

115TH CONGRESS
2D SESSION

S. 3032

To amend the Controlled Substances Act to provide for a new rule regarding the application of the Act to marihuana, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2018

Ms. WARREN (for herself, Mr. GARDNER, Mr. PAUL, Ms. CORTEZ MASTO, Ms. MURKOWSKI, Mr. BOOKER, Mr. SULLIVAN, and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Controlled Substances Act to provide for a new rule regarding the application of the Act to marihuana, and for other purposes.

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 “Strengthening the
5 Tenth Amendment Through Entrusting States Act” or
6 the “STATES Act”.

1 **SEC. 2. RULE REGARDING APPLICATION TO MARIHUANA.**

2 (a) IN GENERAL.—Part G of the Controlled Sub-
3 stances Act (21 U.S.C. 801 et seq.) is amended by adding
4 at the end the following:

5 “RULE REGARDING APPLICATION TO MARIHUANA

6 “SEC. 710. (a) Notwithstanding any other provision
7 of law, the provisions of this title as applied to marihuana,
8 other than the provisions described in subsection (c) and
9 other than as provided in subsection (d), shall not apply
10 to any person acting in compliance with State law relating
11 to the manufacture, production, possession, distribution,
12 dispensation, administration, or delivery of marihuana.

13 “(b) Notwithstanding any other provision of law, the
14 provisions of this title related to marihuana, other than
15 the provisions described in subsection (c) and other than
16 as provided in subsection (d), shall not apply to any person
17 acting in compliance with the law of a Federally recog-
18 nized Indian tribe within its jurisdiction in Indian Coun-
19 try, as defined in section 1151 of title 18, United States
20 Code, related to the manufacture, production, possession,
21 distribution, dispensation, administration, or delivery of
22 marihuana so long as such jurisdiction is located within
23 a state that permits, respectively, manufacture, produc-
24 tion, possession, distribution, dispensation, administra-
25 tion, or delivery of marihuana.

26 “(c) The provisions described in this subsection are—

1 “(1) section 401(a)(1), with respect to a viola-
 2 tion of section 409 or 418;

3 “(2) section 409;

4 “(3) section 417; and

5 “(4) section 418.

6 “(d) Subsection (a) shall not apply to any person
 7 who—

8 “(1) violates the Controlled Substances Act
 9 with respect to any other controlled substance;

10 “(2) notwithstanding compliance with State or
 11 tribal law, knowingly or intentionally manufactures,
 12 produces, possesses, distributes, dispenses, admin-
 13 isters, or delivers any other marihuana in violation
 14 of the laws of the State or tribe in which such man-
 15 ufacture, production, possession, distribution, dis-
 16 pensation, administration, or delivery occurs; or

17 “(3) employs or hires any person under 18
 18 years of age to manufacture, produce, distribute,
 19 dispense, administer, or deliver marihuana.”.

20 (b) DEFINITION OF MARIHUANA.—Section 102(16)
 21 of the Controlled Substances Act (21 U.S.C. 802(16)) is
 22 amended—

23 (1) by striking “or the sterilized” and inserting
 24 “the sterilized”; and

1 (2) by striking the period at the end and insert-
 2 ing “, or industrial hemp (as defined in section
 3 7606(b) of the Agricultural Act of 2014 (7 U.S.C.
 4 5940(b))).”.

5 **SEC. 3. TRANSPORTATION SAFETY OFFENSES.**

6 Section 409 of the Controlled Substances Act (21
 7 U.S.C. 849) is amended—

8 (1) in subsection (b), in the matter preceding
 9 paragraph (1)—

10 (A) by striking “A person” and inserting
 11 “Except as provided in subsection (d), a per-
 12 son”; and

13 (B) by striking “subsection (b)” and in-
 14 serting “subsection (c)”;

15 (2) in subsection (c), in the matter preceding
 16 paragraph (1)—

17 (A) by striking “A person” and inserting
 18 “Except as provided in subsection (d), a per-
 19 son”; and

20 (B) by striking “subsection (a)” and in-
 21 serting “subsection (b)”;

22 (3) by adding at the end the following:

23 “(d) EXCEPTION.—Subsections (b) and (c) shall not
 24 apply to any person who possesses, or possesses with in-

1 tent to distribute marihuana in compliance with section
2 710.”.

3 **SEC. 4. DISTRIBUTION TO PERSONS UNDER AGE 21.**

4 Section 418 of the Controlled Substances Act (21
5 U.S.C. 859) is amended—

6 (1) in subsection (a), in the first sentence, by
7 inserting “and subsection (c) of this section” after
8 “section 419”;

9 (2) in subsection (b), in the first sentence, by
10 inserting “and subsection(c) of this section” after
11 “section 419”; and

12 (3) by adding at the end the following:

13 “(c) Subsections (a) and (b) shall not apply to any
14 person at least 18 years of age who distributes medicinal
15 marihuana to a person under 21 years of age in compli-
16 ance with section 710.”.

17 **SEC. 5. RULE OF CONSTRUCTION.**

18 (a) IN GENERAL.—Conduct in compliance with this
19 Act and the amendments made by this Act—

20 (1) shall not be unlawful;

21 (2) shall not constitute trafficking in a con-
22 trolled substance under section 401 of the Controlled
23 Substances Act (21 U.S.C. 841) or any other provi-
24 sion of law; and

1 (3) shall not constitute the basis for forfeiture
2 of property under section 511 of the Controlled Sub-
3 stances Act (21 U.S.C. 881) or section 981 of title
4 18, United States Code.

5 (b) PROCEEDS.—The proceeds from any transaction
6 in compliance with this Act and the amendments made
7 by this Act shall not be deemed to be the proceeds of an
8 unlawful transaction under section 1956 or 1957 of title
9 18, United States Code, or any other provision of law.

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