

116TH CONGRESS  
1ST SESSION

# S. 445

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 a State or Indian Tribe, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2019

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

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## 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 a State or Indian Tribe, 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 a State or on Indian land if the  
6 use, possession, or transport is authorized and in ac-  
7 cordance with the law of the applicable State or In-  
8 dian Tribe;

9 (2) a physician to discuss with a veteran the  
10 use of medical marijuana as a treatment if the phy-  
11 sician is in a State or on Indian land where the law  
12 of the applicable State or Indian Tribe authorizes  
13 the use, possession, distribution, dispensation, ad-  
14 ministration, delivery, and transport of medical  
15 marijuana; or

16 (3) a physician to recommend, complete forms  
17 for, or register veterans for participation in a treat-  
18 ment program involving medical marijuana that is  
19 approved by the law of the applicable State or In-  
20 dian Tribe.

21 (b) DEFINITIONS.—In this section:

22 (1) INDIAN LAND.—The term “Indian land”  
23 means any of the Indian lands, as such term is de-  
24 fined in section 824(b) of the Indian Health Care  
25 Improvement Act (25 U.S.C. 1680n).

1           (2) INDIAN TRIBE.—The term “Indian Tribe”  
2           has the meaning given the term “Indian tribe” in  
3           section 4 of the Indian Self-Determination and Edu-  
4           cation Assistance Act (25 U.S.C. 5304).

5           (3) PHYSICIAN.—The term “physician” means  
6           a physician appointed by the Secretary of Veterans  
7           Affairs under section 7401(1) of title 38, United  
8           States Code.

9           (4) STATE.—The term “State” has the mean-  
10          ing given that term in section 102 of the Controlled  
11          Substances Act (21 U.S.C. 802).

12          (5) VETERAN.—The term “veteran” has the  
13          meaning given that term in section 101 of title 38,  
14          United States Code.

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

18       **SEC. 4. STUDIES ON USE OF MEDICAL MARIJUANA BY VET-**

19                               **ERANS.**

20          (a) STUDY ON EFFECTS OF MEDICAL MARIJUANA ON  
21          VETERANS IN PAIN.—

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

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

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

9           (1) IN GENERAL.—Not later than two years  
10 after the date of the enactment of this Act, the Sec-  
11 retary shall conduct a study on the relationship be-  
12 tween treatment programs involving medical mari-  
13 juana that are approved by States, the access of vet-  
14 erans to such programs, and a reduction in opioid  
15 abuse among veterans.

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

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

1       (d) USE OF AMOUNTS.—For fiscal years 2020 and  
2 2021, of the amounts appropriated to the Department of  
3 Veterans Affairs—

4           (1) \$10,000,000 shall be used to carry out sub-  
5 section (a); and

6           (2) \$5,000,000 shall be used to carry out sub-  
7 section (b).

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