

116TH CONGRESS
2D SESSION

S. 4689

To provide disaster assistance to cannabis businesses.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2020

Mr. WYDEN (for himself and Mr. MERKLEY) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To provide disaster assistance to cannabis businesses.

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 “Small Business Dis-
5 aster Relief Equity Act of 2020”.

6 **SEC. 2. ELIGIBILITY FOR FEDERAL DISASTER ASSISTANCE.**

7 (a) DEFINITIONS.—In this Act:

8 (1) CANNABIS.—The term “cannabis” has the
9 meaning given the term “marihuana” in section 102
10 of the Controlled Substances Act (21 U.S.C. 802).

11 (2) DISASTER ASSISTANCE.—The term “dis-
12 aster assistance” means any service, grant, loan (in-

1 cluding loan forgiveness), tax credit, tax deduction,
2 or any other assistance—

3 (A) made available in connection with a
4 federally declared disaster; or

5 (B) made available in connection with the
6 Families First Coronavirus Response Act (Pub-
7 lic Law 116–127; 134 Stat. 178), the CARES
8 Act (Public Law 116–136; 134 Stat. 281), the
9 Paycheck Protection Program and Health Care
10 Enhancement Act (Public Law 116–139; 134
11 Stat. 620), the Paycheck Protection Program
12 Flexibility Act of 2020 (Public Law 116–142;
13 134 Stat. 641), or Public Law 116–147.

14 (3) STATE.—The term “State” means each of
15 the several States, the District of Columbia, Puerto
16 Rico, and any territory or possession of the United
17 States.

18 (4) STATE-LEGAL CANNABIS BUSINESS.—The
19 term “State-legal cannabis business” means any per-
20 son that—

21 (A) participates in any business or orga-
22 nized activity that involves handling cannabis,
23 including the manufacture, production, posses-
24 sion, distribution, dispensation, administration,
25 or delivery of cannabis; and

1 (B) engages in such activity pursuant to a
2 law established by a State, a unit of local gov-
3 ernment, or an Indian Tribe that has jurisdic-
4 tion over the Indian country in which the activ-
5 ity occurs.

6 (b) ELIGIBILITY.—Notwithstanding any other provi-
7 sion of law, a State-legal cannabis business shall not be
8 denied disaster assistance administered by a Federal agen-
9 cy solely because the business is involved in the manufac-
10 ture, production, possession, distribution, dispensation,
11 administration, or delivery of cannabis.

12 (c) APPLICATION.—

13 (1) IN GENERAL.—In the case of disaster as-
14 sistance described in subsection (a)(2)(A), this Act
15 shall apply to any request for disaster assistance
16 with respect to a Federal disaster declaration issued
17 after December 31, 2019.

18 (2) COVID–19 RELIEF LEGISLATION.—In the
19 case of disaster assistance described in subsection
20 (a)(2)(B), this Act shall apply to any request for
21 disaster assistance under an Act described in sub-
22 section (a)(2)(B).

23 (3) RETROACTIVE APPLICATION FOR DISASTER
24 ASSISTANCE.—Notwithstanding any other provision
25 of law or disaster assistance request deadline, the

1 head of each agency that administers disaster assist-
2 ance shall, to the greatest extent practicable, allow
3 State-legal cannabis businesses to retroactively apply
4 for such disaster assistance.

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