



Written by [Michael Tennant](#) on November 16, 2021

GOP Congresswoman Introduces Bill to Decriminalize Marijuana

A Republican congresswoman introduced a bill Monday that would decriminalize marijuana at the federal level, leaving cannabis policy largely in the hands of the states, where it constitutionally belongs.

Representative Nancy Mace (R-S.C.) — who, in her first year in Congress, has a [perfect score](#) on *The New American's* Freedom Index — introduced the States Reform Act, the centerpiece of which is the removal of cannabis as a Schedule I drug under the Controlled Substances Act.

“No state or local government will be forced to change its current cannabis policies,” Mace stated in a [one-page summary](#) of the bill’s provisions. Instead, the bill “federally decriminalizes cannabis from Schedule I and defers to states over prohibition or regulation.”

Federal decriminalization of marijuana would do more than simply let states set their own cannabis policies. “Marijuana’s current classification as a Schedule 1 substance under federal law automatically triggers a wide range of limitations even for the state-legal marijuana industry,” explained [Reason](#). Legal marijuana businesses are often unable to obtain financial services because of federal regulations predicated on the plant’s illegality. They are also “penalized on their federal income tax” because they can’t claim deductions for business expenses.

Mace’s bill doesn’t take Uncle Sam out of the picture entirely. The Treasury Department’s Alcohol and Tobacco Tax and Trade Bureau (TTB) would be in charge of tracking the inventory of all marijuana seeds, plants, and products in the country. The Department of Agriculture would regulate the growing of cannabis plants. The Food and Drug Administration (FDA) would regulate marijuana products that are sold for medical use.

On top of that, the federal government would also collect a three-percent excise tax on cannabis products, which Mace’s summary says would “fund law enforcement, small business, and veterans['] mental health initiatives.” That is a far cry from the 25-percent tax proposed in a marijuana-decriminalization bill sponsored by Senate Majority Leader Chuck Schumer (D-N.Y.). In a Monday press conference, Mace [argued](#) that the tax needs to be kept low “in order to reduce the opportunities for illicit markets” — a lesson [high-tax California is learning the hard way](#).

The States Reform Act, furthermore, would allow the sale of marijuana products between states in which adult marijuana use is legal, and it would require marijuana businesses to be federally licensed. There are few restrictions on who can get a license; those with existing state licenses will be



AP Images
Nancy Mace



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grandfathered in.

Not content merely to decriminalize marijuana in the future, Mace also aims to help those convicted of nonviolent, marijuana-related crimes rejoin society, first by expunging the records of practically all such persons and then by releasing those still incarcerated in federal prison. According to *Reason*, “these individuals would even gain the ability to pursue a license to operate federally licensed, legal marijuana businesses” and “may even be able to qualify for assistance in launching a new marijuana business through a Small Business Administration loan and through a waiver of licensing fees.”

The bill protects veterans who use cannabis by prohibiting federal agencies from refusing them employment and the Department of Veterans Affairs (VA) from denying them medical care solely because of past or present marijuana consumption.

It also “incentivizes states to make cannabis illegal for anyone under the age of 21, with a medical exception for prescribed use,” claims Mace’s summary.

“The States Reform Act takes special care to keep Americans and their children safe while ending federal interference with state cannabis laws,” Mace said in a [statement](#). “Washington needs to provide a framework which allows states to make their own decisions on cannabis moving forward. This bill does that.”

That members of both parties now seek to decriminalize marijuana at the federal level is proof that “state nullification of federal marijuana prohibition is winning,” observed the Mises Institute’s [Ryan McMaken](#). A strategy long pooh-poohed as useless or even unconstitutional has turned out to be far more effective in changing federal policy than all the “pipe dream[s]” of “‘electing the right people’ in Washington,” he maintained. Might concentrating on state and local offices be the key to ending federal overreach? It’s certainly worth trying because, as McMaken remarked, it “is unlikely to fail any worse than fifty years of doing nothing in Washington.”



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