

111TH CONGRESS
1ST SESSION

H. R. 2835

To provide for the medical use of marijuana in accordance with the laws
of the various States.

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2009

Mr. FRANK of Massachusetts (for himself, Mr. BLUMENAUER, Mr. FARR, Mr. McDERMOTT, Mr. PAUL, Ms. WOOLSEY, Mr. ROHRABACHER, Mr. GRIJALVA, Mr. THOMPSON of California, Mr. GEORGE MILLER of California, Mr. STARK, Mr. HINCHEY, Mr. OLVER, and Ms. BALDWIN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To provide for the medical use of marijuana in accordance
with the laws of the various States.

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 “Medical Marijuana Pa-
5 tient Protection Act”.

1 **SEC. 2. CONTROLLED SUBSTANCES ACT.**

2 (a) SCHEDULE.—Marijuana is moved from schedule
3 I of the Controlled Substances Act to schedule II of such
4 Act.

5 (b) PRESCRIPTION OR RECOMMENDATION.—

6 (1) IN GENERAL.—No provision of the Con-
7 trolled Substances Act shall prohibit or otherwise re-
8 strict in a State in which marijuana may be pre-
9 scribed or recommended by a physician for medical
10 use under applicable State law—

11 (A) the prescription or recommendation of
12 marijuana by a physician for medical use;

13 (B) an individual from obtaining, pos-
14 sessed, or transporting within their State,
15 manufacturing or using marijuana in accord-
16 ance with a prescription or recommendation of
17 marijuana by a physician for medical use by
18 such individual hereinafter in this section re-
19 ferred to as “an authorized patient”;

20 (C) an individual authorized under State
21 law to obtain, possess, transport within their
22 State, or manufacture marijuana from obtain-
23 ing, possessing, transporting within their State,
24 or manufacturing marijuana on an authorized
25 patient’s behalf; or

1 (D) a pharmacy or other entity authorized
2 under local or State law to distribute medical
3 marijuana to authorized patients from obtain-
4 ing, possessing or distributing marijuana to
5 such authorized patients.

6 (2) PRODUCTION.—No provision of the Con-
7 trolled Substances Act shall prohibit or otherwise re-
8 strict an entity authorized by a State or local gov-
9 ernment, in which marijuana may be prescribed or
10 recommended by a physician for medical use, for the
11 purpose of producing marijuana for prescription or
12 recommendation by a physician for medical use from
13 producing, processing, or distributing marijuana for
14 such purpose.

15 **SEC. 3. FEDERAL FOOD, DRUG, AND COSMETIC ACT.**

16 (a) IN GENERAL.—No provision of the Federal Food,
17 Drug, and Cosmetic Act shall prohibit or otherwise re-
18 strict in a State in which marijuana may be prescribed
19 or recommended by a physician for medical use under ap-
20 plicable State law—

21 (1) the prescription or recommendation of mari-
22 juana by a physician for medical use;

23 (2) an individual from obtaining, possessing, or
24 transporting within their State, manufacturing, or
25 using marijuana in accordance with a prescription or

1 recommendation of marijuana by a physician for
2 medical use by such individual, hereinafter in this
3 section referred to as “an authorized patient”;

4 (3) an individual authorized under State law to
5 obtain, possess, transport within their State, or
6 manufacture marijuana from obtaining, possessing,
7 transporting within their State, or manufacturing
8 marijuana on an authorized patient’s behalf; or

9 (4) a pharmacy or other entity authorized
10 under local or State law to distribute medical mari-
11 juana to authorized patients from obtaining, pos-
12 sessing or distributing marijuana to such authorized
13 patients.

14 (b) PRODUCTION.—No provision of the Federal
15 Food, Drug, and Cosmetic Act shall prohibit or otherwise
16 restrict an entity authorized by a State or local govern-
17 ment, in which marijuana may be prescribed or rec-
18 ommended by a physician for medical use, for the purpose
19 of producing marijuana for prescription or recommenda-
20 tion by a physician for medical use from producing, proc-
21 essing, or distributing marijuana for such purpose.

1 **SEC. 4. RELATION OF ACT TO CERTAIN PROHIBITIONS RE-**
2 **LATING TO SMOKING.**

3 This Act does not affect any Federal, State, or local
4 law regulating or prohibiting smoking in public.

