

Policy Advisory: State-Legalized Cannabis Training and GI Bill Benefits

July 18 2022

Subject: Whether training in courses related to cannabis or marijuana (e.g., cultivation and/or distribution) is authorized for reception of GI Bill Benefits.

Background/Issue: Prior to this advisory, Veterans Affairs (VA) Education Service (EDU) had not made a public declaration regarding eligibility for education benefits for training that includes curriculum pertaining to subject matter about cannabis/marijuana, e.g., cultivation, sales, distribution, etc. Accordingly, EDU did not object to at least one State approving agency's (SAA) approval of such a program after finding no prohibition to such approval under chapter 36, title 38, United States Code (U.S.C.).

Discussion: It has recently come to EDU's attention that Veterans Readiness and Education (VR&E) has a manual provision stating that "VR&E will not support a vocational goal within the medical marijuana industry, as cultivating, selling, or distributing marijuana is in violation of federal law," (M28R.V.A.7.03). The basis for this stance is that 21 USC § 811 makes it generally "illegal to possess, use, buy, sell, or cultivate marijuana in all United States jurisdictions." Also note that 21 U.S.C. § 812, Schedule I(c)(10) lists marijuana as a Schedule I controlled substance.

Conclusion: Because marijuana remains illegal at a federal level, Congress has not provided any exception for students seeking to use their VA educational benefits on courses involving the cultivation, sale, or distribution of marijuana, and to be consistent with VR&E, EDU will prohibit a student from using VA educational benefits for such courses. This prohibition includes programs in states in which either the recreational or medicinal use of marijuana is legally permissible.

What this Means: EDU will not authorize payment to an otherwise eligible person for training involving the cultivation, sale, or distribution of marijuana.

- If, as a result of following this guidance, a State Approving Agency (SAA) disapproves a previously approved course due to this policy and there is a student who VA has already distributed benefits to for attending training involving the cultivation, sale, or distribution of marijuana, the student will be allowed to complete the current term. However, the student will not be allowed to complete the remainder of the program of education. Additionally, the disapproval will be due to a change in policy and students may be eligible for treatment under 38 U.S.C. § 3699.

Effective Date: Immediately upon publication of this Policy Advisory.

Policy & Regulations Team
Education Service