

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To provide assistance under programs relating to COVID–19 of the Small Business Administration to cannabis businesses and their service providers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BLUMENAUER introduced the following bill; which was referred to the Committee on _____

A BILL

To provide assistance under programs relating to COVID–19 of the Small Business Administration to cannabis businesses and their service providers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Emergency Cannabis
5 Small Business Health and Safety Act”.

1 **SEC. 2. ELIGIBILITY FOR THE PAYCHECK PROTECTION**
2 **PROGRAM.**

3 Notwithstanding any other provision of law, a busi-
4 ness shall not be ineligible for assistance under section
5 7(a)(36) of the Small Business Act (15 U.S.C.
6 636(a)(36)) on the basis that the business is a cannabis-
7 related legitimate business or a service provider.

8 **SEC. 3. ELIGIBILITY FOR ECONOMIC INJURY DISASTER**
9 **LOANS.**

10 Notwithstanding any other provision of law, a busi-
11 ness shall not be ineligible for assistance under section
12 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2))
13 on the basis that the business is a cannabis-related legiti-
14 mate business or a service provider.

15 **SEC. 4. ELIGIBILITY FOR ECONOMIC INJURY DISASTER**
16 **LOANS EMERGENCY GRANTS.**

17 Notwithstanding any other provision of law, a busi-
18 ness shall not be ineligible for emergency EIDL grants
19 under section 1110 of the CARES Act (Public Law 116-
20 136) on the basis that the business is a cannabis-related
21 legitimate business or service provider.

22 **SEC. 5. RULE FOR THE SMALL BUSINESS ADMINISTRATION**
23 **AND ITS EMPLOYEES.**

24 With respect to providing a loan, emergency advance,
25 or loan guarantee to a cannabis-related legitimate business
26 or service provider within a State, political subdivision of

1 a State, or Indian country that allows the cultivation, pro-
2 duction, manufacture, sale, transportation, display, dis-
3 pensing, distribution, or purchase of cannabis pursuant to
4 a law or regulation of such State, political subdivision, or
5 Indian Tribe that has jurisdiction over the Indian country,
6 as applicable, the Small Business Administration and the
7 officers, directors, and employees of the Small Business
8 Administration, may not be held liable pursuant to any
9 Federal law or regulation solely for providing a loan or
10 a loan guarantee to a cannabis-related legitimate business
11 or a service provider in carrying out the Families First
12 Coronavirus Response Act (Public Law 116–127) or the
13 CARES Act (Public Law 116–136).

14 **SEC. 6. DEFINITIONS.**

15 In this Act:

16 (1) CANNABIS.—The term “cannabis” has the
17 meaning given the term “marihuana” in section 102
18 of the Controlled Substances Act (21 U.S.C. 802).

19 (2) CANNABIS PRODUCT.—The term “cannabis
20 product” means any article which contains cannabis,
21 including an article which is a concentrate, an edi-
22 ble, a tincture, a cannabis-infused product, or a top-
23 ical.

24 (3) CANNABIS-RELATED LEGITIMATE BUSI-
25 NESS.—The term “cannabis-related legitimate busi-

1 ness” means a manufacturer, producer, or any per-
2 son that—

3 (A) engages in any activity described in
4 subparagraph (B) pursuant to a law established
5 by a State or a political subdivision of a State,
6 as determined by such State or political subdivi-
7 sion; and

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

14 (4) INDIAN COUNTRY.—The term “Indian coun-
15 try” has the meaning given that term in section
16 1151 of title 18, United States Code.

17 (5) INDIAN TRIBE.—The term “Indian Tribe”
18 has the meaning given that term in section 102 of
19 the Federally Recognized Indian Tribe List Act of
20 1994 (25 U.S.C. 479a).

21 (6) MANUFACTURER.—The term “manufac-
22 turer” means a person who manufactures, com-
23 pounds, converts, processes, prepares, or packages
24 cannabis or cannabis products.

1 (7) PRODUCER.—The term “producer” means a
2 person who plants, cultivates, harvests, or in any
3 way facilitates the natural growth of cannabis.

4 (8) SERVICE PROVIDER.—The term “service
5 provider”—

6 (A) means a business, organization, or
7 other person that—

8 (i) sells goods or services to a can-
9 nabis-related legitimate business; or

10 (ii) provides any business services, in-
11 cluding the sale or lease of real or any
12 other property, legal or other licensed serv-
13 ices, or any other ancillary service, relating
14 to cannabis; and

15 (B) does not include a business, organiza-
16 tion, or other person that participates in any
17 business or organized activity that involves han-
18 dling cannabis or cannabis products, including
19 cultivating, producing, manufacturing, selling,
20 transporting, displaying, dispensing, distrib-
21 uting, or purchasing cannabis or cannabis prod-
22 ucts.

23 (9) STATE.—The term “State” means each of
24 the several States, the District of Columbia, Puerto

1 Rico, and any territory or possession of the United
2 States.