

# So You Want to Enter the Cannabis Industry — Antitrust Basics for the New Market Entrant

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On January 21, 2020, the four lead bipartisan sponsors of H.R. 1595, the SAFE Banking Act, U.S. Reps. Ed Perlmutter, D-Colo., Steve Stivers, R-Ohio, Denny Heck, D-Wash., and Warren Davidson, R-Ohio, sent a letter to Senate Banking Committee Chairman Mike Crapo, R-Idaho asking him to advance the Senate version of the bill in the interest of "public safety concerns resulting from marijuana-related transactions being forced outside the regulated banking system." The SAFE Banking Act passed the House in September and has been pending consideration by the Senate Banking Committee since. Understanding that Sen. Crapo opposes any legalization of marijuana, the congressmen argue "[e]xercising caution before adding limitations to the legislation's safe harbor that impose unworkable burdens on financial institutions, or would jeopardize the larger, bipartisan effort to address public safety concerns associated with cash-only transactions." They also emphasized that the SAFE Banking Act "does not change the legal status of marijuana and is focused solely on taking cash off the streets and aligning federal banking laws with the decisions states are already making regarding cannabis." In conclusion, the congressmen advocate that the SAFE Banking Act is "an important step toward making our communities safer and providing regulatory certainty to banks, credit unions, and other firms - many of which are not directly involved in the marijuana industry - which are trying to operate their businesses in a safe and legal way."

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## Cannabis Law

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