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

Mr. PAUL introduced the following bill; which was read twice and referred to the Committee on __________________

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.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Compassionate Access, Research Expansion, and Respect States Act of 2015” or the “CARERS Act of 2015”.

SEC. 2. FEDERALISM IN DRUG POLICY.

Section 708 of the Controlled Substances Act (21 U.S.C. 903) is amended—
(1) by striking “No provision” and inserting the following:

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

(2) by adding at the end the following:

“(b) COMPLIANCE WITH STATE LAW.—Notwithstanding any other provision of law, the provisions of this title relating to marihuana shall not apply to any person acting in compliance with State law relating to the production, possession, distribution, dispensation, administration, laboratory testing, or delivery of medical marihuana.”.

SEC. 3. RESCHEDULING OF MARIHUANA.

(a) REMOVAL FROM SCHEDULE I.—Schedule I, as set forth in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)), is amended in subsection (c)—

(1) by striking paragraph (10); and

(2) by redesignating paragraphs (11) through (28) as paragraphs (10) through (27), respectively.

(b) LISTING IN SCHEDULE II.—Schedule II, as set forth in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)), is amended by adding at the end the following:

“(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or
preparation, which contains any quantity of marihuana, including its salts, isomers, and salts of isomers.”.

SEC. 4. EXCLUSION OF CANNABIDIOL FROM DEFINITION OF MARIHUANA.

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

(1) in paragraph (16)—

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

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

(2) by adding at the end the following:

“(57) The term ‘cannabidiol’ means the substance cannabidiol, as derived from marihuana or the synthetic formulation, that contains not greater than 0.3 percent delta-9-tetrahydrocannabinol on a dry weight basis.”.

SEC. 5. CANNABIDIOL DETERMINATION BY STATES.

Section 201 of the Controlled Substances Act (21 U.S.C. 811) is amended by adding at the end the following:

“(j) CANNABIDIOL DETERMINATION.—If a person grows or processes Cannabis sativa L. for purposes of making cannabidiol in accordance with State law, the Cannabis sativa L. shall be deemed to meet the concentration
limitation under section 102(57), unless the Attorney General determines that the State law is not reasonably calculated to comply with section 102(57).”.

SEC. 6. BANKING.

(a) DEFINITIONS.—In this section—

(1) the term “depository institution” means—

(A) a depository institution as defined in section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c));

(B) a Federal credit union as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752); or

(C) a State credit union as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

(2) the term “Federal banking regulator” means each of the Board of Governors of the Federal Reserve System, the Bureau of Consumer Financial Protection, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the National Credit Union Administration, or any Federal agency or department that regulates banking or financial services, as determined by the Secretary of the Treasury;
(3) the term “financial service” means a financial product or service as defined in section 1002 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5481);

(4) the term “manufacturer” means a person who manufactures, compounds, converts, processes, prepares, or packages marijuana or marijuana products;

(5) the term “marijuana-related legitimate business” means a manufacturer, producer, or any person that—

(A) participates in any business or organized activity that involves handling marijuana or marijuana products, including selling, transporting, displaying, dispensing, or distributing marijuana or marijuana products; and

(B) engages in such activity pursuant to a law established by a State or a unite of local government;

(6) the term “marijuana” has the meaning given the term “marihuana” in section 102 of the Controlled Substances Act (21 U.S.C. 802), as amended by this Act;

(7) the term “marijuana product” means any article that contains marijuana, including an article
that is a concentrate, an edible, a tincture, a marijuana-infused product, or a topical;

(8) the term “producer” means a person who plants, cultivates, harvests, or in any way facilitates the natural growth of marijuana; and

(9) the term “State” means each of the several States, the District of Columbia, Puerto Rico, and any territory or possession of the United States.

(b) SAFE HARBOR FOR DEPOSITORY INSTITUTIONS.—A Federal banking regulator may not—

(1) terminate or limit the deposit insurance of a depository institution under the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) or the Federal Credit Union Act (12 U.S.C. 1751 et seq.) solely because the depository institution provides or has provided financial services to a marijuana-related legitimate business;

(2) prohibit, penalize, or otherwise discourage a depository institution from providing financial services to a marijuana-related legitimate business;

(3) recommend, incentivize, or encourage a depository institution not to offer financial services to an individual, or to downgrade or cancel the financial services offered to an individual solely because—
(A) the individual is a manufacturer or producer of marijuana;

(B) the individual is the owner or operator of a marijuana-related legitimate business;

(C) the individual later becomes an owner or operator of a marijuana-related legitimate business; or

(D) the depository institution was not aware that the individual is the owner or operator of a marijuana-related legitimate business; or

(4) take any adverse or corrective supervisory action on a loan to an owner or operator of—

(A) a marijuana-related legitimate business solely because the owner or operator is a marijuana-related business; or

(B) real estate or equipment that is leased to a marijuana-related legitimate business solely because the owner or operator of the real estate or equipment leased the real estate or equipment to a marijuana-related business.

(c) PROTECTIONS UNDER FEDERAL LAW.—

(1) INVESTIGATION AND PROSECUTION.—A depository institution that provides financial services to a marijuana-related legitimate business, or the of-
ficers, directors, and employees of that business, shall be immune from Federal criminal prosecution or investigation for providing those services.

(2) **FEDERAL CRIMINAL LAW.**—A depository institution that provides financial services to a marijuana-related legitimate business shall not be subject to a criminal penalty under any Federal law solely for providing those services or for further investing any income derived from such services.

(3) **FORFEITURE.**—A depository institution that has a legal interest in the collateral for a loan made to an owner or operator of a marijuana-related legitimate business, or to an owner or operator of real estate or equipment that is leased to a marijuana-related legitimate business, shall not be subject to criminal, civil, or administrative forfeiture of that legal interest pursuant to any Federal law for providing such loan.

(d) **EXEMPTION FROM FILING SUSPICIOUS ACTIVITY REPORTS.**—Section 5318(g) of title 31, United States Code, is amended by adding at the end the following:

“(5) **REQUIREMENTS FOR MARIJUANA-RELATED LEGITIMATE BUSINESSES.**—If a financial institution or any director, officer, employee, or agent of a financial institution reports a suspicious transaction
pursuant to this subsection, and the reason for the
report relates to a marijuana-related business, the
Secretary shall require that such report complies
with the requirements of the guidance issued by the
Financial Crimes Enforcement Network titled ‘BSA
Expectations Regarding Marijuana-Related Busi-
nesses’ (FIN–2014–G001; published on February
14, 2014).”.

(e) Rule of Construction.—Nothing in this sec-
tion requires a depository institution to provide financial
services to a marijuana-related legitimate business.

SEC. 7. RESEARCH.

(a) In General.—Not later than 180 days after the
date of enactment of this Act, the Secretary for Health
and Human Services shall terminate the Public Health
Service interdisciplinary review process described in the
guidance entitled “Guidance on Procedures for the Provi-
sion of Marijuana for Medical Research” (issued on May
21, 1999).

(b) Licenses for Marijuana Research.—Not
later than 1 year after the date of enactment of this Act,
the Attorney General, acting through the Drug Enforce-
ment Administration, shall issue not less than 3 licenses
under section 303 of the Controlled Substances Act (21
U.S.C. 823) to manufacture marijuana and marijuana-de-
derivatives for research approved by the Food and Drug Administration.

SEC. 8. PROVISION BY DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PROVIDERS OF RECOMMENDATIONS AND OPINIONS REGARDING VETERAN PARTICIPATION IN STATE MARIJUANA PROGRAMS.

Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall authorize physicians and other health care providers employed by the Department of Veterans Affairs to—

(1) provide recommendations and opinions to veterans who are residents of States with State marijuana programs regarding the participation of veterans in such State marijuana programs; and

(2) complete forms reflecting such recommendations and opinions.