

Historic Vote to Legalize Cannabis Passes U.S. House of Representatives

By [Elizabeth M. Klarin](#)

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Last week, the lower house of the United States Congress passed a historic bill signaling a growing desire to remove cannabis from Schedule 1 of the federal Controlled Substances Act. H.R. 3884—known as the Marijuana Opportunity, Reinvestment and Expungement (MORE) Act—would not only decriminalize cannabis, but also expunge past marijuana-related convictions and require certain criminal cases to be resentenced.

If passed into final law, this would have a dramatic impact on immigration options for Canadians coming to the U.S. Currently, Canadians can be barred from entering the U.S. based on several grounds related to past or present use of or involvement with cannabis, either personally or as a business. Despite the fact that cannabis is now legal in Canada, it remains listed on Schedule 1 of the U.S. Controlled Substances Act—listed alongside the most serious and dangerous drugs in existence. As such, involvement with cannabis can render one permanently inadmissible to the U.S.

Since immigration is a function of the federal government, state laws legalizing cannabis have no impact on protecting individuals from the immigration consequences of its use or of working in the cannabis industry—other than to confuse foreigners who may believe they are protected by state rules.

It is currently considered unlikely that the law will pass the Senate—the next stage in the confirmation process—unless the Democrat political party regains control of the chamber. An impassioned runoff race is currently slated for January 5, 2021, in the U.S. state of Georgia, which will determine which political party holds power in the Senate in 2021 and beyond.

No candidate in either of Georgia's Senate races won a majority of the vote in the November 3rd elections, triggering a runoff for both available Senate seats. Nationwide, Republicans secured 50 seats and Democrats secured 48 seats (including two seats held by independents who caucus with Democrats) in the November 3rd elections; so if Democrats win both Georgia seats, the chamber will be split 50-50, giving both parties negative control. In this scenario, the vice president (anticipated to be Democrat Kamala Harris in 2021) will have the tie-breaking vote in all legislation—giving the Democrat party control. If this occurs, cannabis could be lifted from Schedule 1 as early as next year.

Whether the legislation moves forward or not, this news is a welcome sign for the majority of U.S. states that have legalized cannabis in one form or another, and for pro-cannabis advocates and those operating in the cannabis industry worldwide.

Check back for updates as this story develops, or reach out to Elizabeth Klarin at eklarin@lippes.com for additional information or with questions relating to this legislation.

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