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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To ensure that certain loan programs of the Small Business Administration are made available to cannabis-related legitimate businesses and service providers, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Ms. VELÁZQUEZ introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To ensure that certain loan programs of the Small Business Administration are made available to cannabis-related legitimate businesses and 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 “Ensuring Safe Capital  
5 Access for All Small Businesses Act of 2021”.

1 **SEC. 2. DECRIMINALIZATION OF CANNABIS.**

2 (a) CANNABIS REMOVED FROM SCHEDULE OF CON-  
3 TROLLED SUBSTANCES.—Subsection (c) of schedule I of  
4 section 202(c) of the Controlled Substances Act (21  
5 U.S.C. 812) is amended—

6 (1) by striking paragraph (10) (relating to mar-  
7 ihuana); and

8 (2) by striking paragraph (17) (relating to  
9 tetrahydrocannabinols).

10 (b) CONFORMING AMENDMENTS TO CONTROLLED  
11 SUBSTANCES ACT.—The Controlled Substances Act (21  
12 U.S.C. 801 et seq.) is amended—

13 (1) in section 102(44) (21 U.S.C. 802(44)), by  
14 striking “marihuana,”;

15 (2) in section 401(b) (21 U.S.C. 841(b))—

16 (A) in paragraph (1)—

17 (i) in subparagraph (A)—

18 (I) in clause (vi), by inserting  
19 “or” after the semicolon;

20 (II) by striking (vii); and

21 (III) by redesignating clause  
22 (viii) as clause (vii);

23 (ii) in subparagraph (B)—

24 (I) in clause (vi), by inserting  
25 “or” after the semicolon;

26 (II) by striking clause (vii); and

1 (III) by redesignating clause  
2 (viii) as clause (vii);  
3 (iii) in subparagraph (C), in the first  
4 sentence, by striking “subparagraphs (A),  
5 (B), and (D)” and inserting “subpara-  
6 graphs (A) and (B)”;  
7 (iv) by striking subparagraph (D);  
8 (v) by redesignating subparagraph (E)  
9 as subparagraph (D); and  
10 (vi) in subparagraph (D)(i), as so re-  
11 designated, by striking “subparagraphs (C)  
12 and (D)” and inserting “subparagraph  
13 (C)”;  
14 (B) by striking paragraph (4); and  
15 (C) by redesignating paragraphs (5), (6),  
16 and (7) as paragraphs (4), (5), and (6), respec-  
17 tively;  
18 (3) in section 402(c)(2)(B) (21 U.S.C.  
19 842(c)(2)(B)), by striking “marihuana,”;  
20 (4) in section 403(d)(1) (21 U.S.C. 843(d)(1)),  
21 by striking “marihuana,”;  
22 (5) in section 418(a) (21 U.S.C. 859(a)), by  
23 striking the last sentence;  
24 (6) in section 419(a) (21 U.S.C. 860(a)), by  
25 striking the last sentence;

1 (7) in section 422(d) (21 U.S.C. 863(d))—

2 (A) in the matter preceding paragraph (1),  
3 by striking “marijuana,”; and

4 (B) in paragraph (5), by striking “, such  
5 as a marihuana cigarette,”; and

6 (8) in section 516(d) (21 U.S.C. 886(d)), by  
7 striking “section 401(b)(6)” each place the term ap-  
8 pears and inserting “section 401(b)(5)”.

9 (c) OTHER CONFORMING AMENDMENTS.—

10 (1) NATIONAL FOREST SYSTEM DRUG CONTROL  
11 ACT OF 1986.—The National Forest System Drug  
12 Control Act of 1986 (16 U.S.C. 559b et seq.) is  
13 amended—

14 (A) in section 15002(a) (16 U.S.C.  
15 559b(a)) by striking “marijuana and other”;

16 (B) in section 15003(2) (16 U.S.C.  
17 559c(2)) by striking “marijuana and other”;  
18 and

19 (C) in section 15004(2) (16 U.S.C.  
20 559d(2)) by striking “marijuana and other”.

21 (2) INTERCEPTION OF COMMUNICATIONS.—Sec-  
22 tion 2516 of title 18, United States Code, is amend-  
23 ed—

24 (A) in subsection (1)(e), by striking “,  
25 marihuana,”; and

1 (B) in subsection (2) by striking “mari-  
2 huana”.

3 **SEC. 3. 7(a) LOANS TO CANNABIS-RELATED LEGITIMATE**  
4 **BUSINESSES AND SERVICE PROVIDERS.**

5 Section 7(a) of the Small Business Act (15 U.S.C.  
6 636(a)) is amended by adding at the end the following  
7 new paragraph:

8 “(38) LOANS TO CANNABIS-RELATED LEGITI-  
9 MATE BUSINESSES AND SERVICE PROVIDERS.—

10 “(A) IN GENERAL.—The Administrator  
11 may not decline to provide a guarantee for a  
12 loan under this subsection, and a lender may  
13 not decline to make a loan made under this  
14 subsection, to an otherwise eligible small busi-  
15 ness concern solely because such concern is a  
16 cannabis-related legitimate business or service  
17 provider.

18 “(B) DEFINITIONS.—In this paragraph:

19 “(i) CANNABIS.—The term ‘cannabis’  
20 has the meaning given the term ‘mari-  
21 huana’ in section 102 of the Controlled  
22 Substances Act.

23 “(ii) CANNABIS PRODUCT.—The term  
24 ‘cannabis product’ means any article which  
25 contains cannabis, including an article

1           which is a concentrate, an edible, a tinc-  
2           ture, a cannabis-infused product, or a top-  
3           ical.

4                   “(iii) CANNABIS-RELATED LEGITI-  
5           MATE BUSINESS.—The term ‘cannabis-re-  
6           lated legitimate business’ means a manu-  
7           facturer, producer, or any person or com-  
8           pany that is a small business concern and  
9           that—

10                   “(I) engages in any activity de-  
11           scribed in subclause (II) pursuant to  
12           a law established by a State or a po-  
13           litical subdivision of a State, as deter-  
14           mined by such State or political sub-  
15           division; and

16                   “(II) participates in any business  
17           or organized activity that involves  
18           handling cannabis or cannabis prod-  
19           ucts, including cultivating, producing,  
20           manufacturing, selling, transporting,  
21           displaying, dispensing, distributing, or  
22           purchasing cannabis or cannabis prod-  
23           ucts.

24                   “(iv) MANUFACTURER.—The term  
25           ‘manufacturer’ means a person who manu-

1 factures, compounds, converts, processes,  
2 prepares, or packages cannabis or cannabis  
3 products.

4 “(v) PRODUCER.—The term ‘pro-  
5 ducer’ means a person who plants, cul-  
6 tivates, harvests, or in any way facilitates  
7 the natural growth of cannabis.

8 “(vi) SERVICE PROVIDER.—The term  
9 ‘service provider’—

10 “(I) means a business, organiza-  
11 tion, or other person that—

12 “(aa) sells goods or services  
13 to a cannabis-related legitimate  
14 business; or

15 “(bb) provides any business  
16 services, including the sale or  
17 lease of real or any other prop-  
18 erty, legal or other licensed serv-  
19 ices, or any other ancillary serv-  
20 ice, relating to cannabis; and

21 “(II) does not include a business,  
22 organization, or other person that  
23 participates in any business or orga-  
24 nized activity that involves handling  
25 cannabis or cannabis products, includ-

1           ing cultivating, producing, manufac-  
2           turing, selling, transporting, dis-  
3           playing, dispensing, distributing, or  
4           purchasing cannabis or cannabis prod-  
5           ucts.

6           “(vii) STATE.—The term ‘State’  
7           means each of the several States, the Dis-  
8           trict of Columbia, Puerto Rico, and any  
9           territory or possession of the United  
10          States.”.

11 **SEC. 4. DISASTER LOANS TO CANNABIS-RELATED LEGITI-**  
12 **MATE BUSINESSES AND SERVICE PROVIDERS.**

13          Section 7(b) of the Small Business Act (15 U.S.C.  
14 636(b)) is amended by inserting after paragraph (15) the  
15 following new paragraph:

16           “(16) ASSISTANCE TO CANNABIS-RELATED LE-  
17          GITIMATE BUSINESSES AND SERVICE PROVIDERS.—  
18          The Administrator may not decline to provide assist-  
19          ance under this subsection to an otherwise eligible  
20          borrower solely because such borrower is a cannabis-  
21          related legitimate business or service provider (as  
22          defined in subsection (a)(38)).”.



1 **SEC. 5. MICROLOANS TO CANNABIS-RELATED LEGITIMATE**  
2 **BUSINESSES AND SERVICE PROVIDERS.**

3 Section 7(m) of the Small Business Act (15 U.S.C.  
4 636(m)(13)) is amended by adding at the end the fol-  
5 lowing new paragraph:

6 “(14) ASSISTANCE TO CANNABIS-RELATED LE-  
7 GITIMATE BUSINESSES AND SERVICE PROVIDERS.—

8 The Administrator may not decline to make a loan  
9 or a grant under this subsection, and an eligible  
10 intermediary may not decline to provide assistance  
11 under this subsection to an otherwise eligible bor-  
12 rower, eligible intermediary, or eligible nonprofit en-  
13 tity (as applicable) solely because such borrower,  
14 intermediary, or nonprofit entity is a cannabis-re-  
15 lated legitimate business or service provider (as de-  
16 fined in subsection (a)(38)).”.

17 **SEC. 6. SMALL BUSINESS INVESTMENT COMPANY DEBEN-**  
18 **TURES TO FINANCE CANNABIS-RELATED LE-**  
19 **GITIMATE BUSINESSES AND SERVICE PRO-**  
20 **VIDERS.**

21 Part A of title III of the Small Business Investment  
22 Act of 1958 (15 U.S.C. 681 et seq.) is amended by adding  
23 at the end the following new section:

1 **“SEC. 321. DEBENTURES TO FINANCE CANNABIS-RELATED**  
2 **LEGITIMATE BUSINESSES AND SERVICE PRO-**  
3 **VIDERS.**

4 “(a) GUARANTEES.—The Administrator may not de-  
5 cline to purchase or guarantee a debenture made under  
6 this title to an otherwise eligible small business investment  
7 company solely because such small business investment  
8 company provides financing to an entity that is a can-  
9 nabis-related legitimate business or service provider (as  
10 defined in section 7(a)(38) of the Small Business Act).

11 “(b) OTHER ASSISTANCE.—A small business invest-  
12 ment company may not decline to provide assistance under  
13 this title to an otherwise eligible small business concern  
14 solely because such small business concern is a cannabis-  
15 related legitimate business or service provider (as defined  
16 in section 7(a)(38) of the Small Business Act).”

17 **SEC. 7. STATE OR LOCAL DEVELOPMENT COMPANY LOANS**  
18 **TO FINANCE CANNABIS-RELATED LEGITI-**  
19 **MATE BUSINESSES AND SERVICE PROVIDERS.**

20 Title V of the Small Business Investment Act of 1958  
21 (15 U.S.C. 695 et seq.) is amended by adding at the end  
22 the following new section:

23 **“SEC. 511. LOANS TO FINANCE CANNABIS-RELATED LEGITI-**  
24 **MATE BUSINESSES AND SERVICE PROVIDERS.**

25 “(a) LOANS AND LOAN GUARANTEES.—The Admin-  
26 istrator may not decline to make or provide a guarantee

1 for a loan under this title to an otherwise eligible qualified  
2 State or local development company solely because such  
3 qualified State or local development company provides fi-  
4 nancing to an entity that is a cannabis-related legitimate  
5 business or service provider (as defined in section 7(a)(38)  
6 of the Small Business Act).

7 “(b) OTHER ASSISTANCE.—A qualified State or local  
8 development company may not decline to provide assist-  
9 ance under this title to an otherwise eligible small business  
10 concern solely because such small business concern is a  
11 cannabis-related legitimate business or service provider (as  
12 defined in section 7(a)(38) of the Small Business Act).”.

13 **SEC. 8. RULEMAKING.**

14 Not later than 120 days after the date of the enact-  
15 ment of this Act, the Administrator of the Small Business  
16 Administration shall issue or amend any rules, standard  
17 operating procedures, other legal or policy guidance nec-  
18 essary to carry out the requirements of this Act and the  
19 amendments made by this Act.