

# Insights

## Congress Reintroduces Marijuana Data Collection Act: Reevaluating Federal Marijuana Policy

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Through a bipartisan effort, the **Marijuana Data Collection Act** (MDCA) was recently reintroduced into the U.S. Congress. Senator Bob Menendez (D-NJ) introduced the MDCA in the Senate, cosponsored by Senator Rand Paul (R-KY). Reps. Sylvia Garcia (D-TX) and Don Young (R-AK) introduced the MDCA in the House of Representatives. If passed, the MDCA would mandate a federal comprehensive study on the impact of legalized marijuana use not only on the individual but also on the economy, on public health, on the criminal justice system, and within the employment sector.

### Background

The MDCA was first introduced in 2018 in the 115th Congress by then Congresswoman Tulsi Gabbard (D-HI), who was motivated by “bad data and misinformation” being used as fuel for the country’s “failed war on drugs.” Gabbard and the bill’s cosponsors explained that numerous peer-reviewed studies did not support the negative predictions of cannabis legalization opponents. Notwithstanding these studies, many members of Congress, and the Department of Justice, were not persuaded. The MDCA was introduced to mandate federally funded research into the impacts of legalizing cannabis, based on the experiences of the numerous states that have already established state-regulated legal cannabis markets. The bill did not receive a vote in 2018 or in 2019, when Gabbard reintroduced the bill in the 116th Congress.

### The 2021 MDCA

The 2021 version of the MDCA, like its predecessors, would require the Secretary of Health and Human Services, the U.S. Attorney General, the Secretary of Labor, and the relevant state agencies responsible for health programs and activities in states that have legalized cannabis to collaborate in a 10-year arrangement with the National Academy of Sciences. The study would track factors such as where states allocate revenue from legalized cannabis programs, the rates and purposes of cannabis use among different population groups, and the rates of cannabis-related arrests. The organizations involved in the study would produce an initial report within 18 months after the MDCA is enacted, followed by updates every two years thereafter.

The co-sponsors of the 2021 version of the MDCA have emphasized the possibility of legalized cannabis being an answer to the ongoing opioid crisis in the United States. The bill cites a study published by the American Medical Association in 2014 that reported an average of 20 percent fewer opioid-related deaths in states that had legalized cannabis programs. As such, the proposed study will also track the rates of opioid and painkiller overdoses, admissions to health care facilities for opioid and painkiller overdoses, opioid and painkiller related crimes, and the rates of prescriptions for opioids and painkillers.

Currently, the federal government considers cannabis to be a schedule I controlled substance with no medicinal value, although 36 states have legalized cannabis for medicinal purposes. The results of the proposed study could provide the relevant, contemporary data necessary for Congress to reach an agreement on the merits of legalized



marijuana programs and legislation intended to change the current federal policy on cannabis.

If you have questions about the Marijuana Data Collection Act please contact **Alexandria M. Foster, Kendall A. Schnurpel**, or your regular Krieg DeVault LLP attorney.

*Disclaimer. The contents of this article should not be construed as legal advice or a legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only, and you are urged to consult with counsel concerning your situation and specific legal questions you may have. In addition, marijuana remains a federally illegal schedule I drug. All activities related to marijuana are currently illegal under the federal laws of the United States and nothing contained on this alert is intended to assist in any way with violation of applicable law.*