

AMENDMENT TO RULES COMMITTEE PRINT 116-

67

OFFERED BY MR. AMASH OF MICHIGAN

Page 1, strike line 1 and all that follows, and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Marijuana Opportunity
3 Reinvestment and Expungement Act of 2020” or the
4 “MORE Act of 2020”.

5 **SEC. 2. FINDINGS.**

6 The Congress finds as follows:

7 (1) The communities that have been most
8 harmed by cannabis prohibition are benefiting the
9 least from the legal marijuana marketplace.

10 (2) A legacy of racial and ethnic injustices,
11 compounded by the disproportionate collateral con-
12 sequences of 80 years of cannabis prohibition en-
13 forcement, now limits participation in the industry.

14 (3) 36 States, the District of Columbia, Puerto
15 Rico, and Guam have adopted laws allowing legal ac-
16 cess to cannabis, and 15 States, the District of Co-
17 lumbia, and the Commonwealth of the Northern

1 Mariana Islands have adopted laws legalizing can-
2 nabis for adult recreational use.

3 (4) A total of 47 States have reformed their
4 laws pertaining to cannabis despite the Schedule I
5 status of marijuana and its Federal criminalization.

6 (5) Legal cannabis sales totaled \$9.5 billion in
7 2017 and are projected to reach \$23 billion by 2022.

8 (6) According to the American Civil Liberties
9 Union (ACLU), enforcing cannabis prohibition laws
10 costs taxpayers approximately \$3.6 billion a year.

11 (7) The continued enforcement of cannabis pro-
12 hibition laws results in over 600,000 arrests annu-
13 ally, disproportionately impacting people of color
14 who are almost 4 times more likely to be arrested
15 for cannabis possession than their White counter-
16 parts, despite equal rates of use across populations.

17 (8) People of color have been historically tar-
18 getted by discriminatory sentencing practices result-
19 ing in Black men receiving drug sentences that are
20 13.1 percent longer than sentences imposed for
21 White men and Latinos being nearly 6.5 times more
22 likely to receive a Federal sentence for cannabis pos-
23 session than non-Hispanic Whites.

24 (9) In 2013, simple cannabis possession was the
25 fourth most common cause of deportation for any of-

1 fense and the most common cause of deportation for
2 drug law violations.

3 (10) Fewer than one-fifth of cannabis business
4 owners identify as minorities and only approximately
5 4 percent are black.

6 (11) Applicants for cannabis licenses are lim-
7 ited by numerous laws, regulations, and exorbitant
8 permit applications, licensing fees, and costs in these
9 States, which can require more than \$700,000.

10 (12) Historically disproportionate arrest and
11 conviction rates make it particularly difficult for
12 people of color to enter the legal cannabis market-
13 place, as most States bar these individuals from par-
14 ticipating.

15 (13) Federal law severely limits access to loans
16 and capital for cannabis businesses, disproportion-
17 ately impacting minority small business owners.

18 (14) Some States and municipalities have taken
19 proactive steps to mitigate inequalities in the legal
20 cannabis marketplace and ensure equal participation
21 in the industry.

22 **SEC. 3. DECRIMINALIZATION OF CANNABIS.**

23 (a) CANNABIS REMOVED FROM SCHEDULE OF CON-
24 TROLLED SUBSTANCES.—

1 (1) REMOVAL IN STATUTE.—Subsection (c) of
2 schedule I of section 202(c) of the Controlled Sub-
3 stances Act (21 U.S.C. 812) is amended—

4 (A) by striking “(10) Marihuana.”; and

5 (B) by striking “(17)
6 Tetrahydrocannabinols, except for
7 tetrahydrocannabinols in hemp (as defined in
8 section 297A of the Agricultural Marketing Act
9 of 1946).”.

10 (2) REMOVAL FROM SCHEDULE.—Not later
11 than 180 days after the date of the enactment of
12 this Act, the Attorney General shall finalize a rule-
13 making under section 201(a)(2) removing mari-
14 huana and tetrahydrocannabinols from the schedules
15 of controlled substances. For the purposes of the
16 Controlled Substances Act, marihuana and
17 tetrahydrocannabinols shall each be deemed to be a
18 drug or other substance that does not meet the re-
19 quirements for inclusion in any schedule. A rule-
20 making under this paragraph shall be considered to
21 have taken effect as of the date of enactment of this
22 Act for purposes of any offense committed, case
23 pending, conviction entered, and, in the case of a ju-
24 venile, any offense committed, case pending, and ad-

1 judication of juvenile delinquency entered before, on,
2 or after the date of enactment of this Act.

3 (b) CONFORMING AMENDMENTS TO CONTROLLED
4 SUBSTANCES ACT.—The Controlled Substances Act (21
5 U.S.C. 801 et seq.) is amended—

6 (1) in section 102(44) (21 U.S.C. 802(44)), by
7 striking “marihuana,”;

8 (2) in section 401(b) (21 U.S.C. 841(b))—

9 (A) in paragraph (1)—

10 (i) in subparagraph (A)—

11 (I) in clause (vi), by inserting
12 “or” after the semicolon;

13 (II) by striking clause (vii); and

14 (III) by redesignating clause
15 (viii) as clause (vii);

16 (ii) in subparagraph (B)—

17 (I) in clause (vi), by inserting
18 “or” after the semicolon;

19 (II) by striking clause (vii); and

20 (III) by redesignating clause
21 (viii) as clause (vii);

22 (iii) in subparagraph (C), in the first
23 sentence, by striking “subparagraphs (A),
24 (B), and (D)” and inserting “subpara-
25 graphs (A) and (B)”;

- 1 (iv) by striking subparagraph (D);
- 2 (v) by redesignating subparagraph (E)
- 3 as subparagraph (D); and
- 4 (vi) in subparagraph (D)(i), as so re-
- 5 designated, by striking “subparagraphs (C)
- 6 and (D)” and inserting “subparagraph
- 7 (C)”;
- 8 (B) by striking paragraph (4); and
- 9 (C) by redesignating paragraphs (5), (6),
- 10 and (7) as paragraphs (4), (5), and (6), respec-
- 11 tively;
- 12 (3) in section 402(c)(2)(B) (21 U.S.C.
- 13 842(c)(2)(B)), by striking “, marihuana,”;
- 14 (4) in section 403(d)(1) (21 U.S.C. 843(d)(1)),
- 15 by striking “, marihuana,”;
- 16 (5) in section 418(a) (21 U.S.C. 859(a)), by
- 17 striking the last sentence;
- 18 (6) in section 419(a) (21 U.S.C. 860(a)), by
- 19 striking the last sentence;
- 20 (7) in section 422(d) (21 U.S.C. 863(d))—
- 21 (A) in the matter preceding paragraph (1),
- 22 by striking “marijuana,”; and
- 23 (B) in paragraph (5), by striking “, such
- 24 as a marihuana cigarette,”; and

1 (8) in section 516(d) (21 U.S.C. 886(d)), by
2 striking “section 401(b)(6)” each place the term ap-
3 pears and inserting “section 401(b)(5)”.

4 (c) OTHER CONFORMING AMENDMENTS.—

5 (1) NATIONAL FOREST SYSTEM DRUG CONTROL
6 ACT OF 1986.—The National Forest System Drug
7 Control Act of 1986 (16 U.S.C. 559b et seq.) is
8 amended—

9 (A) in section 15002(a) (16 U.S.C.
10 559b(a)) by striking “marijuana and other”;

11 (B) in section 15003(2) (16 U.S.C.
12 559c(2)) by striking “marijuana and other”;
13 and

14 (C) in section 15004(2) (16 U.S.C.
15 559d(2)) by striking “marijuana and other”.

16 (2) INTERCEPTION OF COMMUNICATIONS.—Sec-
17 tion 2516 of title 18, United States Code, is amend-
18 ed—

19 (A) in subsection (1)(e), by striking “mari-
20 huana,”; and

21 (B) in subsection (2) by striking “mari-
22 huana”.

23 (3) FMCSA PROVISIONS.—

24 (A) CONFORMING AMENDMENT.—Section
25 31301(5) of title 49, United States Code, is

1 amended by striking “section 31306,” and in-
2 serting “sections 31306, 31306a, and sub-
3 sections (b) and (c) of section 31310,”.

4 (B) DEFINITION.—Section 31306(a) of
5 title 49, United States Code, is amended—

6 (i) by striking “means any substance”
7 and inserting the following: “means—

8 “(A) any substance”; and

9 (ii) by striking the period at the end
10 and inserting “; and

11 “(B) any substance not covered under sub-
12 paragraph (A) that was a substance under such
13 section as of December 1, 2018, and specified
14 by the Secretary of Transportation.”.

15 (C) DISQUALIFICATIONS.—Section
16 31310(b) of title 49, United States Code, is
17 amended by adding at the end the following:

18 “(3) In this subsection and subsection (c), the
19 term ‘controlled substance’ has the meaning given
20 such term in section 31306(a).”.

21 (4) FAA PROVISIONS.—Section 45101 of title
22 49, United States Code, is amended—

23 (A) by striking “means any substance”
24 and inserting the following: “means—

25 “(A) any substance”; and

1 (B) by striking the period at the end and
2 inserting “; and

3 “(B) any substance not covered under sub-
4 paragraph (A) that was a substance under such
5 section as of December 1, 2018, and specified
6 by the Secretary of Transportation.”.

7 (5) FRA PROVISIONS.—Section 20140(a) of
8 title 49, United States Code, is amended—

9 (A) by striking “means any substance”
10 and inserting the following: “means—

11 “(A) any substance”; and

12 (B) by striking the period at the end and
13 inserting “; and

14 “(B) any substance not covered under sub-
15 paragraph (A) that was a substance under such
16 section as of December 1, 2018, and specified
17 by the Secretary of Transportation.”.

18 (6) FTA PROVISIONS.—Section 5331(a)(1) of
19 title 49, United States Code, is amended—

20 (A) by striking “means any substance”
21 and inserting the following: “means—

22 “(A) any substance”; and

23 (B) by striking the period at the end and
24 inserting “; and

1 “(B) any substance not covered under sub-
2 paragraph (A) that was a substance under such
3 section as of December 1, 2018, and whose use
4 the Secretary of Transportation decides has a
5 risk to transportation safety.”.

6 (d) RETROACTIVITY.—The amendments made by this
7 section to the Controlled Substances Act (21 U.S.C. 801
8 et seq.) are retroactive and shall apply to any offense com-
9 mitted, case pending, conviction entered, and, in the case
10 of a juvenile, any offense committed, case pending, or ad-
11 judication of juvenile delinquency entered before, on, or
12 after the date of enactment of this Act.

13 (e) EFFECT ON OTHER LAW.—Nothing in this sub-
14 title shall affect or modify—

15 (1) the Federal Food, Drug, and Cosmetic Act
16 (21 U.S.C. 301 et seq.);

17 (2) section 351 of the Public Health Service
18 Act (42 U.S.C. 262); or

19 (3) the authority of the Commissioner of Food
20 and Drugs and the Secretary of Health and Human
21 Services—

22 (A) under—

23 (i) the Federal Food, Drug, and Cos-
24 metic Act (21 U.S. 301 et seq.); or

1 (ii) section 351 of the Public Health
2 Service Act (42 U.S.C. 262); or

3 (B) to promulgate Federal regulations and
4 guidelines that relate to products containing
5 cannabis or cannabis-derived compounds under
6 the Act described in subparagraph (A)(i) or the
7 section described in subparagraph (A)(ii).

8 (f) PUBLIC MEETINGS.—Not later than one year
9 after the date of enactment of this Act, the Secretary of
10 Health and Human Services, acting through the Commis-
11 sioner of Food and Drugs, shall hold not less than one
12 public meeting to address the regulation, safety, manufac-
13 turing, product quality, marketing, labeling, and sale of
14 products containing cannabis or cannabis-derived com-
15 pounds.

16 (g) SPECIAL RULE FOR FEDERAL EMPLOYEE TEST-
17 ING.—Section 503 of the Supplemental Appropriations
18 Act, 1987 (5 U.S.C. 7301 note) is amended by adding at
19 the end the following:

20 “(h) MARIJUANA.—

21 “(1) CONTINUED TESTING.—Notwithstanding
22 the Marijuana Opportunity Reinvestment and
23 Expungement Act of 2020 and the amendments
24 made thereby, the Secretary of Health and Human
25 Services may continue to include marijuana for pur-

1 poses of drug testing of Federal employees subject
2 to this section, Executive Order 12564, or other ap-
3 plicable Federal laws and orders.

4 “(2) DEFINITION.—The term ‘marijuana’ has
5 the meaning given to the term ‘marihuana’ in sec-
6 tion 102 of the Controlled Substances Act (21 6
7 U.S.C. 802) on the day before the date of enactment
8 of the Marijuana Opportunity Reinvestment and
9 Expungement Act of 2020.”.

10 **SEC. 4. AVAILABILITY OF SMALL BUSINESS ADMINISTRA-**
11 **TION PROGRAMS AND SERVICES TO CAN-**
12 **NABIS-RELATED LEGITIMATE BUSINESSES**
13 **AND SERVICE PROVIDERS.**

14 (a) DEFINITIONS RELATING TO CANNABIS-RELATED
15 LEGITIMATE BUSINESSES AND SERVICE PROVIDERS.—
16 Section 3 of the Small Business Act (15 U.S.C. 632) is
17 amended by adding at the end the following new sub-
18 section:

19 “(ff) CANNABIS-RELATED LEGITIMATE BUSINESSES
20 AND SERVICE PROVIDERS.—In this Act:

21 “(1) CANNABIS.—The term ‘cannabis’—

22 “(A) means all parts of the plant Cannabis
23 sativa L., whether growing or not; the seeds
24 thereof; the resin extracted from any part of
25 such plant; and every compound, manufacture,

1 salt, derivative, mixture, or preparation of such
2 plant, its seeds or resin; and

3 “(B) does not include—

4 “(i) hemp, as defined in section 297A
5 of the Agricultural Marketing Act of 1946;

6 “(ii) the mature stalks of such plant,
7 fiber produced from such stalks, oil or cake
8 made from the seeds of such plant, any
9 other compound, manufacture, salt, deriva-
10 tive, mixture, or preparation of such ma-
11 ture stalks (except the resin extracted
12 therefrom), fiber, oil, or cake, or the steri-
13 lized seed of such plant which is incapable
14 of germination; or

15 “(iii) any drug product approved
16 under section 505 of the Federal Food,
17 Drug, and Cosmetic Act, or biological
18 product licensed under section 351 of the
19 Public Health Service Act.

20 “(2) CANNABIS-RELATED LEGITIMATE BUSI-
21 NESS.—The term ‘cannabis-related legitimate busi-
22 ness’ means a manufacturer, producer, or any per-
23 son or company that is a small business concern and
24 that—

1 “(A) engages in any activity described in
2 subparagraph (B) pursuant to a law established
3 by a State or a political subdivision of a State,
4 as determined by such State or political sub-di-
5 vision; and

6 “(B) participates in any business or orga-
7 nized activity that involves handling cannabis or
8 cannabis products, including cultivating, pro-
9 ducing, manufacturing, selling, transporting,
10 displaying, dispensing, distributing, or pur-
11 chasing cannabis or cannabis products.

12 “(3) SERVICE PROVIDER.—The term ‘service
13 provider’—

14 “(A) means a business, organization, or
15 other person that—

16 “(i) sells goods or services to a can-
17 nabis-related legitimate business; or

18 “(ii) provides any business services,
19 including the sale or lease of real or any
20 other property, legal or other licensed serv-
21 ices, or any other ancillary service, relating
22 to cannabis; and

23 “(B) does not include a business, organiza-
24 tion, or other person that participates in any
25 business or organized activity that involves han-

1 dling cannabis or cannabis products, including
2 cultivating, producing, manufacturing, selling,
3 transporting, displaying, dispensing, distrib-
4 uting, or purchasing cannabis or cannabis prod-
5 ucts.”.

6 (b) SMALL BUSINESS DEVELOPMENT CENTERS.—
7 Section 21(c) of the Small Business Act (15 U.S.C.
8 648(c)) is amended by adding at the end the following new
9 paragraph:

10 “(9) SERVICES FOR CANNABIS-RELATED LE-
11 GITIMATE BUSINESSES AND SERVICE PROVIDERS.—
12 A small business development center may not decline
13 to provide services to an otherwise eligible small
14 business concern under this section solely because
15 such concern is a cannabis-related legitimate busi-
16 ness or service provider.”.

17 (c) WOMEN’S BUSINESS CENTERS.—Section 29 of
18 the Small Business Act (15 U.S.C. 656) is amended by
19 adding at the end the following new subsection:

20 “(p) SERVICES FOR CANNABIS-RELATED LEGITI-
21 MATE BUSINESSES AND SERVICE PROVIDERS.—A wom-
22 en’s business center may not decline to provide services
23 to an otherwise eligible small business concern under this
24 section solely because such concern is a cannabis-related
25 legitimate business or service provider.”.

1 (d) SCORE.—Section 8(b)(1)(B) of the Small Busi-
2 ness Act (15 U.S.C. 637(b)(1)(B)) is amended by adding
3 at the end the following new sentence: “The head of the
4 SCORE program established under this subparagraph
5 may not decline to provide services to an otherwise eligible
6 small business concern solely because such concern is a
7 cannabis-related legitimate business or service provider.”.

8 (e) VETERAN BUSINESS OUTREACH CENTERS.—Sec-
9 tion 32 of the Small Business Act (15 U.S.C. 657b) is
10 amended by adding at the end the following new sub-
11 section:

12 “(h) SERVICES FOR CANNABIS-RELATED LEGITI-
13 MATE BUSINESSES AND SERVICE PROVIDERS.—A Vet-
14 eran Business Outreach Center may not decline to provide
15 services to an otherwise eligible small business concern
16 under this section solely because such concern is a can-
17 nabis-related legitimate business or service provider.”.

18 (f) 7(A) LOANS.—Section 7(a) of the Small Business
19 Act (15 U.S.C. 636(a)) is amended by adding at the end
20 the following new paragraph:

21 “(36) LOANS TO CANNABIS-RELATED LEGITI-
22 MATE BUSINESSES AND SERVICE PROVIDERS.—The
23 Administrator may not decline to provide a guar-
24 antee for a loan under this subsection to an other-
25 wise eligible small business concern solely because

1 such concern is a cannabis-related legitimate busi-
2 ness or service provider.”.

3 (g) DISASTER LOANS.—Section 7(b) of the Small
4 Business Act (15 U.S.C. 636(b)) is amended by inserting
5 after paragraph (15) the following new paragraph:

6 “(16) ASSISTANCE TO CANNABIS-RELATED LE-
7 GITIMATE BUSINESSES AND SERVICE PROVIDERS.—
8 The Administrator may not decline to provide assist-
9 ance under this subsection to an otherwise eligible
10 borrower solely because such borrower is a cannabis-
11 related legitimate business or service provider.”.

12 (h) MICROLOANS.—Section 7(m) of the Small Busi-
13 ness Act (15 U.S.C. 636(m)) is amended by adding at the
14 end the following new paragraph:

15 “(14) ASSISTANCE TO CANNABIS-RELATED LE-
16 GITIMATE BUSINESSES AND SERVICE PROVIDERS.—
17 An eligible intermediary may not decline to provide
18 assistance under this subsection to an otherwise eli-
19 gible borrower solely because such borrower is a can-
20 nabis-related legitimate business or service pro-
21 vider.”.

22 (i) STATE OR LOCAL DEVELOPMENT COMPANY
23 LOANS.—Title V of the Small Business Investment Act
24 of 1958 (15 U.S.C. 695 et seq.) is amended by adding
25 at the end the following new section:

1 **“SEC. 511. LOANS TO CANNABIS-RELATED LEGITIMATE**
2 **BUSINESSES AND SERVICE PROVIDERS.**

3 “The Administrator may not decline to provide a
4 guarantee for a loan under this title to an otherwise eligi-
5 ble State or local development company solely because
6 such State or local development company provides financ-
7 ing to an entity that is a cannabis-related legitimate busi-
8 ness or service provider (as defined in section 3(ff) of the
9 Small Business Act).”.

10 **SEC. 5. NO DISCRIMINATION IN THE PROVISION OF A FED-**
11 **ERAL PUBLIC BENEFIT ON THE BASIS OF**
12 **CANNABIS.**

13 (a) IN GENERAL.—No person may be denied any
14 Federal public benefit (as such term is defined in section
15 401(c) of the Personal Responsibility and Work Oppor-
16 tunity Reconciliation Act of 1996 (8 U.S.C. 1611(e))) on
17 the basis of any use or possession of cannabis, or on the
18 basis of a conviction or adjudication of juvenile delin-
19 quency for a cannabis offense, by that person.

20 (b) SECURITY CLEARANCES.—Federal agencies may
21 not use past or present cannabis or marijuana use as cri-
22 teria for granting, denying, or rescinding a security clear-
23 ance.

1 **SEC. 6. NO ADVERSE EFFECT FOR PURPOSES OF THE IMMI-**
2 **GRATION LAWS.**

3 (a) IN GENERAL.—For purposes of the immigration
4 laws (as such term is defined in section 101 of the Immi-
5 gration and Nationality Act), cannabis may not be consid-
6 ered a controlled substance, and an alien may not be de-
7 nied any benefit or protection under the immigration laws
8 based on any event, including conduct, a finding, an ad-
9 mission, addiction or abuse, an arrest, a juvenile adjudica-
10 tion, or a conviction, relating to cannabis, regardless of
11 whether the event occurred before, on, or after the effec-
12 tive date of this Act.

13 (b) CANNABIS DEFINED.—The term “cannabis”—

14 (1) means all parts of the plant *Cannabis sativa*
15 *L.*, whether growing or not; the seeds thereof; the
16 resin extracted from any part of such plant; and
17 every compound, manufacture, salt, derivative, mix-
18 ture, or preparation of such plant, its seeds or resin;
19 and

20 (2) does not include—

21 (A) hemp, as defined in section 297A of
22 the Agricultural Marketing Act of 1946;

23 (B) the mature stalks of such plant, fiber
24 produced from such stalks, oil or cake made
25 from the seeds of such plant, any other com-
26 pound, manufacture, salt, derivative, mixture,

1 or preparation of such mature stalks (except
2 the resin extracted therefrom), fiber, oil, or
3 cake, or the sterilized seed of such plant which
4 is incapable of germination; or

5 (C) any drug product approved under sec-
6 tion 505 of the Federal Food, Drug, and Cos-
7 metic Act, or biological product licensed under
8 section 351 of the Public Health Service Act.

9 (c) CONFORMING AMENDMENTS TO IMMIGRATION
10 AND NATIONALITY ACT.—The Immigration and Nation-
11 ality Act (8 U.S.C. 1101 et seq.) is amended—

12 (1) in section 212(h), by striking “and subpara-
13 graph (A)(i)(II) of such subsection insofar as it re-
14 lates to a single offense of simple possession of 30
15 grams or less of marijuana”;

16 (2) in section 237(a)(2)(B)(i), by striking
17 “other than a single offense involving possession for
18 one’s own use of 30 grams or less of marijuana”;

19 (3) in section 101(f)(3), by striking “(except as
20 such paragraph relates to a single offense of simple
21 possession of 30 grams or less of marihuana)”;

22 (4) in section 244(c)(2)(A)(iii)(II) by striking
23 “except for so much of such paragraph as relates to
24 a single offense of simple possession of 30 grams or
25 less of marijuana”;

1 (5) in section 245(h)(2)(B) by striking “(except
2 for so much of such paragraph as related to a single
3 offense of simple possession of 30 grams or less of
4 marijuana)”;

5 (6) in section 210(c)(2)(B)(ii)(III) by striking
6 “, except for so much of such paragraph as relates
7 to a single offense of simple possession of 30 grams
8 or less of marihuana”; and

9 (7) in section 245A(d)(2)(B)(ii)(II) by striking
10 “, except for so much of such paragraph as relates
11 to a single offense of simple possession of 30 grams
12 or less of marihuana”.

13 **SEC. 7. RESENTENCING AND EXPUNGEMENT.**

14 (a) **EXPUNGEMENT OF FEDERAL CANNABIS OF-**
15 **FENSE CONVICTIONS FOR INDIVIDUALS NOT UNDER A**
16 **CRIMINAL JUSTICE SENTENCE.—**

17 (1) **IN GENERAL.—**Not later than 1 year after
18 the date of the enactment of this Act, each Federal
19 district shall conduct a comprehensive review and
20 issue an order expunging each conviction or adju-
21 dication of juvenile delinquency for a Federal can-
22 nabis offense entered by each Federal court in the
23 district before the date of enactment of this Act and
24 on or after May 1, 1971. Each Federal court shall
25 also issue an order expunging any arrests associated

1 with each expunged conviction or adjudication of ju-
2 venile delinquency.

3 (2) NOTIFICATION.—To the extent practicable,
4 each Federal district shall notify each individual
5 whose arrest, conviction, or adjudication of delin-
6 quency has been expunged pursuant to this sub-
7 section that their arrest, conviction, or adjudication
8 of juvenile delinquency has been expunged, and the
9 effect of such expungement.

10 (3) RIGHT TO PETITION COURT FOR
11 EXPUNGEMENT.—At any point after the date of en-
12 actment of this Act, any individual with a prior con-
13 viction or adjudication of juvenile delinquency for a
14 Federal cannabis offense, who is not under a crimi-
15 nal justice sentence, may file a motion for
16 expungement. If the expungement of such a convic-
17 tion or adjudication of juvenile delinquency is re-
18 quired pursuant to this Act, the court shall expunge
19 the conviction or adjudication, and any associated
20 arrests. If the individual is indigent, counsel shall be
21 appointed to represent the individual in any pro-
22 ceedings under this subsection.

23 (4) SEALED RECORD.—The court shall seal all
24 records related to a conviction or adjudication of ju-
25 venile delinquency that has been expunged under

1 this subsection. Such records may only be made
2 available by further order of the court.

3 (b) SENTENCING REVIEW FOR INDIVIDUALS UNDER
4 A CRIMINAL JUSTICE SENTENCE.—

5 (1) IN GENERAL.—For any individual who is
6 under a criminal justice sentence for a Federal can-
7 nabis offense, the court that imposed the sentence
8 shall, on motion of the individual, the Director of
9 the Bureau of Prisons, the attorney for the Govern-
10 ment, or the court, conduct a sentencing review
11 hearing. If the individual is indigent, counsel shall
12 be appointed to represent the individual in any sen-
13 tencing review proceedings under this subsection.

14 (2) POTENTIAL REDUCED RESENTENCING.—
15 After a sentencing hearing under paragraph (1), a
16 court shall—

17 (A) expunge each conviction or adjudica-
18 tion of juvenile delinquency for a Federal can-
19 nabis offense entered by the court before the
20 date of enactment of this Act, and any associ-
21 ated arrest;

22 (B) vacate the existing sentence or disposi-
23 tion of juvenile delinquency and, if applicable,
24 impose any remaining sentence or disposition of
25 juvenile delinquency on the individual as if this

1 Act, and the amendments made by this Act,
2 were in effect at the time the offense was com-
3 mitted; and

4 (C) order that all records related to a con-
5 viction or adjudication of juvenile delinquency
6 that has been expunged or a sentence or dis-
7 position of juvenile delinquency that has been
8 vacated under this Act be sealed and only be
9 made available by further order of the court.

10 (c) EFFECT OF EXPUNGEMENT.—An individual who
11 has had an arrest, a conviction, or juvenile delinquency
12 adjudication expunged under this section—

13 (1) may treat the arrest, conviction, or adju-
14 dication as if it never occurred; and

15 (2) shall be immune from any civil or criminal
16 penalties related to perjury, false swearing, or false
17 statements, for a failure to disclose such arrest, con-
18 viction, or adjudication.

19 (d) DEFINITIONS.—In this section:

20 (1) The term “Federal cannabis offense” means
21 an offense that is no longer punishable pursuant to
22 this Act or the amendments made under this Act.

23 (2) The term “expunge” means, with respect to
24 an arrest, a conviction, or a juvenile delinquency ad-
25 judication, the removal of the record of such arrest,

1 conviction, or adjudication from each official index
2 or public record.

3 (3) The term “under a criminal justice sen-
4 tence” means, with respect to an individual, that the
5 individual is serving a term of probation, parole, su-
6 pervised release, imprisonment, official detention,
7 pre-release custody, or work release, pursuant to a
8 sentence or disposition of juvenile delinquency im-
9 posed on or after the effective date of the Controlled
10 Substances Act (May 1, 1971).

11 (e) STUDY.—The Comptroller General of the United
12 States, in consultation with the Secretary of Health and
13 Human Services, shall conduct a demographic study of in-
14 dividuals convicted of a Federal cannabis offense. Such
15 study shall include information about the age, race, eth-
16 nicity, sex, and gender identity of those individuals, the
17 type of community such users dwell in, and such other
18 demographic information as the Comptroller General de-
19 termines should be included.

20 (f) REPORT.—Not later than 2 years after the date
21 of the enactment of this Act, the Comptroller General of
22 the United States shall report to Congress the results of
23 the study conducted under subsection (e).

1 **SEC. 8. REFERENCES IN EXISTING LAW TO MARIJUANA OR**
2 **MARIHUANA.**

3 Wherever, in the statutes of the United States or in
4 the rulings, regulations, or interpretations of various ad-
5 ministrative bureaus and agencies of the United States—

6 (1) there appears or may appear the term
7 “marihuana” or “marijuana”, that term shall be
8 struck and the term “cannabis” shall be inserted;
9 and

10 (2) there appears or may appear the term
11 “Marihuana” or “Marijuana”, that term shall be
12 struck and the term “Cannabis” shall be inserted.

13 **SEC. 9. SEVERABILITY.**

14 If any provision of this Act or an amendment made
15 by this Act, or any application of such provision to any
16 person or circumstance, is held to be unconstitutional, the
17 remainder of this Act, the amendments made by this Act,
18 and the application of this Act and the amendments made
19 by this Act to any other person or circumstance shall not
20 be affected.

21 **SEC. 10. CANNABIS OFFENSE DEFINED.**

22 For purposes of this Act, the term “cannabis offense”
23 means a criminal offense related to cannabis—

24 (1) that, under Federal law, is no longer pun-
25 ishable pursuant to this Act or the amendments
26 made under this Act; or

1 (2) that, under State law, is no longer an of-
2 fense or that was designated a lesser offense or for
3 which the penalty was reduced under State law pur-
4 suant to or following the adoption of a State law au-
5 thorizing the sale or use of cannabis.

6 **SEC. 11. RULEMAKING.**

7 Unless otherwise provided in this Act, not later than
8 1 year after the date of enactment of this Act, the Depart-
9 ment of the Treasury, the Department of Justice, and the
10 Small Business Administration shall issue or amend any
11 rules, standard operating procedures, and other legal or
12 policy guidance necessary to carry out implementation of
13 this Act. After the 1-year period, any publicly issued sub-
14 regulatory guidance, including any compliance guides,
15 manuals, advisories and notices, may not be issued with-
16 out 60-day notice to appropriate congressional commit-
17 tees. Notice shall include a description and justification
18 for additional guidance.

