

116TH CONGRESS  
1ST SESSION

# H. R. 2843

To decriminalize marijuana, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2019

Mr. JEFFRIES (for himself, Ms. LEE of California, Mr. BLUMENAUER, Ms. NORTON, Ms. SCHAKOWSKY, Mr. COHEN, Miss RICE of New York, Mr. CÁRDENAS, Mr. HUFFMAN, Mr. ESPAILLAT, Ms. CLARKE of New York, Mr. RUSH, Mr. POCAN, Ms. GABBARD, Ms. TLAIB, Mr. JOHNSON of Georgia, Mr. HASTINGS, Mr. SERRANO, Mr. PERLMUTTER, Mr. TRONE, Mr. LOWENTHAL, Ms. HAALAND, Mr. RASKIN, Ms. JAYAPAL, Mr. MCGOVERN, Ms. CLARK of Massachusetts, Mr. CRIST, Mr. NEGUSE, Mr. CORREA, Mr. ENGEL, Mr. SOTO, Mr. GRIJALVA, and Mr. TED LIEU of California) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Natural Resources, Agriculture, Transportation and Infrastructure, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To decriminalize marijuana, 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 “Marijuana Freedom  
5 and Opportunity Act”.

1 **SEC. 2. DECRIMINALIZATION OF MARIJUANA.**

2 (a) MARIHUANA REMOVED FROM SCHEDULE OF  
3 CONTROLLED SUBSTANCES.—Subsection (c) of schedule  
4 I of section 202(c) of the Controlled Substances Act (21  
5 U.S.C. 812) is amended—

6 (1) by striking “marihuana”; and

7 (2) by striking “tetrahydrocannabinols”.

8 (b) REMOVAL OF PROHIBITION ON IMPORT AND EX-  
9 PORT.—Section 1010(b) of the Controlled Substances Im-  
10 port and Export Act (21 U.S.C. 960) is amended—

11 (1) in paragraph (1)—

12 (A) in subparagraph (F), by inserting “or”  
13 after the semicolon;

14 (B) by striking subparagraph (G); and

15 (C) by redesignating subparagraph (H) as  
16 subparagraph (G);

17 (2) in paragraph (2)—

18 (A) in subparagraph (F), by inserting “or”  
19 after the semicolon;

20 (B) by striking subparagraph (G); and

21 (C) by redesignating subparagraph (H) as  
22 subparagraph (G);

23 (3) in paragraph (3), by striking “paragraphs  
24 (1), (2), and (4)” and inserting “paragraphs (1) and  
25 (2)”;

26 (4) by striking paragraph (4); and

1           (5) by redesignating paragraphs (5), (6), and  
2           (7) as paragraphs (4), (5), and (6), respectively.

3           (c) CONFORMING AMENDMENTS TO CONTROLLED  
4 SUBSTANCES ACT.—The Controlled Substances Act (21  
5 U.S.C. 801 et seq.) is amended—

6           (1) in section 102(44) (21 U.S.C. 802(44)), by  
7           striking “marihuana,”;

8           (2) in section 401(b) (21 U.S.C. 841(b))—

9                 (A) in paragraph (1)—

10                         (i) in subparagraph (A)—

11                                 (I) in clause (vi), by inserting  
12                                 “or” after the semicolon;

13                                 (II) by striking (vii); and

14                                 (III) by redesignating clause  
15                                 (viii) as clause (vii);

16                         (ii) in subparagraph (B)—

17                                 (I) by striking clause (vii); and

18                                 (II) by redesignating clause (viii)  
19                                 as clause (vii);

20                         (iii) in subparagraph (C), in the first  
21                                 sentence, by striking “subparagraphs (A),  
22                                 (B), and (D)” and inserting “subpara-  
23                                 graphs (A) and (B)”;

24                                 (iv) by striking subparagraph (D);

1 (v) by redesignating subparagraph (E)  
2 as subparagraph (D); and

3 (vi) in subparagraph (D)(i), as so re-  
4 designated, by striking “subparagraphs (C)  
5 and (D)” and inserting “subparagraph  
6 (C)”;

7 (B) by striking paragraph (4); and

8 (C) by redesignating paragraphs (5), (6),  
9 and (7) as paragraphs (4), (5), and (6), respec-  
10 tively;

11 (3) in section 402(c)(2)(B) (21 U.S.C.  
12 842(c)(2)(B)), by striking “, marihuana,”;

13 (4) in section 403(d)(1) (21 U.S.C. 843(d)(1)),  
14 by striking “, marihuana,”;

15 (5) in section 418(a) (21 U.S.C. 859(a)), by  
16 striking the last sentence;

17 (6) in section 419(a) (21 U.S.C. 860(a)), by  
18 striking the last sentence;

19 (7) in section 422(d) (21 U.S.C. 863(d))—

20 (A) in the matter preceding paragraph (1),  
21 by striking “marijuana,”; and

22 (B) in paragraph (5), by striking “, such  
23 as a marihuana cigarette,”; and

1 (8) in section 516(d) (21 U.S.C. 886(d)), by  
2 striking “section 401(b)(6)” each place the term ap-  
3 pears and inserting “section 401(b)(5)”.

4 (d) OTHER CONFORMING AMENDMENTS.—

5 (1) NATIONAL FOREST SYSTEM DRUG CONTROL  
6 ACT OF 1986.—The National Forest System Drug  
7 Control Act of 1986 (16 U.S.C. 559b et seq.) is  
8 amended—

9 (A) in section 15002(a) (16 U.S.C.  
10 559b(a)) by striking “marijuana and other”;

11 (B) in section 15003(2) (16 U.S.C.  
12 559c(2)) by striking “marijuana and other”;  
13 and

14 (C) in section 15004(2) (16 U.S.C.  
15 559d(2)) by striking “marijuana and other”.

16 (2) INTERCEPTION OF COMMUNICATIONS.—Sec-  
17 tion 2516 of title 18, United States Code, is amend-  
18 ed—

19 (A) in subsection (1)(e), by striking “mari-  
20 huana,”; and

21 (B) in subsection (2) by striking “mari-  
22 huana,”.

23 **SEC. 3. LEVEL THE ECONOMIC PLAYING FIELD.**

24 (a) ESTIMATE.—On an annual basis, the Secretary  
25 of the Treasury shall make a reasonable estimate of total

1 tax revenue generated by the marijuana industry for the  
2 previous 12-month period.

3 (b) TRANSFER.—The Secretary of the Treasury shall  
4 transfer from the general fund of the Treasury to the trust  
5 fund established under subsection (c) the greater of—

6 (1) an amount equal to 10 percent of the  
7 amount estimated under subsection (a); and

8 (2) \$10,000,000.

9 (c) TRUST FUND.—

10 (1) IN GENERAL.—There is established in the  
11 Treasury of the United States a trust fund to be  
12 known as the Marijuana Opportunity Trust Fund,  
13 which shall consist of amounts transferred under  
14 subsection (b).

15 (2) USE OF AMOUNTS.—Amounts in the trust  
16 fund established under paragraph (1) shall be made  
17 available to the Administrator of the Small Business  
18 Administration to provide loans under section 7(m)  
19 of the Small Business Act (15 U.S.C. 636(m)) to as-  
20 sist—

21 (A) small business concerns owned and  
22 controlled by women, as defined in section 3 of  
23 that Act (15 U.S.C. 632), that operate in the  
24 marijuana industry; and

1 (B) small business concerns owned and  
2 controlled by socially and economically dis-  
3 advantaged individuals, as defined in section  
4 8(d)(3)(C) of that Act (15 U.S.C.  
5 637(d)(3)(C)), that operate in the marijuana  
6 industry.

7 **SEC. 4. HIGHWAY SAFETY RESEARCH.**

8 (a) STUDY; DEVELOPMENT.—The Administrator of  
9 the National Highway Traffic Safety Administration (re-  
10 ferred to in this section as the “Administrator”) shall—

11 (1) carry out a study of the impact of driving  
12 under the influence of tetrahydrocannabinol on high-  
13 way safety; and

14 (2) develop enhanced strategies and procedures  
15 to reliably determine the impairment of a driver  
16 under the influence of tetrahydrocannabinol.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated to the Administrator to  
19 carry out this section \$50,000,000 for each of fiscal years  
20 2020 through 2024.

21 **SEC. 5. PUBLIC HEALTH RESEARCH.**

22 (a) IN GENERAL.—The Secretary of Health and  
23 Human Services, in consultation with the Director of the  
24 National Institutes of Health and the Commissioner of

1 Food and Drugs, shall conduct research on the impacts  
2 of marijuana, including—

3 (1) effects of tetrahydrocannabinol on the  
4 human brain;

5 (2) efficacy of medicinal marijuana as a treat-  
6 ment for specific diseases and conditions; and

7 (3) identification of additional medical benefits  
8 and uses of cannabis.

9 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There  
10 are authorized to be appropriated to the Secretary of  
11 Health and Human Services, \$100,000,000 for each of fis-  
12 cal years 2020 through 2024, for purposes of carrying out  
13 the activities described in subsection (a).

14 **SEC. 6. PROTECT KIDS.**

15 The Alcohol and Tobacco Tax and Trade Bureau of  
16 the Department of the Treasury shall promulgate regula-  
17 tions that—

18 (1) require restrictions on the advertising and  
19 promotion of products related to marijuana, if the  
20 Secretary determines that such regulation would be  
21 appropriate for the protection of the public health,  
22 taking into account—

23 (A) the risks and benefits to the popu-  
24 lation of individuals age 18 and under, includ-  
25 ing users and nonusers of marijuana products;



1 (B) the increased or decreased likelihood  
2 that existing users of marijuana products who  
3 are age 18 and under will stop using such prod-  
4 ucts; and

5 (C) the increased or decreased likelihood  
6 that those age 18 and under who do not use  
7 marijuana products will start using such prod-  
8 ucts; and

9 (2) impose restrictions on the advertising and  
10 promotion of products related to marijuana con-  
11 sistent with and to the full extent permitted by the  
12 First Amendment to the Constitution of the United  
13 States.

14 **SEC. 7. GRANTS FOR EXPUNGEMENT OF MARIJUANA CON-**  
15 **VICTIONS.**

16 There is authorized to be appropriated to the Attor-  
17 ney General to award grants to States and units of local  
18 government for the purpose of administering, expanding,  
19 or developing expungement or sealing programs for convic-  
20 tions of possession of marijuana \$20,000,000 for each of  
21 fiscal years 2020 through 2024 with not less than 50 per-  
22 cent of those funds being directed to cover the cost of pub-  
23 lic defenders or legal aid providers.

1 **SEC. 8. RULE OF CONSTRUCTION.**

2       Nothing in this Act, or an amendment made by this  
3 Act, may be construed to modify the authority of the Fed-  
4 eral Government to prevent marijuana trafficking from  
5 States that have legalized marijuana to those that have  
6 not.

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