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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

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

(Original Signature of Member)
SEC. 2. ELIGIBILITY FOR THE PAYCHECK PROTECTION PROGRAM.

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

SEC. 3. ELIGIBILITY FOR ECONOMIC INJURY DISASTER LOANS.

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

SEC. 4. ELIGIBILITY FOR ECONOMIC INJURY DISASTER LOANS EMERGENCY GRANTS.

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

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

With respect to providing a loan, emergency advance, or loan guarantee to a cannabis-related legitimate business or service provider within a State, political subdivision of
a State, or Indian country that allows the cultivation, production, manufacture, sale, transportation, display, dispensing, distribution, or purchase of cannabis pursuant to a law or regulation of such State, political subdivision, or Indian Tribe that has jurisdiction over the Indian country, as applicable, the Small Business Administration and the officers, directors, and employees of the Small Business Administration, may not be held liable pursuant to any Federal law or regulation solely for providing a loan or a loan guarantee to a cannabis-related legitimate business or a service provider in carrying out the Families First Coronavirus Response Act (Public Law 116–127) or the CARES Act (Public Law 116–136).

SEC. 6. DEFINITIONS.

In this Act:

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

(2) CANNABIS PRODUCT.—The term “cannabis product” means any article which contains cannabis, including an article which is a concentrate, an edible, a tincture, a cannabis-infused product, or a topical.

(3) CANNABIS-RELATED LEGITIMATE BUSINESS.—The term “cannabis-related legitimate business—
“manufacturer” means a manufacturer, producer, or any person that—

(A) engages in any activity described in subparagraph (B) pursuant to a law established by a State or a political subdivision of a State, as determined by such State or political subdivision; and

(B) participates in any business or organized activity that involves handling cannabis or cannabis products, including cultivating, producing, manufacturing, selling, transporting, displaying, dispensing, distributing, or purchasing cannabis or cannabis products.

(4) INDIAN COUNTRY.—The term “Indian country” has the meaning given that term in section 1151 of title 18, United States Code.

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

(6) MANUFACTURER.—The term “manufacturer” means a person who manufactures, compounds, converts, processes, prepares, or packages cannabis or cannabis products.
(7) PRODUCER.—The term “producer” means a person who plants, cultivates, harvests, or in any way facilitates the natural growth of cannabis.

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

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

(i) sells goods or services to a cannabis-related legitimate business; or

(ii) provides any business services, including the sale or lease of real or any other property, legal or other licensed services, or any other ancillary service, relating to cannabis; and

(B) does not include a business, organization, or other person that participates in any business or organized activity that involves handling cannabis or cannabis products, including cultivating, producing, manufacturing, selling, transporting, displaying, dispensing, distributing, or purchasing cannabis or cannabis products.

(9) STATE.—The term “State” means each of the several States, the District of Columbia, Puerto
Rico, and any territory or possession of the United States.