

115TH CONGRESS
2D SESSION

S. 3409

To allow veterans to use, possess, or transport medical marijuana and to discuss the use of medical marijuana with a physician of the Department of Veterans Affairs as authorized by State law, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 5, 2018

Mr. NELSON (for himself and Mr. SCHATZ) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To allow veterans to use, possess, or transport medical marijuana and to discuss the use of medical marijuana with a physician of the Department of Veterans Affairs as authorized by State law, 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 “Veterans Medical
5 Marijuana Safe Harbor Act.”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Chronic pain affects the veteran population,
2 with almost 60 percent of veterans returning from
3 serving in the Armed Forces in the Middle East, and
4 more than 50 percent of older veterans, who are
5 using the health care system of the Department of
6 Veterans Affairs living with some form of chronic
7 pain.

8 (2) Opioids account for approximately 63 per-
9 cent of all drug deaths in the United States.

10 (3) In 2011, veterans were twice as likely to die
11 from accidental opioid overdoses as nonveterans.

12 (4) States with medical cannabis laws have a
13 24.8 percent lower mean annual opioid overdose
14 mortality rate compared with States without medical
15 cannabis laws.

16 (5) Marijuana and its compounds show promise
17 for treating a wide-range of diseases and disorders,
18 including pain management.

19 (6) Medical marijuana in States where it is
20 legal may serve as a less harmful alternative to
21 opioids in treating veterans.

22 **SEC. 3. SAFE HARBOR FOR USE BY VETERANS OF MEDICAL**
23 **MARIJUANA.**

24 (a) **SAFE HARBOR.**—Notwithstanding the Controlled
25 Substances Act (21 U.S.C. 801 et seq.), the Controlled

1 Substances Import and Export Act (21 U.S.C. 951 et
2 seq.), or any other Federal law, it shall not be unlawful
3 for—

4 (1) a veteran to use, possess, or transport med-
5 ical marijuana in accordance with the laws of the
6 State in which the use, possession, or transport oc-
7 curs;

8 (2) a physician to discuss with a veteran the
9 use of medical marijuana as a treatment if the phy-
10 sician is in a State that authorizes the use, posses-
11 sion, distribution, dispensation, administration, de-
12 livery, and transport of medical marijuana; or

13 (3) a physician to recommend, complete forms
14 for, or register veterans for participation in a treat-
15 ment program involving medical marijuana that is
16 approved by the applicable State.

17 (b) DEFINITIONS.—In this section:

18 (1) PHYSICIAN.—The term “physician” means
19 a physician appointed by the Secretary of Veterans
20 Affairs under section 7401(1) of title 38, United
21 States Code.

22 (2) STATE.—The term “State” has the mean-
23 ing given that term in section 102 of the Controlled
24 Substances Act (21 U.S.C. 802).

1 (3) VETERAN.—The term “veteran” has the
2 meaning given that term in section 101 of title 38,
3 United States Code.

4 (c) SUNSET.—This section shall cease to have force
5 or effect on the date that is five years after the date of
6 the enactment of this Act.

7 **SEC. 4. STUDIES ON USE OF MEDICAL MARIJUANA BY VET-**
8 **ERANS.**

9 (a) STUDY ON EFFECTS OF MEDICAL MARIJUANA ON
10 VETERANS IN PAIN.—

11 (1) IN GENERAL.—Not later than two years
12 after the date of the enactment of this Act, the Sec-
13 retary of Veterans Affairs shall conduct a study on
14 the effects of medical marijuana on veterans in pain.

15 (2) REPORT.—Not later than 180 days after
16 the date on which the study required under para-
17 graph (1) is completed, the Secretary shall submit to
18 Congress a report on the study, which shall include
19 such recommendations for legislative or administra-
20 tive action as the Secretary considers appropriate.

21 (b) STUDY ON USE BY VETERANS OF STATE MED-
22 ICAL MARIJUANA PROGRAMS.—

23 (1) IN GENERAL.—Not later than two years
24 after the date of the enactment of this Act, the Sec-
25 retary shall conduct a study on the relationship be-

1 tween treatment programs involving medical mari-
2 juana that are approved by States, the access of vet-
3 erans to such programs, and a reduction in opioid
4 abuse among veterans.

5 (2) REPORT.—Not later than 180 days after
6 the date on which the study required under para-
7 graph (1) is completed, the Secretary shall submit to
8 Congress a report on the study, which shall include
9 such recommendations for legislative or administra-
10 tive action as the Secretary considers appropriate.

11 (c) VETERAN DEFINED.—In this section, the term
12 “veteran” has the meaning given that term in section 101
13 of title 38, United States Code.

14 (d) USE OF AMOUNTS.—For fiscal years 2019 and
15 2020, of the amounts appropriated to the Department of
16 Veterans Affairs—

17 (1) \$10,000,000 shall be used to carry out sub-
18 section (a); and

19 (2) \$5,000,000 shall be used to carry out sub-
20 section (b).

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