits because they self-medicated to manage trauma. The Federal Government must make veterans who have been doubly punished over cannabis whole again.

We are canaries in the Nation’s public health coal mines. We suffer disease and disorder across the board at greater severity and frequency than our peers. We have been the target of some of the most focused—excuse me, of some of the most focused healthcare interventions in U.S. history but are dying at rates never before seen.

So, if cannabis is helping some of the most severely injured and ill people in our society who have been failed by traditional care achieve a better quality of life, then why is the Federal Government determined to deny the reality and deprive them of their liberty? To everyone gone, could we have done more for them? The answer has always been yes. What remains to be seen is whether we will summon the political will and resources to do.

Thank you for this time, and we hope we can be a resource to the committee going forward in helping understand how prohibition is harming veterans.

Mr. RASKIN. Thank you very much for your testimony.

Ms. Littlejohn, you’re now recognized for your five minutes.

**STATEMENT OF AMBER LITTLEJOHN, SENIOR POLICY
ADVISOR, GLOBAL ALLIANCE FOR CANNABIS COMMERCE**

Ms. LITTLEJOHN. Good morning, Chairman Raskin, Ranking Member Mace, and members of the committee. Thank you for allowing me to testify today on challenges for small and minority-owned cannabis businesses, the impact of Federal prohibition, and opportunities for bipartisan reform.

My name is Amber Littlejohn, senior policy adviser for the Global Alliance for Cannabis Commerce. GACC is the leading cannabis trade association advocating to end Federal prohibition. We seek policies that create an open and sustainable industry and true second chances for those harmed by prohibition. I am before you today as a witness, lawyer, and a testament to the transformative power of economic opportunities that can ripple for generations.

In 1927, my grandfather, Ben Littlejohn, was born in Gaffney, South Carolina, to a family of sharecroppers. In the 1970’s, after a distinguished career in the U.S. Army, he had the opportunity to enter the emerging personal computer industry. This opportunity changed the trajectory of his life, the lives of his children and grandchildren, and generations to come.

Today, we stand again at the forefront of a new industry with a chance to provide intergenerational opportunities that can impact lives in Gaffney, Baltimore, Chicago, Boston, and also Birmingham. The legal cannabis industry in some form exists in 48 states. The

medical-and adult-use industries employ over 400,000 Americans, and last year alone contributed \$3.7 billion in state tax revenues.

Cannabis is now the sixth largest legal cash crop in the U.S. Despite these significant contributions to our economy, Congress has failed to implement sensible cannabis reform. Under the threat of criminal penalty and forfeiture, the status quo of Federal cannabis prohibition continues to balkanize state marketplaces and raise insurmountable barriers to entry with devastating consequences for small and minority-owned businesses.

Consequently, minority-owned cannabis businesses are in decline. Black Americans bear the brunt of the disparate enforcement of cannabis laws. They now also bear the brunt of failed state policies and the devastating impact of Federal prohibition on the legal cannabis industry. Black Americans comprise just two percent of owners in the legal cannabis industry despite representing 13.6 percent of the population.

To promote economic opportunities and restorative justice objectives, 15 states have implemented cannabis social equity programs. However, without addressing the barriers made insurmountable by Federal prohibition, no program is sufficient to enable small businesses to compete in an industry dominated by large operators and the unlicensed market.

Ending prohibition is a critical step toward addressing the failed impacts of failed Federal drug policy. Today, less than 10 percent of Americans support continuing the status quo. The majority of Democratic and Republican voters favor ending Federal prohibition, which requires descheduling. Rescheduling is recriminalizing; descheduling is decriminalizing.

President Biden took a laudable step toward meaningful reform by prompting the review of the status of cannabis under the Controlled Substances Act. However, it was Congress that codified prohibition and the vast machinery of antidrug laws that sparked decades of disparate enforcement. Now Congress has the power and the obligation to comprehensively and thoughtfully correct it by focusing on sensible regulation and harm reduction.

Fortunately, Congress has substantial opportunity for bipartisan reform. The three leading comprehensive proposals—the States Reform Act, Cannabis Administration and Opportunity Act, and the Marijuana Opportunity Reinvestment and Expungement Act—differ in their approach to ending prohibition but provide a sound basis for progress.

The bills reveal common bipartisan aims to intentionally deschedule and not reschedule cannabis, provide true second chances for those impacted by prohibition, ensure low barriers to entry and support for small and minority-owned businesses, define a role for the Federal Government that respects diverse state regulatory frameworks, and thoughtfully and expeditiously transition to an interstate marketplace with support for new opportunities for small and minority owned businesses.

From these areas of agreement, Congress can move forward to end prohibition and enact sensible cannabis laws. The American cannabis industry provides too many jobs, too many economic opportunities, and supports too many social and economic initiatives for Congress to remain at impasse.

On behalf of GACC, thank you, Chairman Raskin, Ranking Member Mace, and committee members for this hearing on exploring bipartisan opportunities for reform.

Last, thank you, Ranking Member Mace, for your thoughtful approach to protecting existing small businesses in the SRA and helping build this bridge for bipartisan collaboration.

I look forward to the committee's questions.

Mr. RASKIN. Ms. Littlejohn, thank you very much for your testimony.

And, Mr. Freedman, you're now recognized for yours.

STATEMENT OF ANDREW FREEDMAN, EXECUTIVE DIRECTOR, COALITION FOR CANNABIS POLICY, EDUCATION, AND REGULATION

Mr. FREEDMAN. Thank you, Chairman Raskin, Ranking Member Mace, and distinguished members of the committee.

As the former cannabis czar for the state of Colorado and a policy professional having advised nearly 20 governments, it is an honor to join today's discussion on the need for Federal cannabis reform.

When Colorado voters approved a ballot initiative in 2012 legalizing adult-use cannabis, the Then-Governor and present-U.S. Senator John Hickenlooper appointed me to lead the state's efforts to implement its new law and to oversee the medical cannabis and hemp programs. I have had a front row seat to one of the most remarkable political phenomena and federalism experiments in modern American democracy.

Last week, as we marked the 10th anniversary of Colorado's passage of its adult-use cannabis initiative, we saw voters in two more states legalize adult-use cannabis, including in the very red state of Missouri. Today, roughly half of Americans live in the 21 states and the District of Columbia that have legalized adult-use cannabis, and there are a total of 37 states that have legalized cannabis for medicinal use. Prohibition is no longer the law of the land even as it remains Federal law.

While voters from across the political spectrum agree that Federal prohibition has failed as badly as alcohol prohibition did a century ago, other motivations for legalization vastly vary. In the last 10 years, I have advised rural counties that were interested in licensing cultivation facilities so their farmers could participate in the market, large East Coast cities that were concerned with ensuring minority-owned businesses were first to get licensed, and states that prioritize safe access for medical cannabis patients. Throughout this work, one fact remained constant: states were critically hampered in achieving their goals and mitigating their concerns without Federal reform.

So, in 2020, we founded the Coalition for Cannabis Policy, Education, and Regulation, or CPEAR, to embrace a simple reality: Cannabis reform is here to stay, and it is time for the Federal Government to institute regulatory, public health, public safety, and criminal justice policies that respect and align with the states.

The coalition consists of members representing regulated industries, think tanks, government associations, public safety officials, medical and mental health professionals, financial services firms, and social equity organizations. Together, this coalition strives to

be a trusted, data-driven resource for lawmakers and the larger stakeholder community.

CPEAR does not advocate that a state should or should not legalize cannabis. States should remain free to determine what, if any, form of legalization they wish to pursue. But where states have decided to pursue cannabis reform and even in states where cannabis remains illicit, the Federal Government should provide regulatory guardrails. States are demanding this.

This committee is asking the right question: How can changes to Federal law help the cannabis policy landscape? For instance, to combat driving under the influence of cannabis, Federal policy is critical to augment and improve drug recognition expertise, create universal intoxicating standards, and to fast track the implementation of new impairment detection technologies.

Congress can combat youth misuse by supporting youth programming networks, establishing a national minimum purchasing age of 21, drawing upon best practices of point-of-sale age verification, and restricting advertising that targets youth. To combat the illicit market, states have implemented track-and-trace inventory control systems to monitor cannabis products throughout the supply chain.

Reform requires a unified Federal and state response. That means Federal reform efforts should supplement and integrate with existing state systems.

There are dozens of issues where Federal engagement is critical, including addressing mental health concerns, conducting research, restricting unproven health claims, preventing substance abuse, known as cannabis-use disorder, and maintaining safe access for patients and veterans.

This is not to say the entire Federal Government isn't paying attention. Ranking Member Mace, present today, has championed the States Reform Act, which provides a Federal regulatory framework for cannabis. Representative Ocasio-Cortez co-leads the Harnessing Opportunities by Pursuing Expungement, or HOPE, Act, an important bill for those impacted by prohibition. Both of these bills have CPEAR support.

Ranking Member Comer has championed the Federal effort to provide regulatory clarity to the U.S. hemp industry. As Kentucky's commissioner of agriculture, he implemented hemp pilot programs permissible per the 2014 farm bill. He has secured provisions in 2018 farm bill for fully legalizing the crop. He has since conducted regulatory followup and oversight of the U.S. Food and Drug Administration.

Today's hearing is a testament to your further commitment to get bipartisan Federal cannabis reform done right. To aid the committee in discussing cannabis reform, CPEAR has entered four policy papers into our written statement. These present a framework for small and minority-owned businesses, solutions for mental health and substance abuse, a plan to prevent youth misuse, and policies to combat driving under the influence of cannabis and other drugs.

I thank you for your time today and look forward to answering any questions you may have today or in the future.

Mr. RASKIN. Mr. Freedman, thank you very much.

I now recognize Ms. Snider for five minutes of your testimony.

**STATEMENT OF JILLIAN SNIDER, POLICY DIRECTOR OF
CRIMINAL JUSTICE & CIVIL LIBERTIES, R STREET INSTITUTE**

Ms. SNIDER. Good morning, Chairman Raskin, Ranking Member Mace, and members of the subcommittee. Thank you for the invitation to speak at this hearing. My name is Jillian Snider, and I am the policy director of Criminal Justice & Civil Liberties at the R Street Institute, which is a nonprofit, nonpartisan public policy research organization.

In addition to my current role, I'm also a lecturer at John Jay College of Criminal Justice and a retired New York City police officer. I'm here to speak to you today about the critical nature of and growing bipartisan support for cannabis reform at the Federal level.

For more than five decades, the United States has prioritized the prohibition of cannabis, but these efforts have been futile. As it stands, cannabis is the most widely used illegal substance in the United States. It is estimated that 55 million Americans currently use marijuana. And recent polls indicate that more than 90 percent of the American public, Democrats and Republicans alike, support legalization for adult use of medicinal or recreational cannabis.

Proposed Federal legislation indicates increased support for alternatives to Federal cannabis prohibition, which is critical to provide clarity on the overall legal status of cannabis. Currently, cannabis may be legal in one state and decriminalized in another, but because it is still prohibited at the Federal level, users or possessors of the substance are subjected to criminal penalty. This dual legality is problematic. It not only confuses the average citizen, but it also results in extremely varied approaches of policing.

Federal prohibition and related enforcement efforts have intensified racial disparities, clogged court dockets, contributed to mass incarceration, devastated communities and families, proliferated an illegal drug market, diverted police resources from substantial threats in the community, increased the number of negative police-citizen encounters, produced an associated distrust of the police, and continues to weaken the police community relationships that are integral to reducing more serious and violent crime.

Of course, the legalization of cannabis alone cannot solve all these issues, but the potential benefits of smart Federal legalization policy would outweigh the established consequences of prohibition.

The widespread use of marijuana in the United States and its distinct lingering odor makes the substance especially prone to initiating police contact. During my policing career, I worked with the street-level narcotics enforcement unit and served on the anticrime unit which proactively looks to deter violent crime and illegal weapons possession.

The smell of marijuana was often the predicate for the team and I initiating a citizen stop. And, while on rare occasions we uncovered additional crimes, many of them low level in nature, such as driving on a suspended license or having a warrant for an unpaid summons, the fact remains that most of these encounters did not result in the seizure of more serious drugs or dangerous weapons.

Continued cannabis prohibition has contributed to the evisceration of community confidence in police and the criminal justice sys-

tem. A 2020 poll found that, for the first time in 27 years, the majority of Americans do not trust the police. When citizens lack faith that the police can keep them safe, violence escalates, street-level justice becomes preferred over police intervention, and public safety is sacrificed.

Compounding the issue of low levels of community trust is the diminishing view of police legitimacy, which refers to the public support for their officers' authority to manage and resolve conflicts. The core principle of this mutual relationship is that the police have trust and confidence that the officers are honest and working diligently to keep them safe.

If the police have the support of the public, citizens are more willing to defer to the authority of the police and believe that their actions are morally justified and appropriate to the circumstance. When police and the communities they serve collaborate, citizens are more willing to cooperate in efforts to prevent and respond to crime. This dynamic has the capacity to reduce neighborhood levels of crime and decrease opportunities for potential harm to police.

Considering recent crime trends, focusing on anything other than violent crime is a distraction of law enforcement priorities. The United States must prioritize violent crime reduction in lieu of the emphasis on low-level cannabis enforcement to improve public safety. Smart, thoughtful cannabis legalization that is attune to the demands of the market and the needs of the people has the capacity to revolutionize our communities and their interactions with law enforcement.

The Federal Government has the opportunity to end the war on cannabis. Ending cannabis prohibition can disrupt illegal drug markets, reduce violence, enhance public safety, lessen negative police/citizen interactions while restoring police legitimacy, and allow for reallocation of resources to quell the recent surge in homicides and other serious crime. Regardless of personal or moral perspectives, the Federal prohibition of cannabis is bad public policy.

Thank you for holding this hearing, and I look forward to your questions.

Mr. RASKIN. Ms. Snider, thank you very much for your testimony.

Next is Keeda Haynes. You are recognized for your five minutes.

**STATEMENT OF KEEDA HAYNES, SENIOR LEGAL ADVISOR,
FREE HEARTS**

Ms. HAYNES. Good morning. First of all, I would like to start by thanking Chair Raskin and Ranking Member Mace for inviting me to speak today, and to all the members of this subcommittee for your time and consideration of this important issue. My name is Keeda Haynes, and I am the senior legal adviser for Free Hearts, which is a national-based nonprofit that provides support, education, and advocacy for families impacted by incarceration.

I'm also the Federal policy analyst for the National Council of Incarcerated and Formerly Incarcerated Women and Girls. I'm a former congressional candidate, and I served my national community as a public defender for over six and a half years.

But, prior to that, I was 00017-011. While in college, my boyfriend asked if I would accept packages for his cell phones and

pager company because no one would be at the store when the packages would be delivered. Turns out, those packages never contained cell phones and pagers but instead marijuana. I was indicted with 28 others. And, after a lengthy jury trial, I was acquitted of the actual marijuana conspiracy and other various charges. But, unfortunately, I was found guilty of aiding and abetting that conspiracy to distribute 100 to 400 kilograms of marijuana, and I was sentenced to seven years in Federal prison, two years above the mandatory minimum.

After several appeals, I was finally released on December 1st of 2006, after serving almost four years for a crime that I did not commit. Unfortunately, I had become a statistic, but I refused to become a permanent casualty. I attended law school, I passed the bar exam, and I eventually became a licensed attorney in the state of Tennessee.

As a public defender, I regularly represented Black and Brown clients whose lives were turned upside down because of disproportionate marijuana arrests and convictions, giving me a view firsthand of the harm that was caused to them, their families, and our communities. Because of this, and my own personal experience, decriminalization of marijuana is extremely important to me.

It is evident that the country has changed course with several states legalizing marijuana, President Biden's recent executive action, and bipartisan support in Congress for decriminalization. I applaud this shift, but more definitely needs to be done.

The racial disparities in marijuana arrests and prosecutions and the harms inflicted upon Black and Brown communities is well documented. As Congress considers comprehensive marijuana reform, these racial disparities must be acknowledged where policies are created that alleviate the harm that has been caused, because marijuana reform is racial justice.

Those of us with convictions on our record experience a range of collateral consequences that impact the ability to acquire jobs, housing, education, licenses, the right to bear arms, the right to vote, and, frankly, an individual's overall quality of life because of outdated and excessive prosecution.

To correct the decades of injustice experienced at the hands of marijuana prohibition, our criminal records should automatically be expunged, restoring our rights to participate in society where we are no longer subjected to a host of collateral consequences or relegated to live as second-class shadow citizens.

As for the thousands more still sitting in prison with marijuana convictions, some serving life, they should be released and have their records expunged or at the very least giving an opportunity to have their sentences reviewed and reduced.

Most of us with Federal marijuana convictions have extremely complex cases. Some have convictions for conspiracy, distribution, manufacturing, or continuing criminal enterprise, where others may be convicted under RICO statutes or even money-laundering statutes, and still more, like myself, may be convicted under 18 U.S.C., section 2, the aiding and abetting statute. Without fully understanding the complexity of marijuana offenses and including adjacent offenses in marijuana reform, the full scale of harm that needs to be repaired will not be reached.

I have experienced and seen firsthand the destruction of lives and the devastation of communities by marijuana prohibition, and I urge this committee and Congress to go beyond decriminalization and make a concerted effort to actually repair the damage that has been done. It is time for the United States to move past these failed marijuana practices of the past and to restore dignity and freedom to millions who have suffered under this prohibition.

And, on a final but important note, again, I want to say thank you for including me and my directly impacted community in this hearing. The directly impacted community's voices are extremely important, as we have distinctive experiences, narratives, and perspectives resulting from our involvement within the criminal legal system, and we deserve to be heard and part of the healing and justice for our communities.

So thank you again, and I look forward to any questions.

Mr. RASKIN. Ms. Haynes, thank you so much for your testimony.

And I come now finally to The Honorable Randall Woodfin, who is the mayor of Birmingham, Alabama. You are recognized for your five minutes.

**STATEMENT OF THE HONORABLE RANDALL WOODFIN,
MAYOR, CITY OF BIRMINGHAM, ALABAMA**

Mr. WOODFIN. Chair Raskin, Ranking Member Mace, and members of the subcommittee, good morning, and thank you for the opportunity to testify on this important issue of reforming our cannabis laws.

I serve as mayor of the city of Birmingham, Alabama, a 75-percent Black city with a historic legacy of fighting for civil rights. And I accepted this invitation to testify because I believe that mayors have a very unique role to play in how we address this issue of ending the prohibition of cannabis.

You know, ending the prohibition of cannabis has taken far too high of a human toll on Black and Brown communities. I also wanted to use this opportunity to urge Congress to pass during this lame duck session commonsense reforms that will expunge criminal records, normalize banking and financial services, and expand our ability to research cannabis.

As mayor, I've taken action on this issue by using my pardon power to pardon over 23,000 individuals charged with possession of cannabis in the city of Birmingham. I've also encouraged our state government to take action on moving forward with cannabis decriminalization and the expungement of past convictions.

I've commended Alabama's effort to move forward with a medical cannabis program, but I will also urge Alabama to go a step further in providing full adult recreational use for many of the reasons I will explain in detail.

Mayors across our country have a meaningful role to play as many of us continue to push for cannabis legalization. As mayors, many of us can prioritize the enforcement of minor cannabis offenses, use our executive authorities for pardons, eliminate from consideration prior cannabis convictions from employment applications for city employment, and embrace cannabis as both the moral imperative and economic development opportunity that we know it can be.

As mayor, I work closely with law enforcement in my city. And some of them may disagree with me on this issue, and I understand and respect their perspective, but I believe that our position on issues like cannabis legalization should be guided by the facts and the science. There is no evidence that legalization leads to appreciable increases in any form of crime. There is no evidence of increased drug use by teens in states that have already legalized cannabis.

If anything, legalization actually frees up law enforcement's resources to pursue violent crime, a priority for every mayor in any urban core in our country. And legalization also provides state and local governments with sales taxes, business license fees, and property taxes that we can use to reinvest in our communities. And, while mayors can do a lot, truthfully we can't do it all. We need help from Washington.

The Biden administration made a good first step in urging the Department of Justice and HHS to consider rescheduling or descheduling cannabis, and I firmly believe that descheduling is the best path forward. If cannabis is descheduled, it will make the legal status of cannabis clear across the country, effectively legalizing and disproportionately benefiting Black and Brown communities that have paid the human costs for the war on drugs.

Any such relief of the cannabis industry should also come with robust restorative justice provisions. The Biden administration took the right first step, but it should be followed up with the Department of Justice aggressively processing the thousands of delayed clemency petitions for the thousands of Americans that have been unjustly incarcerated.

There are other ways to incorporate equity considerations into this space, including research partnerships that give our land-grant HBCUs the same opportunity that the University of Mississippi has had for decades to research the medical uses of cannabis and license their research to pharmaceutical partners, providing special capital access programs for home-grown micro businesses and collectively owned cannabis, and leveraging entities like the Small Business Administration and the Minority Business Development Agency to provide capital access and technical assistance to minority-owned cannabis firms.

As I've stated, mayors can do a lot, but we can only do so much. The state-by-state patchwork leaves too many Americans out of reach from the promise presented by ending the Federal prohibition on cannabis. Congress must act now during this lame duck session to get SAFE Plus done, because we need expungements, normalized banking and capital market access, and more research now. And Congress must push the Department of Justice to process far more clemency petitions such that every American unjustly incarcerated is released and given an opportunity to participate in this new industry.

Thank you again for this opportunity to testify, and I look forward to answering any of your questions.

Mr. RASKIN. Mayor Woodfin, thank you very much for your testimony.

What awesome testimony across the board from all of you. I know the ranking member, Ms. Mace, and I both have a million

questions for you, but we're eager to hear from our members, who are also champing at the bit.

So I'm going to defer first to my distinguished colleague from Massachusetts, Ms. Pressley. You're recognized for your five minutes.

Ms. PRESSLEY. Thank you, Chairman Raskin, for your leadership. And I agree with you, excellent panel.

Thank you, everyone, for lending your insightful expertise to this issue.

Clearly, the failed war on drugs has sustained a mass incarceration crisis that has ravaged Black and Brown communities, destabilized our families, and inflicted truly intergenerational trauma. With marijuana arrests accounting for nearly half of all drug arrests, today's hearing really does underscore the need to combat this crisis by legalizing marijuana and repairing the harm of incarceration by providing pathways into the legal cannabis industry for those directly impacted.

As the cannabis industry is projected to raise revenues of over \$50 billion—that's with a "B"—dollars by 2026, a recent report found that less than two percent of the industry is owned and operated by Black entrepreneurs. This is certainly a grave injustice.

Ms. Littlejohn, would you just enumerate, for the purposes of the record, what are some of the top challenges that Black and Brown folks continue to face when seeking access to the cannabis industry?

Ms. LITTLEJOHN. Thank you, Congresswoman Pressley.

Barriers to entry exist really from the outside. New entrants to the market commonly find that licenses are not available to newcomers, and if they are, they are rendered nearly impossible to secure due to tensions between state and Federal law.

For example, in one state, to secure an adult-use cannabis license, you would need to come up with \$3 million, but you would also need to meet low-income requirements at the same time. Many applicants are required to secure commercial property at 4 to 10 times the going rate and hold that property indefinitely with no promise of actually securing a license. And they do all of this without access to capital and Federal loans and services for small businesses.

If they can actually get their doors open, they would face an effective tax rate of 70 to 90 percent, a lack of access to banking, insurance, and Federal IP protections. And together this makes it nearly impossible to navigate in a market that's made incredibly volatile both by Federal illegality and competition from unlicensed and unregulated operators.

Ms. PRESSLEY. Thank you, Ms. Littlejohn. I appreciate you enumerating that and offering those very specific examples, which really does just speak to the fact that, first, we need laws that center healing and prioritize equity, but every law is only as good as its enforcement. And, also, it seems that, even with some of those laws, we still see these inequities being perpetuated. So thank you so much for your testimony.

And I will lift up that, representing the Commonwealth of Massachusetts, that we did create the first in the Nation social equity program which does provide residents who are disproportionately

harmed by the war on drugs with access to critical resources grants and low-or no-interest loans.

Ms. Haynes, so good to see you, and thank you so much again for your testimony. Why is it beneficial to mandate equity provisions which help formerly incarcerated individuals?

Ms. HAYNES. Thank you for your question, Representative Pressley, and it is good to see you again as well.

Again, as I stated in my testimony here and even in my written testimony, those of us that are directly impacted, we experience a host of collateral consequences. And just imagine, you know, being subjected to these collateral consequences while you were seeing particularly White men make billions off of the cannabis industry and to also see people freely using something that you are relegated to live as a second-class citizen for.

And so it is with those things in mind, and so, you know, no, Congress will not be able to give me back the four years that I lost or any other time that anybody has lost, but by automatically expunging these convictions, again, like I said, so that we no longer have to live in the shadows in our community, will be able to help us to secure jobs where we can have meaningful jobs.

It will help us to secure housing. It will help us to be able to get into the marijuana business if one so chooses, and it—and just to various other things. It will help us be able to regain our right to vote to participate in our democracy fully in this country. And so there's just a lot of things that, like I said, we are relegated to live as second-class citizens in this country because of marijuana convictions.

And so it is just extremely important that it is automatic expungement, not something that we have to go through the courts for, because some people might not be able to afford lawyers and, you know, all of those different things. It is something that should be automatically done for those of us who have, you know, experienced collateral consequences because of the prohibition on marijuana.

Ms. PRESSLEY. Thank you for being as precise as the laws that caused the harm. So I appreciate your being so instructive there and comprehensive in your response.

Ms. Littlejohn—

Mr. RASKIN. Actually, the gentlelady's time is expired. We'll see if we might be able to do a second round. Thank you, Ms. Pressley.

Ms. PRESSLEY. OK. All right. I'll stay tuned.

Mr. RASKIN. All right. Stay tuned. I know everybody has got a million questions here.

I'm delighted to come to the distinguished gentleman from Texas.

Mr. Sessions, you are now recognized as the first questioner on the minority side for your five minutes.

Mr. SESSIONS. Chairman, thank you very much. I did request that time a few minutes ago, and I appreciate the gentleman living up to that.

We talk about this issue as being bipartisan, but I think we also need to include all the facts of the case. If you look at CDC, provisional data from CDC indicates that there were an estimated 100,306 drug overdose deaths in the United States during a 12-month period ending in April 2021, a 28.5-percent increase from

the 78,056 deaths during the same period the year before. The new data that estimated drug overdoses to 75,000 in a 12-month period ended April 2021, up from 56,000 the year before. So we're now headed to increase that substantially.

Marijuana and drugs are crippling. They cause addiction. They cause crime, and they cause mental issues. And today I think it's important for us to know as people attack the police department, police are there to help secure communities to save people, to save people from criminals and dangerous products. During my lifetime, we've gone to where we stopped allowing cigarette smoking in public but now openly allow marijuana to be just used all over the place in communities that cause harm.

In the state of New York, in the year 2000, they implemented criminal justice legislation whereby it eliminated cash bail for non-violent felonies, and yet a man was arrested just a few weeks ago with 20,000 fentanyl pills—each of the pills would be expected under that man's thinking to be broken up and used a number of times, but 20,000 fentanyl pills—was arrested. No bail. He was let free.

It is important that we look at the facts of the case about what marijuana does to children, to families, to women.

Last year, more drivers experienced serious crashes or deaths with cannabis in their system than any other drug. In 2020, 27 percent of drivers who were injured or killed in a motor vehicle crash tested positive for marijuana. The bottom line is it is addictive. It is addictive in causing people to live their daily lives not only with marijuana but with these dangerous potencies.

Cannabis potency rose every year on an average by 0.29 percent from 1970 to 2017, meaning, it is true, when I was in high school, that it was far, far less, hundreds of times less potent. Today there are marketplaces that increase THC to increase not only the high but also that rate that would cause addiction.

Mr. SESSIONS. It is important for us to know that the most popular strains in Colorado ranged from 17 percent to 28 percent THC by 2017—a 400 percent increase from 1970.

The product is being marketed, the product is being sold, the product is being advocated by people who are in it to make money. Slavery made money also and was a terrible circumstance that this country and the world went through for many, many years.

I began watching "Drugs, Inc.," which is a 6-year or 7-year program that is on National Geographic, and they talk about both sides of the drug industry. They talk about how these drug dealers go make money: They carry weapons; they threaten people; they kill people; they kill families.

This is what the industry is. It is not the pretty opportunity that has been presented today. Over 300 people between the ages of 18 to 35 die every day of drug overdose.

We hear today veterans. And I appreciate the gentleman for his service and other veterans who have taken time to be here today to present their story, and we do respect you for your service. But it is important to note that the reason why the VA does not want to allow this is because no more than they do want to do surgery or help a drunk person. They require a person to dry out.

It takes about 30 days before marijuana is out of your system. And many of the issues that these people deal with with the VA are related to receptors, things that cause pain in their body. Marijuana THC directly affects receptors, which means that false positives or not the real circumstance would be understood by a treating physician at the VA.

And so they don't, just like they don't want to treat a person who's drunk, they don't want to treat people and get something that is not the actual occurrence.

So, Mr. Chairman, it is my hope that next time that there would be one of these hearings that more facts of the case about the open harm to our children, to our communities, to this country, of the people who are able to go to work, of the people who provide transportation.

And all I can tell you is I got involved in this years ago when there were many deaths on our highways and in our train systems because people were high. And whether it's high off alcohol or high off marijuana or high off heroin, people lose their life.

The Chairman. Well, thank you, Mr. Sessions, for all those provocative insights. And I hope we'll get to address them—

Mr. SESSIONS. Well, I still have 1:58 remaining.

Mr. RASKIN. No, I think you're 1:58 over.

Mr. SESSIONS. Oh, 1:58—

Mr. RASKIN. But that's all right.

Mr. SESSIONS. Well, I thank the gentleman very much.

Mr. RASKIN. We wanted to hear from you, and we thank you for your thoughts.

Mr. SESSIONS. Yes, sir.

Mr. RASKIN. The chair of the full Oversight Committee has joined us. Mrs. Maloney is here.

I'm going to recognize you for your five minutes.

Mrs. MALONEY. Thank you, Mr. Chairman and Ranking Member, for having this important hearing.

I would like to ask Mr. Armentano, although there is no Federal law that prohibits banks from serving the cannabis industry, current regulations require extensive and costly reporting and impose fines for procedural missteps. This obviously discourages banks from working with businesses in the cannabis industry, leaving many of these businesses without any access to banking services.

So, Mr. Armentano, can you expand on why banks are so reluctant to take on above-board cannabis companies as customers?

Mr. ARMENTANO. Thank you for that question. I am happy to expound upon that.

Banks and other financial institutions and credit unions are largely discouraged from working with these cannabis-related businesses that are licensed at the state level by the simple fact that cannabis remains a Schedule I controlled substance. And it is that categorization that has been in place since 1970 that discourages these institutions from taking on these businesses. They are worried that at some point in time they may run afoul of Federal law, they may be prosecuted for things like money laundering.

Look, in even my own personal experience there have been times where NORML, a nonprofit advocacy organization that simply works to reform cannabis laws, has struggled to obtain banking

and credit card services and has lost those services. I know other advocacy reform organizations that have as well. And we don't even touch the cannabis plant, and we certainly are not engaged in any retail sales of the cannabis plant.

So that gives you some idea of what the environment is like and why, in fact, we know, according to the Department of Treasury, that currently only about 11 percent of banks and four percent of credit unions are willing to provide, transparently provide services to the literally thousands of state-licensed cannabis businesses and the ancillary services in this industry as well.

Mrs. MALONEY. Now, turning to you, Mr. Freedman.

In your time as Colorado's first marijuana czar, what economic impact, both on companies and customers, did you observe when legal cannabis companies were unable to access banks?

And also, you know that the Congressman from Colorado, Congressman Perlmutter, has advocated a Federal law to allow banking services to those states that have legalized marijuana.

Could you comment on both of these issues please?

Mr. FREEDMAN. Thank you, Chairwoman.

So at the beginning of us instituting or implementing cannabis legalization in Colorado, it was the situation where there would literally be duffel bags full of cash that could not get paid—that could not be entered into depository institutions. We had to get a larger window for receiving cash for state taxes.

There was a lot of good news. People were very happy about the amount of tax revenue that was coming in and how these businesses were doing. But there was certainly a scary time where merchant services hadn't stepped up.

We, fortunately, did have a number of community banks in Colorado that have since stepped up and done that sort of banking. And merchant services now are largely taking care of, although at a cost, in Colorado as those community banks go forward. And Representative Perlmutter has really been the leader on this issue with safe banking and with other issues.

And I think it points to a larger issue in cannabis, which is commonsense public health and public safety issues, such as banking, such as insurance, and even things like proper pesticide use. And none of those things can really be addressed because they're all overseen by the Federal Government unless we're dealing with the world of descheduling and regulation.

Thank you for your question.

Mrs. MALONEY. OK. Thank you.

And turning back to Mr. Armentano, many advocates argue that the Federal Government should regulate cannabis like alcohol and respect state decisions on their use and possession.

Canada was the first country to develop national regulations to limit the potency of edible marijuana products, reflecting the wider concern about the potential for misuse from overconsumption of high-strength products. The U.S. has a nationwide cannabis industry which requires similar national regulations.

So, again, Mr. Armentano, what are the strengths and limitations of existing U.S. policies compared to other policies like those in Canada?

Canadian law also attempts to prevent children from accessing legal marijuana products. For example, they banned sales through vending machines and packaging that might appeal to you.

So your comments please.

Mr. RASKIN. And the gentlelady's time has expired, but you can answer the question, Mr. Armentano.

Mrs. MALONEY. Thank you, Mr. Chairman.

Mr. RASKIN. You bet.

Mr. ARMENTANO. Thank you.

So with respect to Canada's policy, Canada does provide some basic national regulations, but regionally the provinces make the bulk of the decisions with respect to how cannabis is regulated.

For instance, in some provinces private retailers can engage in cannabis sales. In other provinces it's limited only to government. The equivalent in Canada is equivalent to ABC stores.

Provinces set the age limit in Canada. The Federal Government does not. In some provinces the age limit is 21. In other provinces the legal limit to use cannabis is 18.

So it's a very in some ways similar system to what we're seeing right now in the United States where it's a bit of a patchwork system, and that's because, again, in Canada provinces largely can set their own regional cannabis regulatory policies, much like in the United States. By default, states have been setting their own localized cannabis regulations.

And, of course, these regulations are in place by the states to do things like discourage underage use. All of the states impose a 21 and older age limit. In fact, studies have been done in Colorado, in California, in Oregon where they test to see if regulators are actually checking for IDs before people enter retailers or are sold cannabis. In some of these instances, like in California, studies have found 100 percent compliance with these age impositions and ID restrictions, higher compliance than we see with alcohol.

The final thing I would say with regard to potency is states right now certainly have the ability under a regulatory legal system to regulate the potency of certain cannabis products. Some states go ahead and do this. Montana has a potency cap right now. Vermont has a potency cap on THC right now. Connecticut imposes a potency cap. Other states, like California, don't necessarily impose caps on potency, but they impose caps on serving size, so there's only so many milligrams of THC allowed in certain products.

Again, we want to have regulation—

Mr. RASKIN. I'm going to impose a cap on time, unfortunately, if that's all right, Mr. Armentano.

Mr. ARMENTANO. Of course. Thank you.

Mr. RASKIN. But thank you for that thorough answer.

And now, by the forbearance of the ranking member, I am going to recognize our friend from Louisiana, Mr. Higgins.

Mr. HIGGINS. I thank the chairman.

Mr. Chairman, I personally strongly advise young Americans that I speak to all the time, before Congress and as a cop, that it's a part of the narrative of our country regarding marijuana and its impact. And I personally strongly advise young Americans to refrain from even the limited use of modern, super-high THC marijuana in any form. It's just too powerful. I have seen scientific anal-

ysis showing THC levels as much as two, three, four thousand times the average THC level from marijuana of the seventies. It's just not your grandfather's weed anymore.

However, that being stated, I'm a constitutionalist, and I support the freedom of individual Americans to determine their best course of action for medical treatment. So I publicly have supported for years the Veteran Administration's access to prescribe medical marijuana for our veterans.

So, Mr. Goepel, I'm going to move to you in a second.

Because, Mr. Chairman, you are a constitutional scholar. And we discussed before, we face a very real constitutional quandary in America. You have Federal restrictions of marijuana, it's a Schedule I drug, and yet we have our sovereign states have legalized marijuana or decriminalized it to some level across the country.

We can just not continue to ignore the fact that we have to address this constitutionally. And, personally, I think it could be a very good idea, certainly it would be subject for debate, perhaps in the 118th Congress, perhaps in this committee, to talk about re-scheduling marijuana to Schedule III or even IV.

But for Mr. Goepel, I am particularly concerned about my veteran brothers and sisters having access to whatever medicine that they determine is best to treat their condition, whether it's pain management or PTSD, whatever the case may be.

Marijuana is currently a Schedule I controlled substance. So just to clarify for America, it is currently unavailable to veterans through VA health facilities. Is that correct, sir?

Mr. GOEPEL. Yes, VA doctors who are in the position of being Federal employees are barred from discussing—well, they can discuss, but they cannot do anything more than discuss—

Mr. HIGGINS. Exactly. Thank you for clarifying that. But there are clearly potential benefits of medical marijuana for veterans. Again, we're not talking about high school children, we're not talking about young Americans in college that want to experiment and party. I completely discourage that behavior. We're talking about mature veteran men and women who have some form of service-related condition that they need to treat, and clearly there are potential benefits for medical marijuana for veterans who are suffering chronic conditions.

Would you address, Mr. Goepel, like what happens in the real world on the street when a veteran figures out that it may be his best course of action to use marijuana medically to treat his condition, but he cannot access it from the VA legally? How does that veteran get his dope?

Mr. GOEPEL. So it depends on their state of residence. I mean, if they are one of the 150 million Americans in a legal state, then there's a process by which adults can purchase THC products. Pretty much every veteran has access to—

Mr. HIGGINS. Right, but technically that puts them in violation of Federal law.

Mr. GOEPEL. Exactly.

Mr. HIGGINS. Which brings us back to the constitutional quandary that we must address in this body. And I look forward to working with my colleagues across the aisle. It might be the one thing we can completely agree on.

I have been advised that the States Reform Act protects states' rights, protects vets, regulates labeling for potency concentration.

So having been a spokesman for my colleagues here, let me not forget to introduce on behalf of my colleague, Representative Biggs, if I may for the record, Mr. Chairman, a statement by an organization called Smart Approaches to Marijuana.

Mr. RASKIN. Without any objection at all.

Mr. HIGGINS. So, Mr. Goepel, in my final 15 seconds here, do you have a word for America regarding what Congress should do for marijuana as it regards our veterans? Go.

Mr. GOEPEL. I would say that because veterans are in that special quandary being a population that receives Federal healthcare, there is no other option other than descheduling, because without descheduling you are still criminalizing some forms of possession and denying veterans the access that they need.

Mr. HIGGINS. Thank you.

Thank you, Mr. Chairman.

I thank all the panelists. I very much appreciate you being here.

And I yield, Mr. Chairman.

Mr. RASKIN. Thank you very much, Mr. Higgins, for your questioning.

I am now delighted to recognize the vice chair of the Civil Rights and Civil Liberties Subcommittee, Ms. Ocasio-Cortez. And we're going to see whether we can bring Mr. Higgins and Ms. Ocasio-Cortez together for a true harbinger of a different future.

Ms. Ocasio-Cortez, you are recognized for your five minutes.

Ms. Ocasio-Cortez. Well, I thank you, Mr. Chairman, and I thank you for convening a hearing on bipartisan consensus on cannabis reform. Check to see if there are pigs growing wings in this country, because I do believe that there actually may be some consensus here on the opposing sides of the aisle on this issue.

But I do want to begin actually with President Biden's order, executive order, from last month. On October 6, President Biden announced that he would pardon some, not all, simple Federal marijuana possession convictions. And while the spirit of this executive order should absolutely be applauded, I do believe that issue experts have rightly pointed out that there is necessary action needed from Congress and state governments to actually fulfill the true impact and live up to the spirit of that order.

In fact, the White House itself and the U.S. Sentencing Committee reported that there are currently actually only zero people currently in Federal custody for simple possession of marijuana.

Now, Mayor Woodfin, an important distinction here is that President Biden issued pardons, not expungements, which is not necessarily within his purview.

You, as mayor of Birmingham, have also issued a large degree of pardons and we thank you for that. But can you quickly explain the difference between a pardon and an expungement?

Mr. WOODFIN. Congresswoman OC, yes, ma'am, I can.

And, Mr. Chairman, just briefly before I answer the Congresswoman's question, words matter. And while I'm on record, I would just like to say to you directly, your committee member's putting cannabis and slavery in the same category is patently offensive and flagrant. So I wanted to state that.

But related to the Congresswoman's question, pardons, as you know, are at the executive level. So President, Governors, mayors. And that allows us to set aside penalties, or if one is actually incarcerated at any level, city, county jail, state, or Federal, that they can immediately be released.

But the expungement is extremely important because that's more at the judicial level. And even if you pardon me, if I applied for a job, for instance, the record that I was—that this can still be on my record. But, more importantly, the arrest.

So the expungement of the judicial process allows a person's entire record to be concealed. That's not only the actual charge, but that it also includes the arrest.

Ms. Ocasio-Cortez. Thank you. Thank you for both those points, Mayor Woodfin.

And so for folks following at home, a pardon may reduce or decrease the penalty of a crime, but an expungement is actually what wipes that slate clean, correct?

Mr. WOODFIN. That is correct.

Ms. Ocasio-Cortez. And if you have that criminal record without that expungement, it's harder to get a job, correct?

Mr. WOODFIN. Yes.

Ms. Ocasio-Cortez. Harder to qualify for affordable housing?

Mr. WOODFIN. Yes.

Ms. Ocasio-Cortez. Harder to access financial aid for education.

Mr. WOODFIN. Also correct.

Ms. Ocasio-Cortez. And so what you're saying, Mayor Woodfin, is that a criminal record for marijuana use can still effectively bar you from participating in much of society without that expungement, correct?

Mr. WOODFIN. Unfortunately, yes.

Ms. Ocasio-Cortez. Thank you.

Now, last year, to the chairman's point, I actually introduced a bipartisan bill with Congressman Joyce of Ohio to help fix this issue for the Federal Government to actually begin creating grants to hand to states and local municipalities to actually fulfill and carry through that process of expunging criminal records for the tens of millions of Americans who have been previously convicted of marijuana offenses. And I want to restate that number: tens of millions.

That has impacts on our democracy, on our economy, on our state of housing, and our ability to participate in public institutions.

Now, while President Biden's pardon is a step in the right direction, as we have just heard from Mayor Woodfin, it can't be where we stop. Past marijuana convictions must be expunged, federally and locally.

But also I'd like to finish off with Mr. Armentano. I also want to discuss who was left out of that order, which was undocumented people who were charged with simple possession of marijuana.

Now, we know that while pardons may not have the full benefit of expungement, Mr. Armentano, what is the difference to someone in an immigration proceeding and who possibly may be deported in having that pardon versus not having that pardon?

Mr. ARMENTANO. I'm not an expert on immigration policy, but certainly I'm well aware of expungements and their importance.

I'm also aware of where this policy you're referring to comes from. It was a provision that was added in 1996 as part of sweeping antiterrorism legislation.

This idea that we're somehow making America safer by giving the Federal Government the ability to deport people with green cards simply because they consumed cannabis, in some cases legally, in their state or because they're working in the state-licensed cannabis industry, that was an absurd policy to pass then. I believe it's still an absurd policy to have in place now. And I'm glad to see your leadership and efforts, Representative Mace's efforts to try to address this issue. I know there's provisions in the MORE Act that specifically speak to remedying this situation.

Ms. Ocasio-Cortez. Thank you very much.

And I yield back to the chair.

Mr. RASKIN. Thank you very much, Ms. Ocasio-Cortez.

Now I'm going to recognize the minority ranking member, Ms. Mace, for her five minutes.

Ms. MACE. Thank you, Mr. Chairman.

And I have a few questions that I would like to get through. So I'm just going to ask our participants just to try to keep it as brief so I can ask as many questions as I can.

My first question I'd like to direct to NORML, Paul Armentano, if you don't mind.

There has been some discussion today about taking into consideration some of the issues when it comes to packaging. And so if you could just speak to the importance of legislation that's responsible, maybe at the Federal level, looking at how we can prohibit the marketing and advertising to kids, either in labeling or packaging, what that would look like and the importance of that responsibility.

Mr. ARMENTANO. Thank you.

As you well know, right now those sort of decisions with regard to regulations on marketing and packaging, labeling, even testing, are a patchwork system. They're regulated by the individual states. So you will have some states that may have greater regulations or other states with lesser regulations.

We would like to see uniform regulations when it comes to a number of these matters, such as labeling, such as testing, such as packaging, very similar to what we have right now with regard to alcohol.

Ms. MACE. Thank you.

My next question goes to Mr. Goepel. I know that today already we've talked some of the increases, major increases in drug overdoses. Fentanyl, heroin, opioids, et cetera, would be those examples.

But can you tell us today just exactly, every year since 2017, basically, what has been the leading cause of overdose deaths, in terms of drugs? And how many deaths have there been from marijuana overdoses?

Mr. GOEPEL. So I don't believe the CDC, DEA, NIDA, or any other Federal agency has ever directly associated a fatal overdose with cannabis.

Ms. MACE. That means zero, right?

Mr. GOEPEL. Zero, yes.

Ms. MACE. Zero overdose deaths related to cannabis.

Mr. GOEPEL. According to the Federal Government.

Ms. MACE. Uh-huh.

Mr. GOEPEL. Yes.

Ms. MACE. And I would agree. Thank you.

And then Ms. Littlejohn. And thank you, I love Gaffney and the Gaffney Peach.

But can you talk to us a little bit about, I guess, in terms of commerce, how do we ensure that consumers know what they're buying and ingesting? We've talked in here a little bit about labeling, concentration, potency. Some thoughts on the importance of having some consistency there.

Ms. LITTLEJOHN. Well, that, the first step, is legalizing and creating a framework where there are standards. And so every state that has legalized cannabis has strict packaging and labeling requirements. And the primary purpose of these marketing and labeling requirements is to protect the public and keep these products out of the hands of children.

And so the legalization process provides a mechanism for us to call upon the extensive experience that we have both through TTB and other agencies and really creating policies that cannot impede commerce while still keeping the public safe.

Ms. MACE. Thank you.

Ms. SNIDER, I have a question for you this morning as well. The opioid crisis. Huge crisis. We've heard about some of that this morning. Some of the studies that I've read, including in the Journal of American Medicine right here that I'm going to hold up and ask that we enter into the record by unanimous consent momentarily, but what I have read were there's one dispensary in a state that stood up that opioid addiction, and morbidity could be decreased by upwards of almost 20 percent in the states where it was studied over a decade ago.

So could you just speak to a little bit about the opioid crisis, the role of cannabis, and preventing some of those deaths in addiction via cannabis?

Ms. SNIDER. Good morning, Congresswoman. Thank you for the question.

So as you said, in states in which they have opened at least one dispensary, you have seen a substantial decrease in opioid-related deaths. And recent studies have shown that opioid-related hospital visits additionally have subsided substantially in jurisdictions in which recreational and medicinal cannabis have been legalized.

Ms. MACE. Great.

And then my last question will go back to Ms. Littlejohn this morning.

Cartels and drugs, they're making billions of dollars every year. Some of your thoughts on how we can reduce the proclivity for illicit markets continuing in the United States, the importance of reducing that, maybe by lower taxes or by regulations and greater accessibility to higher quality cannabis for folks. But can you speak to the best way that the Federal Government can ensure that we crush the illicit market?

Ms. LITTLEJOHN. The two biggest factors perpetuating the illicit market—the unregulated or unlicensed market—are high Federal taxes—high taxes—and the lack of interstate commerce. Because the unregulated market has both. Our country is flooded with cannabis from the West Coast. And so allowing individuals and legal companies to compete in that environment and to compete with tax rates that are actually reasonable is critical to their continued existence.

Ms. MACE. Thank you.

Mr. Chairman, I would like to request unanimous consent to enter this article that appeared in the Journal of American Medicine that talked about the rate and reduction of opioid overdoses, mortality, and addiction with cannabis into the record.

Mr. RASKIN. Without objection.

Mr. RASKIN. Thank you for your questioning.

And I will now come to the distinguished gentlelady from the District of Columbia, Ms. Norton, for your five minutes of questioning.

Ms. NORTON. Thank you, Mr. Chairman, for this important hearing.

Last month President Biden announced a blanket pardon for everyone with a conviction for simple marijuana possession under Federal and District of Columbia law. This is a very welcome announcement.

But I would be remiss if I did not use this opportunity to once again speak about the unique and undemocratic position of the District of Columbia regarding both marijuana and clemency.

Under current law there is an appropriations rider that prohibits the District of Columbia from spending its local funds on commercializing recreational marijuana. Recreational marijuana is legal in D.C., but Congress prohibits D.C. from taxing and regulating the sale.

Prohibiting D.C. from creating a marijuana regulatory regime, just like the states and territories can do, is a violation of home rule and is harmful.

Another violation of D.C. home rule is that the President—the President—exercises authority to grant clemency with D.C. crimes. Like the states and territories, D.C. should have the authority to grant clemency for its own crimes.

I'm grateful that last month this committee reported out my District of Columbia Home Rule Expansion Act, which would, among other things, give D.C. the exclusive authority to grant clemency for D.C. crimes.

Ms. Haynes, as someone who has been directly impacted by the Federal criminalization of marijuana, I would like to ask about your reaction to President Biden's pardons. What is the effect of the announcement for people who were previously convicted? How will it change their lives.

Ms. HAYNES. Thank you for your question, Congresswoman.

I think, pretty much like everyone that has talked about President Biden's executive action last month, it was a great first step, but I definitely feel that more needs to be done.

It will be extremely impactful for those individuals who will be able to reap the benefits of this. They do have a pardon, but as it

was explained, the difference between a pardon and an expungement. So we do need to go a little bit further and to expunge those convictions as well too.

But it will open up some doors for people that have been closed simply because of all of the collateral consequences that those of us who do have marijuana convictions are subjected to.

And, again, like I said, I would just urge the President, urge Congress to go further because this was a very limited number of people that are impacted, and there are so many others like myself and those that are still incarcerated that do have felonies on our record that are marijuana related, and we deserve to have the harm reduced to us as well as those that have simple possession misdemeanor marijuana offenses.

Ms. NORTON. Thank you.

Mr. Armentano, while President Biden's pardons were an important step forward, there are remaining issues that would be solved by a full deschedulization of marijuana, as the last witness has just spoken, and expungement of past convictions for all.

For example, under the blanket pardon, anyone who was not a citizen or permanent resident at the time of their conviction was exempted.

So, Mr. Armentano, what are your thoughts on this exemption?

Mr. ARMENTANO. Like others, I do want to praise the President for taking the action that he took. I thought it was an incredibly powerful statement to have the arguably most powerful elected official in this country, if not the world, to call out marijuana prohibition as a 50-year failure.

Look, at the end of the day, as has been said by others, there's been over 29 million Americans arrested for marijuana-related violations in this country. The overwhelming majority of those arrests occurred at the state and local level.

The President does not have the power to pardon or expunge those records. That needs to be done at the state level. And I'm very glad to see that now almost two dozen states have enacted specific legislation at that state level to facilitate that expungement process and that about 2 million Americans have had those records expunged under that process.

We think there would be even more states taking these opportunities if marijuana was descheduled federally and if there was legislation enacted to provide better funding and to facilitate that process at the state level. Ultimately, that's what needs to happen to impact the overwhelming or the most number of Americans who are suffering from the stigma of a criminal conviction.

Ms. NORTON. Thank you. My time has expired.

Mr. RASKIN. Thank you, Ms. Norton, for your questioning.

We'll now next go to the distinguished gentlelady from Michigan, Ms. Tlaib, for her five minutes.

Ms. TLAIB. Thank you so much, Chairman Raskin, for this incredibly important bipartisan hearing.

And thank you to our folks who are coming out to testify about this.

I know despite states' efforts to legalize and decriminalize marijuana possession, arrests and criminal charges for marijuana possession continue in a significant number of states.

And, Mayor Woodfin, I remember reading about, during the pandemic, that your state was trying to actually build a prison, if I'm not mistaken, with COVID dollars. I know, I think it was, I don't know, millions of dollars that they were pushing away from, obviously, public health during the public health crisis, the pandemic, toward building yet another new prison. Is that correct?

Mr. WOODFIN. Unfortunately, yes. I believe about 400 million.

Ms. TLAIB. Yes. I think it's one of your top—the state budget is predominantly corrections, correct?

Mr. WOODFIN. Yes.

Ms. TLAIB. Yes, in Michigan, the same thing. We're spending like \$60,000 or more per person that we're incarcerating, something that we could actually be using toward other resources like education. We're having a lot of issues regarding public health disparities in our state.

And I know our state, Michigan, is moving in the right direction. We have a Governor that is incredibly sympathetic and also leading with compassion and understanding the importance of decriminalization in this moment.

You know, Alabama again ranks 16th in the Nation of the largest racial disparities of any arrests regarding marijuana possession. Can you talk about what that looks like for many of your residents right now?

Mr. WOODFIN. I think the city of Birmingham has attempted successfully to go in the opposite direction that our state is going in related to this topic.

Prior to being mayor, I served as a lawyer and prosecutor for the city, so I saw it firsthand, the type of charges that came through our courts at the circuit level and at the municipal level.

But since I've been in this position what we have tried to do is reverse course on that. That's why we did—we attempted to create a Pardons for Progress program at first, but what we saw is that the average citizen either didn't understand or want to participate in a process, which is why we then moved to, less than the year of starting that program, of just a blanket pardon.

And so we are now going back to those same people we pardoned to assist in the expungement process because, again, expungement is a process and most of our citizens don't understand that. They believe the pardon gives them a free slate.

Ms. TLAIB. Yes.

Mr. WOODFIN. But if they literally go apply for a job now, that arrest record is still on their record that a potential employer can see.

And so this is—it's been a journey and a process for us. I have shared with other mayors across the state that they should use their executive power to pardon their citizens within their individual cities. But in addition to that, I have also encouraged the Governor to, at a minimum, even if you don't want to legalize it, you should decriminalize it.

Ms. TLAIB. Yes, absolutely. I can't agree more.

Even though I think some of our states are moving in the right direction, unlike Alabama, I know that—and I think this is why the committee is so important—I mean, 40 percent of all drug arrests right now nationwide is still around marijuana possession. I

mean, that is still a significant amount of criminalization that is still happening across our country. And we need to really understand and pay attention, because see these ballot measures going on, people-driven? But the actual implementation is what's missing.

And it's incredibly upsetting for me to see especially my Black neighbors continue to have impacts on their lives.

And, Ms. Haynes, I know my good colleague from New York talked about the long-term impacts. But can you talk about—because it's fines, it's a number of things. Because even when it's decriminalization, they still have to actually pay some of those fines and some of the things that they were—some of the punishment or whatever they did during the court process. Can you talk a little bit about that?

Ms. HAYNES. Yes. So some of the collateral consequences for having a conviction, and even sometimes in order to be able to apply for a pardon, is that you have to have paid up all of you legal debt.

Ms. TLAI. Yes.

Ms. HAYNES. Which does include fees and fines that could be associated with these convictions. And sometimes if you do not pay these fees and fines that are associated with these convictions, in a lot of states you will lose your driver's license as well too.

And so there are a lot of things that stem from the legal debt that people have to pay when it comes to the collateral consequences of a conviction. And it's important that we talk about that because, again, there are some mandatory fines that are associated with that. And a lot of times what we see is that people are not able to afford that. And so this continues to perpetuate this cycle of poverty within the criminal legal system that we are constantly fighting against.

Ms. TLAI. Well, thank you.

And, Mr. Armentano, I met with the Unified U.S. Deported Veterans Resource Center out in Tijuana, and I could not believe I shook the hands of folks that grew up in the United States, served our country in the military, that was deported on some small amounts of marijuana. A number of issues. Again, green card holders, yes. But I was completely shocked.

And, Chairman, I would love for our committee to actually meet with some of those veterans.

Right across the border. It was horrifying to hear them, many of which have never set foot in Mexico, had served our country, sacrificed their life, and our country deported them on possession of marijuana. And I think it's something that we should all work together on to try to address.

But it is something that I think we should continue to highlight, how unjust and really the targeting that happened in, I think, especially in communities of color.

With that, thank you, Mr. Chairman. I yield.

Mr. RASKIN. And thank you for your eloquent statement.

It looks like I'm next.

Well, thank you all for really an extraordinary set of witness statements today.

The country between 1919 and 1933 had its experiment with alcohol prohibition. And if you read some of the literature about it,

for example, a great book I read called “Last Call” by I think it’s Michael Okrent, you’ll find that prohibition succeeded basically in building up organized crime in America and organized criminal groupings, which got very rich and succeeded in corrupting the police, the judiciary, and so on, and basically set the society at war against itself.

And when we repealed prohibition, it wasn’t because of a unanimous feeling that alcohol was good for everybody in all circumstances, but simply that the cost and the harms of criminalizing alcohol were far worse than giving people the right to make their own choices about their lives.

And I think we’re very much in the same place today, and we’re also hearing some of the same propaganda and hysteria about marijuana that people invoked in a last ditch effort to save prohibition.

Ms. Snider, let me come to you. Back to this point about overdoses, because we heard a lot about overdoses, and I had actually introduced the medical marijuana law in Maryland and decriminalization in Maryland. And one of the witnesses got up and cited an article saying that in the 24 hours after Colorado legalized marijuana, 37 people died of marijuana overdoses, and then proceeded to launch into a diatribe about the horrors of marijuana legalization.

Well, it turned out that he was quoting from The Onion or another comedy website and a staff member brought me the article that he was quoting from.

And I didn’t want to embarrass him, but I did say, “Would this change your opinion, if you knew that this article was false?”

And he said, “Well, I would certainly have to rethink my position a lot,” but, of course, then went on to make other arguments.

But I guess the question that I wanted to ask you, Ms. Snider, is to what extent have you thought about this analogy, culturally and socially and politically and legally, between what happened with liquor prohibition over a period of 15 years or so versus this marijuana prohibition which has been going on, at least from the state level, for a century, and at the Federal level for 50 years, which means that the harms have been even worse than the harms of alcohol prohibition? What did you see in terms of your work as a cop in New York?

Ms. SNIDER. So prohibition of alcohol, we saw how the Nation responded. We saw that once it started to become more morally acceptable or more societally acceptable by general consensus, people were like, OK, we’ll legalize it and regulate it.

We’re starting to see that now with cannabis. We’re seeing over 90 percent of the population is just so attuned to thinking it’s completely acceptable, completely normal. And that’s what I was seeing on the street as a police officer. No one really discouraged—I don’t want to say no one encouraged, but it wasn’t looked at as taboo as it once was.

Mr. RASKIN. Right.

And so, Mr. Freedman, let me come to you, because you’ve had a lot of experience with this at the state level and at the local level.

Do you think the country is living through a transformation like the end of prohibition and we’re discovering what it means to enter

the post-marijuana prohibition era governmentally and commercially at the same time?

Mr. FREEDMAN. Thank you, Chairman.

I would go as far to say they've already gone through that, the people of the United States. I think for the vast majority of consumers and patients who now deal with cannabis, they deal with it in what they view as a post-prohibition world. And the last people to consider post-prohibition is the Hill and Congressmen and the United States. The fact is kind of the only things missing now are the sort of commonsense regulation and science that our institutions of government can bring to it.

Mr. RASKIN. So, Mr. Armentano, do you think Congress can catch up with where a majority of the states are now in terms of medical marijuana and decriminalization and legalization as the mayor said? Do you think Congress will actually be able to do it? I know this hearing is a promising sign, but what do you think are the chances of our actually doing this in this session of Congress or the next?

Mr. FREEDMAN. Well, my business card doesn't say prognosticator, but certainly one would hope that Members of Congress see the need to act swiftly.

Look, to use your analogy with alcohol prohibition, the Federal Government got out of the alcohol prohibition business when ten states chose to go down a different path. The majority of U.S. states have now chosen to go down a different path with cannabis. And it is untenable to keep this chasm going between where the states are on this policy and where the Federal Government is.

At the end of the day, the Federal Government needs to come to a way to comport Federal policy with state policy, and that's by descheduling.

Mr. RASKIN. Thank you very much.

My time has expired. And I go to the distinguished gentleman from Kentucky, Mr. Comer.

Mr. COMER. Thank you, Chairman Raskin. And I appreciate this bipartisan hearing. Hopefully, we can have more of those in the future.

Marijuana is not yet legal in Kentucky, but marijuana's friendly cousin hemp is, an industry very important to our economy and the history of the Commonwealth of Kentucky.

Throughout my time in Congress, and during my service as Kentucky's agriculture commissioner, I have supported policies that promote the hemp industry's growth and implemented the Nation's first hemp pilot program in the state of Kentucky.

Then, during the drafting of the 2018 farm bill, I was in Congress and I offered language to federally legalize hemp for industrial and commercial uses. Hemp and related products, like CBD, which I take, hemp-derived CBD and fiber materials show great potential for Kentucky farmers, patients, and consumers. Innovative companies sprung up after legalization, and hemp is now a component of everything from car door panels to hardwood floors. And we have a really impressive hemp hardwood floor factory in my district in Murray, Kentucky.

Unfortunately, the industry is currently struggling with an uncertain regulatory environment that has depressed its ability to expand and thrive despite clear demand for their products.

In my opinion, the U.S. FDA needs to get to work in this space and provide regulatory certainty for hemp. We must also provide financial certainty and access to credit for entrepreneurs and farmers who operate legitimate businesses and are innovating within this new market opportunity.

So, Mr. Freedman, are you aware that the FDA has failed for several years now to promulgate regulations that would provide certainty in the market for the hemp industry, especially with respect to products containing CBD.

Mr. FREEDMAN. Thank you, Ranking Member Comer.

Yes, I agree with your analysis, first of all, that the rules and regulations regarding hemp will have a tie to cannabis. If we don't get hemp right, it's going to be very hard to get cannabis right.

And that we did legalize hemp without the FDA so far has not created a pathway for the vast majority of products that are used for CBD, nor have they created regulations around intoxicating cannabinoids that are now coming out of hemp as well, and that there is a lack of leadership that is now needed from—that we now search to champions like you for that sort of progress for.

Mr. COMER. And let me be very clear. I'm a Republican. I am against excessive regulations. But here we have an industry that all of the credible players want regulation. Because if there's a bottle of CBD at a gas station, there's no one that's there to determine whether that's CBD or not. When it says how many milligrams of whatever is in it, there's no agency that's looking into that to make sure that that's accurate reporting.

So what I think we want with the CBD industry is we want that to be treated like a nutraceutical to where you go in GNC, Vitamin World, places like that, and you buy nutraceuticals as opposed to pharmaceutical, and you look on the label and it says exactly what's in that bottle of CBD. We don't have that.

And the credible people in the CBD industry—and not everyone is credible. And that's the problem. That's why we need some type of regulatory certainty here.

The credible CBD producers, which there are probably three dozen in my congressional district and in Kentucky, they want some type of regulatory certainty so they can move forward.

Now, Mr. Chairman, here's a letter dated April 14 where I requested a committee hearing with Chairwoman Maloney with the FDA to talk about this specific issue, to try to get some regulatory certainty in this industry, because you don't go in a store where you don't see a bottle of CBD. But there's no guarantee that that's CBD. That may be snake oil. That may be something else.

I take CBD from labs that I have been to in Kentucky where I know that they're producing a product that was grown on Kentucky farms and that has gone through a very credible lab.

So can you elaborate on that, I've got 30 seconds here, as to what FDA is going to do in the future? And let me say this. I predict that there will be a hearing on CBD oil in the very near future in this committee. But go ahead.

Mr. FREEDMAN. Thank you, Ranking Member.

So my prediction is that so far all of that I have read coming out of the FDA is that they're going to be turning it back to Congress to solve these problems and people like you for leadership here in that.

I think the problem is real, consumers don't know what they're getting, that some bad actors have turned to intoxicating cannabinoids.

Mr. COMER. And we saw that in the pods for the e-cigarettes and things like that.

Mr. FREEDMAN. And people need rules of the road to get this right. And I believe it's not only critical for the hemp industry, but the burgeoning cannabis industry as well. These things are so interrelated at this point that you will end up seeing bad actors escape the cannabis industry and go to the hemp industry because the laws and regulations are looser and they haven't created a clear path to market.

So I do believe this is a place where good actors and Republicans and Democrats alike can all decide, hey, there needs be to really clear rules of the road here.

Mr. RASKIN. All right. The gentleman's time has expired. Thank you very much for your questioning and for that strong argument for government regulation, at least in the CBD market. Just in CBD. Just the thing you know best.

I will come now to the distinguished gentlelady from Illinois, Ms. Kelly, for her five minutes of questioning.

Ms. KELLY. Thank you, Mr. Chair.

From the testimony we received today, it is clear that to achieve equity, marijuana should be descheduled and removed from the Controlled Substance Act altogether. However, there needs to be balance in the regulatory space between Federal and state government, especially considering the existent systems that many states already have in place.

Mr. Freedman, what should be the appropriate balance of power between the states and Federal Government in regulating marijuana?

Mr. FREEDMAN. Thank you for your question, Representative.

I believe that, in essence, it should be that states lead here and the Federal Government aids. And we are at a critical point where that really can come true. If you look at things like Representative Mace's States Reform Act, that's the exact sort of framework put together.

And, by the way, congratulations on the one-year anniversary of the Reform Act.

Really, what we're looking for here is one of the positives about the very strange way cannabis legalization has grown is that states have created very unique systems that meet the character and complexities of their own communities. That should not go away because legalization comes in.

And so the ability to add, to layer onto that some amount of uniformity so that a consumer in one state knows they're getting the same product in another state, the correct science and data so if it turns out that having a history of mental health illness goes poorly with some sort of potency limit we can therefore start to roll

back those products, having that basic level of science and data from the Federal side can aid the states in getting it right.

And I think even if you talk to the states—and I have worked for dozens of them—even if you talk to them, they’re actually looking for that from the Federal Government. That would not be an encroachment on how they want to do it. They still want to control the time, place, and manner, but they are looking to the Federal Government to add that basic level of commonsense guardrails.

Ms. KELLY. Thank you so much.

Mr. Armentano, you’ve spent years creating effective state and Federal policy. So what should Congress do to effectively regulate the cannabis market?

Mr. ARMENTANO. Again, I think our experience with alcohol shows us the way. And when we look at the balance that currently exists between the powers and regulatory authorities states have with regard to the way they regulate the commerce of alcohol within their state, and we balance that with the role the Federal Government plays with regard to the interstate commerce and production of alcohol, the way it’s marketed nationally, the way it’s labeled is obviously uniform.

But the way individual states treat alcohol in many ways is very unique. The way Texas, for instance, treats alcohol is very different than the way California treats alcohol, the way New York state treats alcohol.

Again, in many ways it’s because the way the system worked emerged out of a patchwork system. Because when the Federal Government repealed its prohibition of alcohol it did not wave a magic wand and tell states how to proceed. Some states continued to criminalize the production and sale of alcohol for many years post the Federal repeal. Other states, like New York, had already began with their own regulatory policies even prior to the lifting of alcohol prohibition at the Federal level.

So, again, I think we have the roadmap. We have legislation that’s been introduced, like the MORE Act, like Representative Mace’s act that follows that model. And, again, I don’t think we need to reinvent the wheel here. I think we know what the balance is and how to achieve it.

Ms. KELLY. Thank you.

Ms. Littlejohn, in places like San Francisco and Washington state with thriving cannabis industries there have been disturbing patterns of violent robberies of cannabis companies.

Can you give us some detail on how the lack of banking access and a need to hold large amounts of cash create dangerous obstacles for cannabis businesses?

Ms. LITTLEJOHN. Well, there are two factors in play.

One, again, Federal banking laws make it difficult, especially for small businesses, to get access to banks, because what happens is their threshold for risk is—when they reach their threshold for risk with larger businesses that can bring them more profits, they don’t really have room for small and minority-owned businesses. And so without access to a bank, a lot of companies end up stocking their cash in their facilities. And so, again, this becomes an attractive target to folks.

The other challenge is that because of the continuing Federal illegality of cannabis, there is also a lack of access to insurance and a general risk environment that makes it really hard for companies to fund their businesses or take even adequate security measures to protect themselves and their employees.

Ms. KELLY. Thank you so much.

My time is almost out, but there's still—we have to conquer the difficulty that historically disempowered groups have had in entering the cannabis business and how Congress can help.

But thank you all so much.

Mr. RASKIN. Ms. Kelly, thank you for your questioning.

We're now going to go to closing statements, and I will begin with Ms. Mace.

Ms. MACE. Thank you, Mr. Chairman.

I first want to address Mayor Woodfin's comments earlier. There is absolutely no justification for anybody up here today in Congress to compare cannabis to slavery. And I condemn those words by all means necessary. And I know that, Mr. Chairman, that you do as well. It's a disgusting comparison and never should have been stated up here today.

And more importantly is that prohibition of cannabis was created out of racism. The Federal Government used the prohibition of cannabis to investigate and raid communities of Black and Brown and African Americans across the Nation. They used it as justification to go after those individuals in those communities. And, in fact, still today we know that if you are Black or Brown or African American you are four times as likely to be arrested for cannabis over Whites and Caucasians in this country.

And it's wrong. And we see inequities all the time. I'm from South Carolina where the difference between rich and poor is often Black and White.

And cannabis is an area where we can work together on both sides of the aisle to prohibit more of those inequities from happening across our country and right the wrongs that have been going on for decades now.

And I would encourage my colleagues, Republican and Democrat, on both sides of the aisle to get on board with this issue. The American people are asking for it. Seventy percent of Americans support medical cannabis. Half or more than half of Americans support adult and recreational use across the country.

Whether they come from the red state of South Carolina or the blue state of the California, East Coast to West Coast, Americans from all communities, all colors, all ages support this issue. And the only place it is controversial is here in the Halls of the Capitol and it's wrong.

And I would encourage Senator Schumer, Senator Booker, my colleagues in the House on both sides of the aisle, with the divisiveness in our Nation today, show the American people how we can work together. We have so much opportunity. This is a multi-billion-dollar industry. It is not going back in the genie's bottle. It is here to stay. And we have got to work together.

We heard today about the issue of drug overdose deaths. There's no doubt that because of COVID and the mental health crisis in our country the rate of addiction to opioids and the opioid crisis is

higher than it's ever been. But one dispensary in one state anywhere in the country will reduce opioid addiction, it'll reduce morbidity by upwards of 20 percent—anywhere in the country.

We've got to use facts and data to back up the changes that are needed in this country. I have talked to doctors from Harvard University talking to the need for cannabis with regards to Parkinson's patients, the way that it protects the neurons in the brain and helps slow down the rate of Parkinson's. I know this. I have a family member suffering from Parkinson's right now. What it can do for cancer patients going through chemotherapy. What it does for addiction. What it does and can do for veterans with regards to PTSD.

And I have—this is a huge problem, but we have the solution, the States Reform Act. I am going to say it over and over again. And I am willing to work with anyone who is willing to work with me. Finding common ground on this issue should not be difficult. Shutting the cartels down on this issue should not be difficult. Letting businesses be successful in the market, giving certainty to the market for those businesses who are operating today.

This is not difficult. We should be able to protect the rights of states, protect our kids, protect veterans, look at labeling, regulation, consistency through labeling.

The regulatory authority is here. It's turnkey. If we treat cannabis like alcohol, we have all the regulation that we need. We can do it overnight and have the greatest success in this country today, but we only can do that if we work together.

So a message today to Republicans and Democrats alike on this and any other issue is that if you're willing to work with me, I am willing to work with you. It is past time that we get it done.

Thank you, Mr. Chairman, and I yield back.

Mr. RASKIN. Thank you, Ms. Mace.

And I would begin by associating myself entirely with your remarks, beginning with your repudiation of the peculiar analogy between slavery, which is the most horrific mass crime in American history, with cannabis or cannabis use. So I think we can all disavow that. And we apologize that the lectern was used for that purpose at some moment today, and I hope there was some confusion there.

I would also like to associate myself with your general leadership on this whole question of reforming marijuana laws, Ms. Mace. And I do think that this represents an extraordinary opportunity for bipartisan, nonpartisan, multipartisan convergence, because all of the major American values are implicated by this problem: freedom, the right of people to make their own decisions; public health; the interest of the states in regulating in the interests of their own people; and the use of science and reason in order to make the right public policy decisions.

We've got 2.85 million Federal employees in America; in my state, more than 100,000 people. And people have been disqualified from Federal employment because they honestly admit on a security clearance form that they have once used marijuana, something that more than half of the country has done.

And so I've had many constituents I've spoken to who have been chosen for a significant Federal position after an exacting process

of interview who then are rejected in the security clearance process because they have admitted to having once used marijuana.

Now, the Biden administration issued guidance that the past use of marijuana would not be an automatic disqualifier when applying for Federal employment, but too often I'm hearing from people who tell me that it operates just like that, as an automatic instant disqualifier for their employment. And this is obviously profoundly unfair to the individuals, but also it's a tremendous waste of human talent and unnecessary stigmatization and demoralization of our own people. This is one small aspect of a whole regime of injustice that has grown up around the war on marijuana.

And I'm very cheered by our hearing today, Ms. Mace, because it shows that we've got the opportunity to advance a lot of excellent legislation, including your bill, which has been praised by a number of our witnesses and members today, the security clearance bill that I am going to be advancing to deal with that problem, other legislation that has come out of the Judiciary Committee. I think we have a lot of momentum to make progress on this.

As in so many other cases in American history, the states and the people are leading the way before Congress. Congress gets the memo last, but the states, as Mr. Freedman observed, have really left prohibition behind and have established, as Ms. Littlejohn has testified, whole new commercial opportunities and endeavors that we want to make sure are equally accessible to all of our people.

But the commerce has been leading the way. The states have been leading the way by reforming their laws. The medical profession, doctors and nurses and therapists, have been leading the way by demanding medical marijuana laws that now operate for the vast majority of American citizens. Congress needs to catch up, and that's what this hearing is about, and that's what I've learned today.

If we knew our history better, if we all took the time to read into prohibition, we would see that America has been through this before. And it's not that alcohol is like birthday cake; it's not. We lose more than 100,000 people a year to alcohol-related illnesses, to alcohol-related fatalities on the highways. That needs to be regulated.

But the country had its experience with trying to criminalize alcohol. It didn't work. And it caused much more severe problems, and we know that is precisely the history we're living through today again with marijuana. It needs to be regulated. It needs to be carefully controlled, but we should not be throwing people into prison for any period of time, for one day, because they smoke marijuana. It makes no sense. We should not be ruining people's lives over this. I think the country has made its judgment. It's time for Congress to catch up.

I want to thank all of our panelists for their insightful remarks today.

I want to commend my colleagues for participating so actively and intelligently in this dialog, all of our colleagues across the aisle.

And, with that, without objection, all members will get five legislative days within which to submit additional written questions for

the witnesses to the chair, which will be forwarded to the witnesses for their response.

Ms. Mace has announced that she will cosponsor the security clearance bill that I'm announcing today, and I thank you very much for that, and, again, salute you for your leadership, Ms. Mace.

I ask our witnesses to please respond if we send you further questions.

And the hearing is now adjourned.

[Whereupon, at 12:19 p.m., the subcommittee was adjourned.]

