

115TH CONGRESS
1ST SESSION

S. 1008

To amend the Controlled Substances Act to exclude cannabidiol and cannabidiol-rich plants from the definition of marihuana, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 2, 2017

Mr. GARDNER (for himself, Mr. MERKLEY, Mr. ALEXANDER, Mr. HATCH, Mr. ISAKSON, Mr. LEE, Mr. JOHNSON, Ms. BALDWIN, and Mr. WARNER) 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 exclude cannabidiol and cannabidiol-rich plants from the definition of 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 “Therapeutic Hemp
5 Medical Access Act of 2017”.

1 **SEC. 2. EXCLUSION OF CANNABIDIOL AND CANNABIDIOL-**
2 **RICH PLANTS FROM DEFINITION OF MARI-**
3 **HUANA.**

4 (a) IN GENERAL.—Section 102(16) of the Controlled
5 Substances Act (21 U.S.C. 802(16)) is amended, in the
6 second sentence—

7 (1) by striking “or the sterilized seed” and in-
8 serting “the sterilized seed”; and

9 (2) by inserting before the period at the end the
10 following: “, cannabidiol, or cannabidiol-rich plants”.

11 (b) DEFINITIONS.—Section 102 of the Controlled
12 Substances Act (21 U.S.C. 802), as amended, is further
13 amended by adding at the end the following:

14 “(57)(A) The term ‘cannabidiol-rich plant’
15 means the plant *Cannabis sativa* L. and any part of
16 such plant, whether growing or not, with a tetrahy-
17 drocannabinol concentration of not more than 0.3
18 percent on a dry weight basis.

19 “(B) A cannabidiol-rich plant shall not be treat-
20 ed as a controlled substance under this Act.

21 “(58)(A) The term ‘cannabidiol’ means the sub-
22 stance cannabidiol, as derived from a cannabidiol-
23 rich plant.

24 “(B) Cannabidiol shall not be treated as a con-
25 trolled substance under this Act.

1 “(59) The term ‘tetrahydrocannabinol concen-
2 tration’ means—

3 “(A) the percent of the delta-9 tetrahydro-
4 cannabinol content per dry weight of any part
5 of the plant *Cannabis sativa* L. or per volume
6 of weight of marihuana product; or

7 “(B) the combined percent of the delta-9
8 tetrahydrocannabinol and tetrahydrocannabinol-
9 ic acid in any part of the plant *Cannabis sativa*
10 L., regardless of moisture content.”.

11 **SEC. 3. RULE OF CONSTRUCTION.**

12 Nothing in this Act, or the amendments made by this
13 Act, shall be construed to prohibit or otherwise restrict
14 any activities related to the use, production, or distribu-
15 tion of marijuana in a State in which such activities are
16 legal under State law.

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