

October 18, 2021

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The Honorable Jack Reed
Chairman, Senate Armed
Armed Services Committee
U.S. Senate
Washington, D.C. 20510

The Honorable James Inhofe
Ranking Member, Senate
Armed Services Committee
U.S. Senate
Washington, D.C. 20510

The Honorable Sherrod Brown
Chairman, Senate Banking Committee
U.S. Senate
Washington, D.C. 20510

The Honorable Patrick J. Toomey
Ranking Member, Senate Banking Committee
U.S. Senate
Washington, D.C. 20510

Re: SAFE Banking Act being attached to the National Defense Authorization Act

Dear Chairmen Reed and Brown and Ranking Members Inhofe and Toomey,

We are requesting that the SAFE Banking Act (S.910 / H.R. 1996) not be included as a part of the FY22 National Defense Authorization Act ("NDAA"). The SAFE Banking Act will have far-reaching impacts for our nation's youth and future generations (See Appendix A). It seems only prudent that a more thorough and complete discussion take place first.

The SAFE Banking Act in its current form, does not include adequate protections for youth, who are at the greatest risk of harm. [One Chance](#) is a non-profit that has been engaged in marijuana policy and education for the past nine years. Our sole focus (including our ten thousand members and hundreds of coalition partners) has been on ensuring there are robust regulations and policies to help curb the negative consequences of marijuana commercialization on America's kids.

Congress has a precedent of addressing human safety issues through banking regulation, such as was done in the Dodd-Frank legislation. Congress can and should address high priority marijuana safety issues before passing such a significant piece of legislation.

We have included supporting national data and our safety recommendations in Appendix B that should be incorporated into the SAFE Banking Act before the legislation is enacted into law.

Please contact me at diane@onechancetogrowup.org with any questions that you may have.

We thank you for your care and service to our country.

Best Regards,



Diane Carlson
Co-Founder and Policy Director

cc: Senate Majority Leader Chuck Schumer and Senate Minority Leader Mitch McConnell

Appendix A

Background Information:

When marijuana was first legalized in various states it was primarily a cash-only business, which was dangerous and led to unnecessary crime and the mishandling of cash. However, as the industry continued to thrive, [State Chartered Banks and Credit Unions](#) have stepped in to provide banking services, including loans to these businesses. Many dispensaries have ATM's located on site for customer convenience.

The SAFE Banking Act, in its current form, will do much more than address this issue. It will provide unprecedented access to the world's most respected and lucrative capital markets to a largely undefined, and still evolving and potentially enormous harm-producing business sector. It will open the door to large financial institutions which may have the impact of expanding marijuana commercial sales significantly.

Additionally, this legislation will primarily [benefit large marijuana corporations and multi-state operators](#), rather than helping smaller, more diverse business owners. As a result, the SAFE Banking Act will not address or reduce economic and social disparities resulting from the War on Drugs.

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Appendix B

At a minimum, these basic safeguards and policy recommendations should include:

- a minimum age requirement of 21 to purchase marijuana
- strict prohibitions against products with enticing sweet and fruity flavors and kid-friendly names and packaging
- strict restrictions on advertising and marketing that may reach kids
- child-resistant packaging
- clear warnings of potential risks on labels and on signs prominently placed in stores
- maximum caps on THC potency, maximum caps on serving size, and limits on servings per package and purchase amounts
- federal enforcement to ensure labels accurately describe the products, including THC potency
- a publicly accessible tracking system of effects, including monitoring THC in non-natural deaths of young people, to inform future policy
- requirements that marijuana sold as "medicine" be regulated in the same manner as other prescription and over-the-counter medications
- adequate funding for robust and highly effective education and prevention campaigns and programs that reduce marijuana use among perinatal women, adolescents and young adults, who remain at the greatest risk, as their brains are still developing

Why these safeguards are critically important:

Colorado, the first state to allow for commercial marijuana sales and to collect key youth data, shows that high schoolers now report "dabbing" today's ultra-concentrated THC at three times the rate as adults. In fact, dabbing increased 156% in two years among Colorado high school students who had used marijuana in the past month, from 20.3% in 2017 to 52%

and in 2019 it increased 48% among all high school students. This prompted Colorado Governor Jared Polis to announce an important statewide [goal](#) of reducing “dabbing” of today’s ultra-high THC among high school students.

THC is now the number one substance found in toxicology reports on completed suicides for those ages 10–25. [Colorado’s teen suicide](#) rate far exceeds the nationwide average; the state’s teen suicides increased by 58% from 2016–2019, the highest rate of increase in the nation.

Concurrently, the devastation caused by the [nation’s opioid crisis](#) remains a health tragedy of epic proportions. A [recent study](#) found that early marijuana use before the age of 18 was one of the highest predictors of developing an opioid use disorder. This should be cause for immediate pause and more inquiry, as Congress considers major marijuana legislation and reforms.

National marijuana use by pregnant women has also increased from an estimated 3.4% in 2002 to 7.0% in 2017. A [recent study](#) published in The Journal of the American Medical Association (JAMA) reports that “prenatal cannabis use is associated with health risks, including low infant birth weight and potential effects on off-spring neurodevelopment” and that there has been a 25% increase in prenatal use during COVID. Yet, a [2018 study found that 69% of the 400 dispensaries contacted](#) (both recreational and medical) were recommending marijuana to pregnant women.

In a national report, recently released by the [United States Senate Caucus on International Narcotics Control in March 2021](#), and press release issued by then [Co-Chairs U.S. Senators John Cornyn \(R-TX\) and Dianne Feinstein \(D-CA\)](#) the harms and dangers of today’s unprecedented rising THC potency levels are described in detail. These national leaders urge Congress to take immediate actions to implement more thoughtful public health policies around marijuana, particularly when it comes to youth and pregnant women.

Similar concerns among others were shared by Senator Mike Crapo, the then-U.S. Senate Banking Committee Chair, in a [public release on December 18, 2018](#).

Risks and harms that are now compounding as more states liberalize marijuana policies, while laws and regulations and the ability to enforce them, dangerously lag behind today’s radically different product innovations. And as more commercial manufacturers and businesses are now aggressively selling and marketing ultra-potent THC that has little in common with the plant from the past.

The marijuana industry should willingly come to the table ready to have this serious and important discussion to pre-empt the crisis we’ve seen with nicotine vaping companies that have used tactics to addict our nation’s youth with kid-friendly products and flavorings that contain unprecedented concentrations of nicotine.

Urgent warnings over these dangerous regulatory gaps were provided in research presented at the [Marijuana and Cannabinoids: A Neuro-science Research Summit](#) held at the National Institutes of Health on March 22–23, 2016.

This research concluded that U.S. marijuana laws advancing marijuana production and distribution have yet to incorporate a public health and safety framework that is enforceable. The researchers wrote that “without effective controls in place, it is likely that a large marijuana industry akin to tobacco and alcohol, will quickly emerge and work to manipulate regulatory framework and use aggressive marketing strategies to increase and sustain marijuana use, with a corresponding increase in social and health costs”.