

**AMENDMENT TO H.R. 4768**  
**OFFERED BY MR. PERLMUTTER OF COLORADO**

Add at the end the following:

1 **SEC. 5. SECURE AND FAIR ENFORCEMENT OF THE BANK-**  
2 **ING LAWS.**

3 (a) **SHORT TITLE.**—This section may be cited as the  
4 “Secure And Fair Enforcement Banking Act of 2017” or  
5 the “SAFE Act of 2017”.

6 (b) **SAFE HARBOR FOR DEPOSITORY INSTITU-**  
7 **TIONS.**—A Federal banking regulator may not—

8 (1) terminate or limit the deposit insur-  
9 ance or share insurance of a depository institu-  
10 tion under the Federal Deposit Insurance Act  
11 (12 U.S.C. 1811 et seq.) or the Federal Credit  
12 Union Act (12 U.S.C. 1751 et seq.) solely be-  
13 cause the depository institution provides or has  
14 provided financial services to a cannabis-related  
15 legitimate business;

16 (2) prohibit, penalize, or otherwise discour-  
17 age a depository institution from providing fi-  
18 nancial services to a cannabis-related legitimate  
19 business or to a State or political subdivision of

1 a State that exercises jurisdiction over can-  
2 nabis-related legitimate businesses;

3 (3) recommend, incentivize, or encourage a  
4 depository institution not to offer financial serv-  
5 ices to an account holder, or to downgrade or  
6 cancel the financial services offered to an ac-  
7 count holder solely because—

8 (A) the account holder is a manufac-  
9 turer or producer, or is the owner, oper-  
10 ator, or employee of a cannabis-related le-  
11 gitimate business;

12 (B) the account holder later becomes  
13 an owner or operator of a cannabis-related  
14 legitimate business; or

15 (C) the depository institution was not  
16 aware that the account holder is the owner  
17 or operator of a cannabis-related legitimate  
18 business; and

19 (4) take any adverse or corrective super-  
20 visory action on a loan made to an owner or op-  
21 erator of—

22 (A) a cannabis-related legitimate busi-  
23 ness, solely because the owner or operator  
24 owns or operates a cannabis-related legiti-  
25 mate business; or

1 (B) real estate or equipment that is  
2 leased to a cannabis-related legitimate  
3 business, solely because the owner or oper-  
4 ator of the real estate or equipment leased  
5 the equipment or real estate to a cannabis-  
6 related legitimate business.

7 (c) PROTECTIONS UNDER FEDERAL LAW.—

8 (1) IN GENERAL.—In a State or a political sub-  
9 division of a State that allows the cultivation, pro-  
10 duction, manufacture, sale, transportation, display,  
11 dispensing, distribution, or purchase of cannabis  
12 pursuant to a law or regulation of such State or po-  
13 litical subdivision a depository institution that pro-  
14 vides financial services to a cannabis-related legiti-  
15 mate business, and the officers, directors, and em-  
16 ployees of that depository institution may not be  
17 held liable pursuant to any Federal law or regula-  
18 tion—

19 (A) solely for providing such financial serv-  
20 ices pursuant to the law or regulation of such  
21 State or political subdivision; or

22 (B) for further investing any income de-  
23 rived from such financial services.

24 (2) FORFEITURE.—A depository institution  
25 that has a legal interest in the collateral for a loan

1 or another financial service provided to an owner or  
2 operator of a cannabis-related legitimate business, or  
3 to an owner or operator of real estate or equipment  
4 that is leased or sold to a cannabis-related legitimate  
5 business, shall not be subject to criminal, civil, or  
6 administrative forfeiture of that legal interest pursu-  
7 ant to any Federal law for providing such loan or  
8 other financial service.

9 (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
10 tion shall require a depository institution to provide finan-  
11 cial services to a cannabis-related legitimate business.

12 (e) REQUIREMENTS FOR FILING SUSPICIOUS ACTIV-  
13 ITY REPORTS.—Section 5318(g) of title 31, United States  
14 Code, is amended by adding at the end the following:

15 “(5) REQUIREMENTS FOR CANNABIS-RELATED  
16 BUSINESSES.—A financial institution or any direc-  
17 tor, officer, employee, or agent of a financial institu-  
18 tion that reports a suspicious transaction pursuant  
19 to this subsection and the reason for the report re-  
20 lates to a cannabis-related legitimate business (as  
21 defined in section 3(f) of the Secure and Fair En-  
22 forcement Banking Act of 2017), the report shall  
23 comply with appropriate guidance issued by the Fi-  
24 nancial Crimes Enforcement Network. The Sec-  
25 retary shall ensure that the guidance is consistent

1 with the purpose and intent of the Secure and Fair  
2 Enforcement Banking Act of 2017 and does not in-  
3 hibit the provision of financial services to a can-  
4 nabis-related legitimate business in a State or polit-  
5 ical subdivision of a State that has allowed the cul-  
6 tivation, production, manufacture, transportation,  
7 display, dispensing, distribution, sale, or purchase of  
8 cannabis pursuant to law or regulation of such State  
9 or political subdivision.”.

10 (f) DEFINITIONS.—In this section:

11 (1) DEPOSITORY INSTITUTION.—The term “de-  
12 pository institution” means—

13 (A) a depository institution as defined in  
14 section 3(e) of the Federal Deposit Insurance  
15 Act (12 U.S.C. 1813(e));

16 (B) a Federal credit union as defined in  
17 section 101 of the Federal Credit Union Act  
18 (12 U.S.C. 1752); or

19 (C) a State credit union as defined in sec-  
20 tion 101 of the Federal Credit Union Act (12  
21 U.S.C. 1752).

22 (2) FEDERAL BANKING REGULATOR.—The  
23 term “Federal banking regulator” means each of the  
24 Board of Governors of the Federal Reserve System,  
25 the Bureau of Consumer Financial Protection, the

1 Federal Deposit Insurance Corporation, the Office of  
2 the Comptroller of the Currency, the National Credit  
3 Union Administration, or any Federal agency or de-  
4 partment that regulates banking or financial serv-  
5 ices, as determined by the Secretary of the Treas-  
6 ury.

7 (3) FINANCIAL SERVICE.—The term “financial  
8 service” means a financial product or service as de-  
9 fined in section 1002 of the Dodd-Frank Wall Street  
10 Reform and Consumer Protection Act (12 U.S.C.  
11 5481).

12 (4) MANUFACTURER.—The term “manufac-  
13 turer” means a person who manufactures, com-  
14 pounds, converts, processes, prepares, or packages  
15 cannabis or cannabis products.

16 (5) CANNABIS-RELATED LEGITIMATE BUSI-  
17 NESS.—The term “cannabis-related legitimate busi-  
18 ness” means a manufacturer, producer, or any per-  
19 son that—

20 (A) engages in an activity described in sub-  
21 paragraph (B) pursuant to a law or regulation  
22 of a State, political subdivision of a State, or a  
23 Tribal-State compact; or

24 (B) participates in any business or orga-  
25 nized activity that involves handling cannabis or

1           cannabis products, including cultivating, pro-  
2           ducing, manufacturing, selling, transporting,  
3           displaying, dispensing, distributing, or pur-  
4           chasing cannabis or cannabis products.

5           (6) CANNABIS.—The term “cannabis” has the  
6           meaning given the term “marihuana” in section 102  
7           of the Controlled Substances Act (21 U.S.C. 802).

8           (7) CANNABIS PRODUCT.—The term “cannabis  
9           product” means any article which contains cannabis,  
10          including an article which is a concentrate, an edi-  
11          ble, a tincture, a cannabis-infused product, or a top-  
12          ical.

13          (8) PRODUCER.—The term “producer” means a  
14          person who plants, cultivates, harvests, or in any  
15          way facilitates the natural growth of cannabis.

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

