

115TH CONGRESS
1ST SESSION

S. 1764

To extend the principle of federalism to State drug policy, provide access to medical marijuana, and enable research into the medicinal properties of marijuana.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 5, 2017

Mr. BOOKER (for himself, Mr. PAUL, Mrs. GILLIBRAND, Mr. LEE, Mr. FRANKEN, and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To extend the principle of federalism to State drug policy, provide access to medical marijuana, and enable research into the medicinal properties of marijuana.

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 “Compassionate Access,
5 Research Expansion, and Respect States Act of 2017” or
6 the “CARERS Act of 2017”.

7 **SEC. 2. FEDERALISM IN DRUG POLICY.**

8 Section 708 of the Controlled Substances Act (21
9 U.S.C. 903) is amended—

1 (1) by striking “No provision” and inserting
 2 the following:

3 “(a) IN GENERAL.—Except as provided in subsection
 4 (b), no provision”; and

5 (2) by adding at the end the following:

6 “(b) COMPLIANCE WITH STATE LAW.—Notwith-
 7 standing any other provision of law, the provisions of this
 8 title relating to marihuana shall not apply to any person
 9 acting in compliance with State law, as determined by the
 10 State, relating to the production, possession, distribution,
 11 dispensation, administration, laboratory testing, recom-
 12 mending use, or delivery of medical marihuana.”.

13 **SEC. 3. EXCLUSION OF CANNABIDIOL FROM DEFINITION OF**
 14 **MARIHUANA.**

15 Section 102 of the Controlled Substances Act (21
 16 U.S.C. 802) is amended—

17 (1) in paragraph (16)—

18 (A) by striking “or cake, or the sterilized”
 19 and inserting “cake, the sterilized”; and

20 (B) by adding “, or cannabidiol” before
 21 the period at the end; and

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

23 “(57) The term ‘cannabidiol’ means the sub-
 24 stance cannabidiol, as derived from marihuana or
 25 the synthetic formulation, that contains not greater

1 than 0.3 percent delta-9-tetrahydrocannabinol on a
2 dry weight basis.”.

3 **SEC. 4. CANNABIDIOL DETERMINATION BY STATES.**

4 Section 201 of the Controlled Substances Act (21
5 U.S.C. 811) is amended by adding at the end the fol-
6 lowing:

7 “(k) CANNABIDIOL DETERMINATION.—If a person
8 grows or processes marihuana for purposes of making
9 cannabidiol in accordance with State law, the marihuana
10 shall be deemed to meet the concentration limitation under
11 section 102(57), unless the Attorney General determines
12 that the State law is not reasonably calculated to comply
13 with section 102(57).”.

14 **SEC. 5. RESEARCH.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of enactment of this Act, the Secretary of Health and
17 Human Services shall terminate the Public Health Service
18 interdisciplinary review process described in the guidance
19 entitled “Guidance on Procedures for the Provision of
20 Marijuana for Medical Research” (issued on May 21,
21 1999).

22 (b) LICENSES FOR MARIJUANA RESEARCH.—Not
23 later than 1 year after the date of enactment of this Act,
24 the Attorney General, acting through the Drug Enforce-
25 ment Administration, shall issue not less than 3 licenses

1 under section 303 of the Controlled Substances Act (21
 2 U.S.C. 823) to manufacture and distribute marijuana and
 3 marijuana-derivatives for research approved by the Food
 4 and Drug Administration.

5 (c) MARIJUANA RESEARCH.—

6 (1) IN GENERAL.—Section 303(f) of the Con-
 7 trolled Substances Act (21 U.S.C. 823(f)) is amend-
 8 ed—

9 (A) by redesignating paragraphs (1)
 10 through (5) as subparagraphs (A) through (E),
 11 respectively;

12 (B) by striking “(f) The Attorney General”
 13 and inserting “(f)(1) The Attorney General”;

14 (C) by striking “Registration applications”
 15 and inserting the following:

16 “(2) Registration applications”;

17 (D) in paragraph (2), as so designated, by
 18 striking “schedule I” each place that term ap-
 19 pears and inserting “schedule I, except mari-
 20 juana,”;

21 (E) by striking “Article 7” and inserting
 22 the following:

23 “(4) Article 7”; and

24 (F) by inserting before paragraph (4), as
 25 so designated, the following:

1 “(3)(A) Not later than 180 days after the date of
2 enactment of this paragraph, the Secretary shall promul-
3 gate regulations that require the Secretary to register a
4 practitioner to conduct research on marihuana if—

5 “(i) the applicant is authorized to dispense, or
6 conduct research with respect to, controlled sub-
7 stances in schedules II, III, IV, and V under the
8 laws of the State in which the applicant practices;
9 and

10 “(ii) the applicant’s research protocol—

11 “(I) has been reviewed and allowed by—

12 “(aa) the Secretary under section
13 505(i) of the Federal Food, Drug, and
14 Cosmetic Act (21 U.S.C. 355(i)); or

15 “(bb) the National Institutes of
16 Health or another Federal agency that
17 funds scientific research; or

18 “(II) in the case of nonhuman research
19 that is not federally funded, has been volun-
20 tarily submitted by the applicant to, and ap-
21 proved by, the National Institutes of Health.

22 “(B) The Secretary shall grant an application for
23 registration under this paragraph unless the Secretary de-
24 termines that the issuance of the registration would be in-
25 consistent with the public interest. In determining the

1 public interest, the Secretary shall consider the following
 2 factors:

3 “(i) The applicant’s experience in dispensing, or
 4 conducting research with respect to, controlled sub-
 5 stances.

6 “(ii) Compliance with applicable Federal or
 7 State laws relating to controlled substances.

8 “(iii) Conduct by the applicant that may threat-
 9 en the public health and safety.”.

10 (2) CONFORMING AMENDMENT.—Section
 11 102(16) of the Controlled Substances Act (21
 12 U.S.C. 802(16)) is amended by inserting “or ‘mari-
 13 juana’” after “The term ‘marihuana’”.

14 **SEC. 6. PROVISION BY DEPARTMENT OF VETERANS AF-**
 15 **FAIRS HEALTH CARE PROVIDERS OF REC-**
 16 **COMMENDATIONS AND OPINIONS REGARDING**
 17 **VETERAN PARTICIPATION IN STATE MARI-**
 18 **JUANA PROGRAMS.**

19 Notwithstanding any other provision of law, the Sec-
 20 retary of Veterans Affairs shall authorize physicians and
 21 other health care providers employed by the Department
 22 of Veterans Affairs to—

23 (1) provide recommendations and opinions to
 24 veterans who are residents of States with State

- 1 marijuana programs regarding the participation of
- 2 veterans in such State marijuana programs; and
- 3 (2) complete forms reflecting such recommenda-
- 4 tions and opinions.

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