

NEWSLETTER

Morning Cannabis

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Rules committee considers federal marijuana protections today

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QUICK FIX

— **The House Rules Committee will consider an amendment to protect state marijuana industries today.** The amendment was added to last year's budget legislation.

— **The Council for Responsible Nutrition is lobbying Congress to take action on hemp-derived CBD products,** while continuing to push the FDA to provide regulatory guidance.

— **A new Texas law prohibiting the state from removing a child from a parent solely because of marijuana use takes effect in September,** but it is already having a big impact on the Texas court system.

IT'S TUESDAY, JULY 27. WELCOME TO POLITICO'S DAILY CANNABIS NEWSLETTER. Critics are coming for Cuomo over his slow rollout of legalized weed. Don't forget to send us tips and story ideas: [Natalie at nfertig@politico.com](mailto:nfertig@politico.com), [Paul at pdemko@politico.com](mailto:pdemko@politico.com) and [Mona at mzhang@politico.com](mailto:mzhang@politico.com). And follow Pro: [@POLITICOPro](https://twitter.com/POLITICOPro).

ON THE HILL

THEY KEEP APPROPRIIN' — Are you up to your ears in appropriations yet? Well by the end of this week, you may be buried. This week the [House Rules Committee](#) is considering floor amendments to [a seven-bill appropriations minibuss](#) and to a Commerce-Justice-Science appropriations bill. On the table are close to a dozen cannabis-related amendments; some of which will make the cut, while others do not.

The details: The biggest ticket item on the docket this week is an amendment from Reps. [Earl Blumenauer](#) (D-Ore.), [Barbara Lee](#) (D-Calif.), [Tom McClintock](#) (R-Calif.) and [Del. Eleanor Holmes Norton](#) (D-D.C.) that would prohibit the DOJ from using federal funds to enforce federal marijuana laws in legal states. It would be part of the CJS bill, and will come up for consideration in the rules committee today.

The CJS hearing will also consider amendments reallocating \$25 million to find and eliminate illicit grows in Southeastern California, to reallocate \$5 million of DEA funds for the purpose of reimbursing state and local governments that find and clean up illicit marijuana grow sites, and a third to remove federal protections for the medical marijuana industry. The third is expected to fail, but the fate of the first of the first two amendments is unclear.

What has been approved? The rules committee voted on amendments to the seven-bill minibuss yesterday, deciding which will be debated on the House floor this week [[here's the full list](#)]. The committee approved an amendment from Rep. [Doug LaMalfa](#) (R-Calif.) that would reallocate \$25 million from Environmental Programs and Management activities to the National Forest System to address illicit marijuana grows. Illicit grows on national forest land in California often use illegal rat poison that contaminates the environment and is harming already-vulnerable species, [and funding to find and clean up these sites is currently limited](#).

LaMalfa made news last week when [he took a bulldozer](#) to an illegal marijuana grow in his district.

The committee also approved an amendment from Rep. [Debbie Lesko](#) (R-Ariz.) for debate this week that would remove a provision in the base text of the budget bill prohibiting the Department of Education from withholding federal funds from

universities that study cannabis.

The committee, meanwhile, rejected amendments proposed by Norton, Blumenauer and Lee that would have prohibited HUD from enforcing federal marijuana laws in assisted housing in legal recreational and medical marijuana states.

How does this work? Not all of these approved amendments may end up being debated. Those that do will get ten minutes for debate and then will either be adopted into the budget minibus or rejected.

The schedule: The committee considered the minibus on Monday, and will take up the CJS bill today. The House begins floor debate on the minibus today. Yesterday's minibus committee hearing went into the evening, but with less on their plate today, the Rules Committee may wrap up debate on CJS a bit earlier.

HEMP WATCH

DIETARY SUPPLEMENT TRADE GROUP BEMOANS LACK OF CBD CLARITY — When the farm bill passed in 2018, Steve Mister expected that the FDA would come out with a regulatory framework within a couple of months that would allow ingestible CBD products to be legally sold. But nearly three years later, there's still no guidance from the agency providing a clear pathway.

"I think the agency is sort of locked in a sense of temerity and inertia," said Mister, who has served as CEO of the Council for Responsible Nutrition, which represents the dietary supplement industry, since 2005. "It's easier for them to keep kicking the can down the road than to make a decision that would require them to then be accountable."

That's why CRN is increasingly focusing its lobbying efforts on convincing Congress to pass legislation that would force the FDA's hand. Specifically, the trade group is pushing for [legislation introduced](#) by Rep. [Kurt Schrader](#) (D-Ore.) that would allow hemp-derived CBD to be used in dietary supplements. That bill has 29 sponsors from both sides of the aisle, but has yet to get a hearing before the Energy and Commerce Committee. Reps. [Dan Crenshaw](#) (R-Texas) and [Tony Cardenas](#) (D-Calif.), both E&C members, are the latest to sign on to the bill.

What about the Senate? Similar legislation has been introduced by Sen. [Ron Wyden](#) (D-Ore.). But that proposal would also create a pathway for CBD to legally used in food and beverages. CRN isn't opposed to that proposal, but worries it will complicate the issue.

"It just seems like to us it puts some unnecessary baggage on the bill that's going to slow it down," Mister said.

CRN is also worried about a provision in the [recent draft cannabis legalization legislation](#) put forth by Senate Majority Leader [Chuck Schumer](#) and Sens. Wyden and [Cory Booker](#) (D-N.J.) that would require the HHS secretary to set a recommended daily dose of CBD. The trade group is concerned that there won't be flexibility to change the recommendation as further evidence is amassed about the effects of CBD usage.

"They would most likely do it by rulemaking, and it would take a bulldozer to ever change the regulation once it's in place," Mister said.

State patchwork: CRN is also concerned that states are increasingly filling the federal regulatory void with rules of their own. The group's message to state policymakers, as outlined in [a recent white paper](#): write rules that mimic federal guidelines for dietary supplements.

"Even if we eventually get a federal law around this, by the time that happens you're gonna have 50 different paradigms of how you're going to regulate it that are all inconsistent," Mister said.

IN THE COURTS

FAMILY COURTS SHIFTING ON MARIJUANA — In April, Texas lawmakers passed [a child welfare bill that became law](#) in May without the governor's signature. The bill would — among other provisions — prohibit the Department of Family and Protective Services from removing a child from a parent solely because the parent tested positive for marijuana. While the bill doesn't take effect until September 1, it's already having a major effect on family courts in the state.

The impact: Texas-based attorney Justin Sisemore has been practicing family law for the past 15 years and has worked on thousands of cases. He's seen a big transition with how courts see the marijuana issue in the past six months — more so than he's seen in his entire career.

Since the law prohibits DFPS staffers from removing children due to parental marijuana use, family court judges are also declining to remove children for that reason. Up until about six months ago, testing positive for marijuana “was an absolute gut shot” in a child custody case that would result in a parent getting supervised visitation.

If one parent was a marijuana user and another parent was adamantly against marijuana, lawyers would be able to “weaponize” marijuana use in court. “You have this expectation that they’re going to do a removal,” Sisemore said.

While courts in more conservative counties still continue to take a harsh approach to marijuana use, attitudes are changing despite the fact that Texas has yet to legalize adult-use marijuana. Many Texans are traveling to marijuana-legal states like Colorado to consume cannabis. With New Mexico slated to launch adult-use sales by next April, Texans will have yet another option along their Western border.

AROUND THE WORLD

ISRAELI PATIENTS CAN SEEK CANNABIS GUIDANCE THROUGH NEW APP — Medical marijuana patients in Israel have a new app they can utilize to access cannabis information from doctors and other patients, [the Jerusalem Post reports](#). EcoCaNN was launched on Sunday by pharmaceutical company MediCane which focuses on the development of cannabis-based medications. The company says that doctors who specialize in the field will be available as resources around the clock. The English language app launched in Canada earlier this year, and MediCane expects to expand it to other languages and countries where medical marijuana is legal.

BUT ISRAELI SOLDIERS BETTER NOT SMOKE WEED — The Israeli Defense Force has issued new regulations regarding drugs and launched a campaign informing soldiers that they shouldn't use cannabis, [according to the Jerusalem Post](#). Under the new regs, soldiers can be denied combat troop benefits if they use drugs. Israeli soldiers who use cannabis recreationally, even on leave, can be arrested.

“The use of drugs in the framework of military service violates the norms and values of the IDF and its mission of protecting the State of Israel,” the IDF said.

Israel decriminalized cannabis in 2019, and allows medical marijuana use for specific ailments.

POT-POURRI

— **Canada's border is reopening**, [but the laws about carrying cannabis across the border are going to remain the same](#).

— **Denver's mayor proposes equity fund for cannabis investors**.

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