

Congressional Cannabis Caucus – 116th Congress

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On Wednesday, January 9, 2019, Rep. Earl Blumenauer (D-OR) announced the leadership team of the Congressional Cannabis Caucus for the 116th Congress. In addition to Mr. Blumenauer, the Caucus will be co-chaired by Rep. Barbara Lee (D-CA), Rep. Dave Joyce (R-OH) and Rep. Don Young (R-AK).

Mr. Blumenauer helped found the Caucus in 2017 with the goal of providing a bipartisan forum for discussing and collaborating on sensible federal cannabis legislation. The Caucus has a particular focus on harmonizing federal and state laws with regard to medicinal or adult-use of cannabis. The group also works to address issues related to researching cannabis, providing veterans access to medicinal marijuana and business needs, including reforming the tax code. Two of the founding co-chairs have since left Congress: Rep. Dana Rohrabacher (R-CA), who lost his re-election bid in November, and Rep. Jared Polis (D-CO), who was elected governor of Colorado.

The newly-announced Caucus leadership reflects the seriousness of the group and their goals for the 116th Congress.

Now serving his 24th term in Congress, Mr. Young is not only the most senior member of the GOP Conference, but he is also the Dean of the House. His home state of Alaska legalized the production, sale, and adult-use of marijuana in 2014.

Mr. Blumenauer is a member of the Ways and Means Committee, with jurisdiction over all revenue-raising measures including taxation and tariffs, as well as Medicare and other programs. The Committee has jurisdiction over some aspects of cannabis law, particularly the treatment of marijuana businesses under the tax code. Under Section 280E of the Internal Revenue Code, any business engaging in the trafficking of a Schedule I or II controlled substance (including cannabis) is barred from claiming standard business deductions. Addressing this issue is high on the list of the cannabis industry's priorities.

Both Ms. Lee and Mr. Joyce are members of the Appropriations Committee, which controls the federal purse strings. Though California has legalized adult marijuana use, Ohio's legalization is limited to medical use only. Historically, lawmakers have used the appropriations process to advance legislative goals relating to cannabis. Most notably, the Rohrabacher-Farr amendment, which first became law in 2014, prohibited the Justice Department from interfering with states implementing their own marijuana laws. Though the amendment had been passed in subsequent appropriations bills, it

expired on December 21, 2018 – the beginning of the current government shutdown. With Mr. Rohrabacher no longer in Congress, Mr. Joyce will be a key Republican voice in this policy area, and his role on Appropriations will be especially important to efforts to reform cannabis law.

Given the gains cannabis policy made on statewide ballot referenda this past November and the significant turnover in the House this year, we can expect to see many new faces in the bipartisan Congressional Cannabis Caucus as its membership grows this year.

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