To amend title 18, United States Code, to provide an affirmative defense for the medical use of marijuana in accordance with the laws of the various States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. FARR introduced the following bill; which was referred to the Committee on ________________

A BILL

To amend title 18, United States Code, to provide an affirmative defense for the medical use of marijuana in accordance with the laws of the various States, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Truth in Trials Act”.

(Original Signature of Member)
SEC. 2. PROVIDING AN AFFIRMATIVE DEFENSE FOR THE
MEDICAL USE OF MARIJUANA; SEIZURE OF
PROPERTY.

(a) In general.—Chapter 221 of title 18, United
States Code, is amended by striking section 3436 and all
that follows through the end of the chapter and inserting
the following:

§ 3436. Affirmative defense for conduct regarding
the medical use of marijuana; seizure of
property.

“(a) Any person facing prosecution or a proceeding
for any marijuana-related offense under any Federal law
shall have the right to introduce evidence demonstrating
that the marijuana-related activities for which the person
stands accused were performed in compliance with State
law regarding the medical use of marijuana, or that the
property which is subject to a proceeding was possessed
in compliance with State law regarding the medical use
of marijuana.

“(b)(1) It is an affirmative defense to a prosecution
or proceeding under any Federal law for marijuana-related
activities, which the proponent must establish by a prepon-
derance of the evidence, that those activities comply with
State law regarding the medical use of marijuana.

“(2) In a prosecution or a proceeding for a mari-
juana-related offense under any Federal criminal law,
should a finder of fact determine, based on State law regarding the medical use of marijuana, that a defendant’s marijuana-related activity was performed primarily, but not exclusively, for medical purposes, the defendant may be found guilty of an offense only corresponding to the amount of marijuana determined to be for nonmedical purposes.

“(c) Any property seized in connection with a prosecution or proceeding to which this section applies, with respect to which a person successfully makes a defense under this section, shall be returned to the owner not later than 10 days after the court finds the defense is valid, minus such material necessarily destroyed for testing purposes.

“(d) Any marijuana seized under any Federal law shall be retained and not destroyed pending resolution of any forfeiture claim, if not later than 30 days after seizure the owner of the property notifies the Attorney General, or a duly authorized agent of the Attorney General, that a person with an ownership interest in the property is asserting an affirmative defense for the medical use of marijuana.

“(e) No plant may be seized under any Federal law otherwise permitting such seizure if the plant is being grown or stored pursuant to a recommendation by a physi-
cian or an order of a State or municipal agency in accordance with State law regarding the medical use of marijuana.

"(f) In this section, the term State includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 221 of title 18, United States Code, is amended by striking the item relating to section 3436 and all that follows through the end of the table and inserting the following new item:

"3436. Affirmative defense for conduct regarding the medical use of marijuana; seizure of property."