



Mega-thread time! We're sharing our thoughts on today's legalization discussion draft -- a tool used for very political and technical topics, and this is both. The senators will take public comment through Sep 1 and revise accordingly. The bill introduced will look very different

If we're new to you: hi. We started this project after spending a combined 20+ years learning cannabis policy, winning campaigns, practicing law, and serving the public, and deciding we'd rather use that experience to represent everyday people than individual clients who pay us.

Biggest takeaway: participate in this process! Whatever is written this first time will become the status quo. Then inertia will set in ("we already discussed/decided this!") and making changes in the future will be a struggle. Take advantage of this opportunity to do it right.

If you only read one summary today, read the senators' official summary that includes the prompts for what they are seeking feedback on. There are some big clues here! <https://int.nyt.com/data/documenttools/the-cannabis-administration-and-opportunity-act/6ae57fc5bae6ada6/full.pdf>

Now, a couple substantive thoughts from us to supplement the excellent summaries:

One, this won't end marijuana arrests around the country. Like the MORE Act, this lets states continue criminalization. If you care about this, you can ask Congress to change the part of the Controlled Substances Act that explicitly notes it does not preempt the states.

Two, this gives regulatory authority to FDA, TTB, and ATF. The intentionality with respect to regs is good progress. But are they the right agencies? Food for thought, consider an alternative approach, science and health agencies only, via [@MasonMarksMD](#) [https://privpapers.ssrn.com/sol3/papers.cfm?abstract\\_id=3607702](https://privpapers.ssrn.com/sol3/papers.cfm?abstract_id=3607702)

On that note, the summary's explanation of how alcohol and tobacco are treated is useful context, but we've argued that despite the superficial similarities, it's legally + historically inaccurate to suggest that regulations for cannabis are the same. They are very different;

And furthermore, no one has ever suggested that those regulatory frameworks could be used to begin to repair decades of harm and devastation from racist and disproportionately enforced drug laws, which is explicitly the goal here.

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Speaking of tobacco, one of the most exciting parts of this process was when Majority Leader Schumer explicitly said he does not want Big Tobacco swooping in and taking over. The draft could use a lot more on that (DM us if you're a public health expert who wants to collaborate!)

An excellent section ripe for expansion is that although medical and adult use standards are left up to the states, the protection from discrimination regarding federal benefits and immigration are universal. What other discrimination might be included? The drug war's everywhere.

Interstate commerce.. we're so sick of talking about it (see the 100-page rewrite on the topic on our website). But it's crucially important. The draft both allows and restricts it by allowing it only in compliance with state regulations. We could see how this would be intuitive;

But every state's experience shows that this type of chaotic, nearly-impossible-to-navigate system only helps well-resourced companies and it really hurts the small ones! Ask any state that allows municipalities to all create their own rules. All finger pointing, zero clarity.

Instead, we need a clear, consistent, equity-focused approach to interstate commerce that protects state equity programs and collects data so that the federal government can make gradual and evidence-based decisions. It's not a huge ask and we hope others will join us in it.

(And we know interstate commerce is not the most exciting or easy topic to talk about, so we'll keep working to demystify it. Don't give up on it and let corporate lobbyists decide. What the national legal marketplace looks like should be decided by the movement!)

Another great addition not in the MORE Act are the prohibitions on commercial bribery, uncompetitive trade practices, and certain inducements, modeled off the alcohol industry. These seem to open to the door to a whole new topic that's relevant and timely.

We plan to make concrete recommendations to reverse the trend toward excessive corporate consolidation and instead advance the goal of a fair, open, and competitive marketplace that the senators and Biden admin have clearly set out through their leadership. Hope you'll join us.

Last thing on substance: if you know any public health policy experts, try to get them to respond to the senators' call for sensible feedback on a potency limit. Otherwise they're only going to get corporate input, and prohibitionist input for 10% across the board even patients.

Okay, now the politics! Our guess is as good as anyone's, but we do have the experience of writing marijuana laws at the state legislative and regulatory level, and we are some of the many advocates who have met with all three senators and their staffers. Based on that:

We think there's a lot of room for changes and suggestions are worth your while. But concrete changes -- markups if you can -- may go further than wish lists. So often, it's

not a lack of will but a lack of time/resources to actually draft the change that prevents progress.

If there was any nervousness in our minds that corporations might be secretly controlling the process, it's gone. Several hours later, stockholders are still having a meltdown at Sen. Schumer and Booker's comments about SAFE (check them out if you missed it) while CEOs spin it.

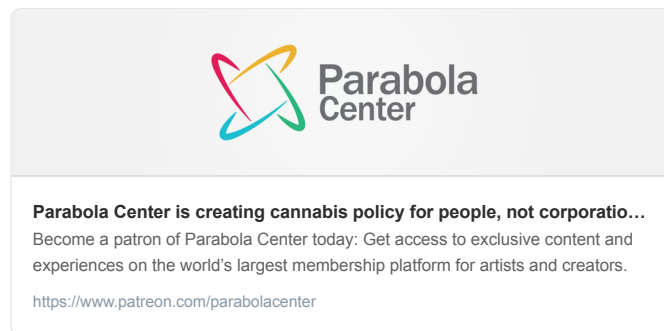
Sen. Wyden seems totally genuine and sincere in his support of small businesses, too -- it's great to see his new addition of significant tax benefits for smaller businesses. He's clearly open to suggestions from entrepreneurs as to what else would make your lives easier.

It's what it looks like. This bill is a way to appeal to the movement. If you're young, marginalized, and angry, you're the target audience. Not rich CEOs. But they're not magic and they can't read your mind. So you have to put in the work. If you do, it'll pay off.

BTW, we'll call out corporate astroturfing as we see it, but expect to see plenty of gaming of social equity definitions and industry-funded "studies." We'll also call out corporations who make truly insightful and evidence-based suggestions for equity -- we love to see that.

Last tip: all 3 senators come from states with very equity-friendly and/or consumer-friendly marijuana laws. They can't reasonably stand for anything less than what their constituents have passed. Use that! Get to know the OR, NJ and NY laws. Bring them up every chance you get.

That's it for tonight! Welcome to our new followers. Hope you found this useful. If you did, consider supporting us as a patron, we run on crowdfunding:



. Oh and when you send in your public comment, make sure you send it to your senator too!