H.R._______

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

Mr. BLUMENAUER introduced the following bill; which was referred to the Committee on ____________________

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.—
(1) Not later than 180 days after the date of 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 (21 U.S.C. 801 et seq.), and shall recommend a listing other than “Schedule I” or “Schedule II”.

(2) Not later than one year after the date of enactment of this Act, the Administrator of the Drug Enforcement Administration shall, based upon the recommendation of the National Academy of Sciences, issue a notice of proposed rulemaking for the rescheduling of marijuana within the Controlled Substances Act, which shall include a recommendation to list marijuana as other than a “Schedule I” or “Schedule II” substance.

(b) LIMITATIONS ON THE APPLICATION OF THE CONTROLLED SUBSTANCES ACT.—

(1) IN GENERAL.—No provision of the Controlled Substances Act shall prohibit or otherwise restrict in a State in which the medical use of marijuana is legal under State law—
(A) the prescription or recommendation of marijuana for medical use by a medical professional or the certification by a medical professional 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.

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

(a) IN GENERAL.—No provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) shall pro-
hibit or otherwise restrict in a State in which the medical use of marijuana is legal under State law—

(1) the prescription or recommendation of marijuana for medical use by a medical professional or the certification by a medical professional that a patient has a condition for which marijuana may have 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.

(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.
SEC. 4. ADMINISTRATION OF REGISTRATION REQUIREMENTS RELATED TO MARIJUANA RESEARCH.

Not later than 180 days after the date of enactment of this Act, the Attorney General shall delegate responsibility under section 303(f) of the Controlled Substances Act (21 U.S.C. 823(f)) for control over access to marijuana for research into its potential therapeutic and medicinal uses to an entity of the Executive Branch that is not focused on researching the addictive properties of substances. That entity shall take appropriate actions to ensure that an adequate supply of marijuana is available for therapeutic and medicinal research.

SEC. 5. RELATION OF ACT TO CERTAIN PROHIBITIONS RELATING TO SMOKING.

This Act does not affect any Federal, State, or local law regulating or prohibiting smoking in public.