112TH CONGRESS 1ST SESSION

H. R. 1983

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

IN THE HOUSE OF REPRESENTATIVES

May 25, 2011

Mr. Frank of Massachusetts (for himself, Mr. Rohrabacher, Mr. Stark, and Mr. Polis) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To provide for the rescheduling of marijuana and 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 "States' Medical Mari-
- 5 juana Patient Protection Act".
- 6 SEC. 2. CONTROLLED SUBSTANCES ACT.
- 7 (a) Schedule.—
- 8 (1) Not later than 6 months after the date of
- 9 enactment of this Act, the Secretary of Health and

- Human Services, in cooperation with the National
 Academy of Sciences' Institute of Medicine, shall
 submit to the Administrator of the Drug Enforcement Administration a recommendation on the listing of marijuana within the Controlled Substances
 Act (CSA), and shall recommend a listing other than
 "Schedule I" or "Schedule II".
- (2) Not later than 12 months after the date of 8 9 enactment of this Act, the Administrator of the 10 Drug Enforcement Administration shall, based upon 11 the recommendation of the National Academy of 12 Sciences, issue a notice of proposed rulemaking for 13 the rescheduling of marijuana within the CSA, which 14 shall include a recommendation to list marijuana as other than a "Schedule I" or "Schedule II" sub-15 16 stance.
- 17 (b) Limitations on the Application of the Con-18 trolled Substances Act.—
- 19 (1) IN GENERAL.—No provision of the Con-20 trolled Substances Act shall prohibit or otherwise re-21 strict in a State in which the medical use of mari-22 juana is legal under State law—
- 23 (A) the prescription or recommendation of 24 marijuana for medical use by a medical profes-25 sional or the certification by a medical profes-

- sional that a patient has a condition for which marijuana may have therapeutic benefit;
 - (B) an individual from obtaining, manufacturing, possessing, or transporting within their State marijuana for medical purposes, provided the activities are authorized under State law; or
 - (C) a pharmacy or other entity authorized under local or State law to distribute medical marijuana to individuals authorized to possess medical marijuana under State law from obtaining, possessing or distributing marijuana to such individuals.
 - (2) PRODUCTION.—No provision of the Controlled Substances Act shall prohibit or otherwise restrict an entity authorized by a State or local government, in a State in which the possession and use of marijuana for medical purposes is legal from producing, processing, or distributing marijuana for such purposes.

20 SEC. 3. FEDERAL FOOD, DRUG, AND COSMETIC ACT.

- 21 (a) In General.—No provision of the Federal Food,
- 22 Drug, and Cosmetic Act shall prohibit or otherwise re-
- 23 strict in a State in which the medical use of marijuana
- 24 is legal under State law—

- 1 (1) the prescription or recommendation of mari-2 juana for medical use by a medical professional or 3 the certification by a medical professional that a pa-4 tient has a condition for which marijuana may have 5 therapeutic benefit;
 - (2) an individual from obtaining, manufacturing, possessing, or transporting within their State marijuana for medical purposes, provided the activities are authorized under State law; or
 - (3) a pharmacy or other entity authorized under local or State law to distribute medical marijuana to individuals authorized to possess medical marijuana under State law from obtaining, possessing, or distributing marijuana to such individuals.
- 16 (b) Production.—No provision of the Federal Food, Drug, and Cosmetic Act shall prohibit or otherwise restrict an entity authorized by a State or local government, in a State in which the possession and use of marijuana for medical purposes is legal from producing, processing, or distributing marijuana for such purpose.

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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.

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