

[Nancy Mace](#), a first-term Republican Congresswoman from South Carolina, [recently introduced a bill](#) in the House of Representatives that would [decriminalize cannabis](#) at the federal level. This legislation, which is entitled the ‘States Reform Act,’ would remove any and all barriers in the federal law that might conflict with the autonomy of states to decide for themselves how the growth, manufacture, and distribution of cannabis products should be regulated in their states.

The Mace Bill is a response to the Democratically-sponsored Marijuana Opportunity Reinvestment and Expungement (MORE) Act, which would end federal cannabis prohibition on somewhat different terms. These bills are being considered in Congress concurrently with the [SAFE Banking Act](#), which is designed to lift many of the restrictions that make it difficult for cannabis and hemp producers to secure adequate banking and financial services.

Republicans and Cannabis: An Evolving Relationship

The Mace bill is being supported by five Republican co-sponsors, which reflects a growing disenchantment with cannabis prohibition among GOP libertarians and the party’s younger voters.

But many more traditional Republicans are not amused. Drew McKissick, the chair of the Republican party in Mace’s home state of South Carolina, issued a statement denouncing the bill.

"Unequivocally, the South Carolina Republican Party is against any effort to legalize, decriminalize the use of controlled substances, and that includes this bill," he said. "Since this will have widespread negative impacts, from rising crime, violence, and mental health issues in children, I think it's a safe bet to say most Republicans will be against it too."

McKissick’s histrionics aside, [a recent Pew Research poll](#) did reveal that a slight plurality (52 percent) of Republicans remain opposed to the legalization of marijuana for recreational as well as medicinal purposes. But among younger and more moderate Republican voters, full legalization enjoys majority support, signaling an ongoing evolution in opinion to which Congresswoman Mace and her Republican co-sponsors are trying to respond.

How the Mace Bill Would Impact Hemp and CBD

From the perspective of the CBD industry, the most important clause in the Mace bill would put the U.S. Food and Drug Administration in charge of regulating cannabis-infused foods and beverages.

[This clause](#) states the following:

“Within 30 days of the passage of this Act, the Food and Drug Administration shall promulgate an interim final rule and undertake rulemaking under the Administrative Procedure Act for the purposes of establishing a standard serving size and further clarifying intended conditions of use of whole-plant cannabis extracts and individual cannabinoid extracts used as dietary supplements.”

By clarifying CBD's legal status once and for all, this clause would allow growers, manufacturers, and retailers to freely to market their products from coast to coast, as long as they followed FDA rules to the letter.

The benefits of such regulation are obvious.

“With CBD, we want consistency,” explains Liz Rogan, who is the president of Liz Rogan & Associates Cannabis Consulting Firm in Santa Barbara. “We want to know that this is clean and consistent, in the same dosage and all these things like it's supposed to be. That's definitely something I think the industry is looking towards, because then we can actually use it in all of these other products like cosmetics and drinks and other things, to utilize more of the benefits of this plant.”

While confirming the desirability of uniform regulation, Rogan does have concerns about the ultimate outcome of FDA involvement in CBD. Specifically, she wonders if multinational companies will take advantage of CBD's newfound legitimacy to try to push smaller independent operators out.

“The concern is once the FDA regulation starts and gets in then Big Pharma steps in,” she says. “It's hard because you think you're moving in the right direction, and are you, are you not?”

“Follow the money,” Rogan advises, for those who want to understand the forces pushing toward full decriminalization in hemp as well as in cannabis.

But Will it Pass? Unlikely Say Industry Experts

Leah Heise, the founder of Maryland-based Gemini Twin Consulting, has extensive experience in the cannabis industry and many contacts in the D.C. area. Based on her first-hand knowledge of the current political scene, she does not believe the States Reform Act has much of a chance of passage. She thinks Congress is “at least five years away” from making significant alterations to existing federal cannabis laws.

Despite her skepticism about the bill's chances, Heise notes that Congresswoman Mace's bill “has some great features.”

“I love that it provides access to capital markets because SAFE doesn't go that far and we are behind the world in that regard,” she says. “Right now, European and Canadian cannabis companies can trade on the NASDAQ, but US companies cannot. We are also restricted in both interstate commerce and international commerce.”

Heise also praises the bill's oversight provisions, which are custom designed to help protect and promote the legitimate business interests of marijuana and CBD cultivators, distributors, and retailers.

“I'd love to see bipartisan support and cooperation on all things cannabis but am skeptical that the members can get past their partisan sniping to move a bill forward cooperatively,” she says,

noting the deep divisions between Republicans and Democrats in Congress. “The bill is unlikely to go far enough on social equity and expungement [of previous marijuana convictions for the currently incarcerated] and that will cause it to stumble on the Democratic side of the aisle.”

Liz Rogan is also skeptical of the bill’s chances of passage. She essentially dismisses Congresswoman Mace’s States Reform Act as “political theater” designed to signal that Republicans, too, are willing to follow public opinion and consider serious reform of cannabis laws (even if they’re really not).

“Nothing is going to move forward until safe banking does,” she says, relaying the sentiments of a Washington insider she has spoken with. “It’s just trying to win more popularity contests as midterm elections come up.”

An Alternative Path for CBD

There is a possibility that CBD could eventually be put on a different regulatory track, separate from cannabis.

“I believe CBD is a far safer subject for politicians than cannabis and movement will happen faster here,” Heise predicts. “With Mitch McConnell being in a hemp producing state, CBD has some strong support behind it.”

Should the Republicans regain control of the Senate in 2022 as expected, the CBD industry will have a powerful ally in the form of McConnell, who as Senate Majority leader was largely responsible for the inclusion of the clause in the 2018 Farm Bill that legalized the hemp industry in the United States.

McConnell’s home state of Kentucky is one of the nation’s highest-producing hemp states. After hemp was legalized, McConnell promised to do everything in his power to end banking practices that discriminate against hemp processors, manufacturers, and retailers. He also met with the head of the FDA to express his preference that the organization assume regulatory control over hemp and CBD, to make sure producers would be free to explore hemp’s full potential in health and food products.

In the current climate, bipartisanship in the political arena has become a nearly defunct concept. But with hemp and CBD, the situation could be different. The special clause on cannabis-infused foods and beverages inserted into the Mace Bill shows that Congress is aware of the needs of the hemp industry and is ready to respond. Democrats and Republicans may eventually launch a united effort to remove the financial and regulatory obstacles that continue to obstruct the growth of hemp and CBD, regardless of what is happening on the marijuana side.

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