

114TH CONGRESS
1ST SESSION

S. _____

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.

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 2015” or
6 the “CARERS Act of 2015”.

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 relating to the produc-
10 tion, possession, distribution, dispensation, administra-
11 tion, laboratory testing, or delivery of medical mari-
12 huana.”.

13 **SEC. 3. RESCHEDULING OF MARIHUANA.**

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

17 (1) by striking paragraph (10); and

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

20 (b) LISTING IN SCHEDULE II.—Schedule II, as set
21 forth in section 202(c) of the Controlled Substances Act
22 (21 U.S.C. 812(c)), is amended by adding at the end the
23 following:

24 “(d) Unless specifically excepted or unless listed in
25 another schedule, any material, compound, mixture, or

1 preparation, which contains any quantity of marihuana,
2 including its salts, isomers, and salts of isomers.”.

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

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

7 (1) in paragraph (16)—

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

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

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

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

18 **SEC. 5. CANNABIDIOL DETERMINATION BY STATES.**

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

22 “(j) CANNABIDIOL DETERMINATION.—If a person
23 grows or processes Cannabis sativa L. for purposes of
24 making cannabidiol in accordance with State law, the Can-
25 nabis sativa L. shall be deemed to meet the concentration

1 limitation under section 102(57), unless the Attorney Gen-
2 eral determines that the State law is not reasonably cal-
3 culated to comply with section 102(57).”.

4 **SEC. 6. BANKING.**

5 (a) DEFINITIONS.—In this section—

6 (1) the term “depository institution” means—

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

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

13 (C) a State credit union as defined in sec-
14 tion 101 of the Federal Credit Union Act (12
15 U.S.C. 1752);

16 (2) the term “Federal banking regulator”
17 means each of the Board of Governors of the Fed-
18 eral Reserve System, the Bureau of Consumer Fi-
19 nancial Protection, the Federal Deposit Insurance
20 Corporation, the Office of the Comptroller of the
21 Currency, the National Credit Union Administra-
22 tion, or any Federal agency or department that reg-
23 ulates banking or financial services, as determined
24 by the Secretary of the Treasury;

1 (3) the term “financial service” means a finan-
2 cial product or service as defined in section 1002 of
3 the Dodd-Frank Wall Street Reform and Consumer
4 Protection Act (12 U.S.C. 5481);

5 (4) the term “manufacturer” means a person
6 who manufactures, compounds, converts, processes,
7 prepares, or packages marijuana or marijuana prod-
8 ucts;

9 (5) the term “marijuana-related legitimate busi-
10 ness” means a manufacturer, producer, or any per-
11 son that—

12 (A) participates in any business or orga-
13 nized activity that involves handling marijuana
14 or marijuana products, including selling, trans-
15 porting, displaying, dispensing, or distributing
16 marijuana or marijuana products; and

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

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

24 (7) the term “marijuana product” means any
25 article that contains marijuana, including an article

1 that is a concentrate, an edible, a tincture, a mari-
2 juana-infused product, or a topical;

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

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

9 (b) SAFE HARBOR FOR DEPOSITORY INSTITU-
10 TIONS.—A Federal banking regulator may not—

11 (1) terminate or limit the deposit insurance of
12 a depository institution under the Federal Deposit
13 Insurance Act (12 U.S.C. 1811 et seq.) or the Fed-
14 eral Credit Union Act (12 U.S.C. 1751 et seq.) sole-
15 ly because the depository institution provides or has
16 provided financial services to a marijuana-related le-
17 gitimate business;

18 (2) prohibit, penalize, or otherwise discourage a
19 depository institution from providing financial serv-
20 ices to a marijuana-related legitimate business;

21 (3) recommend, incentivize, or encourage a de-
22 pository institution not to offer financial services to
23 an individual, or to downgrade or cancel the finan-
24 cial services offered to an individual solely because—

1 (A) the individual is a manufacturer or
2 producer of marijuana;

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

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

8 (D) the depository institution was not
9 aware that the individual is the owner or oper-
10 ator of a marijuana-related legitimate business;
11 or

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

14 (A) a marijuana-related legitimate business
15 solely because the owner or operator is a mari-
16 juana-related business; or

17 (B) real estate or equipment that is leased
18 to a marijuana-related legitimate business solely
19 because the owner or operator of the real estate
20 or equipment leased the real estate or equip-
21 ment to a marijuana-related business.

22 (c) PROTECTIONS UNDER FEDERAL LAW.—

23 (1) INVESTIGATION AND PROSECUTION.—A de-
24 pository institution that provides financial services
25 to a marijuana-related legitimate business, or the of-

1 ficers, directors, and employees of that business,
2 shall be immune from Federal criminal prosecution
3 or investigation for providing those services.

4 (2) FEDERAL CRIMINAL LAW.—A depository in-
5 stitution that provides financial services to a mari-
6 juana-related legitimate business shall not be subject
7 to a criminal penalty under any Federal law solely
8 for providing those services or for further investing
9 any income derived from such services.

10 (3) FORFEITURE.—A depository institution
11 that has a legal interest in the collateral for a loan
12 made to an owner or operator of a marijuana-related
13 legitimate business, or to an owner or operator of
14 real estate or equipment that is leased to a mari-
15 juana-related legitimate business, shall not be sub-
16 ject to criminal, civil, or administrative forfeiture of
17 that legal interest pursuant to any Federal law for
18 providing such loan.

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

22 “(5) REQUIREMENTS FOR MARIJUANA-RELATED
23 LEGITIMATE BUSINESSES.—If a financial institution
24 or any director, officer, employee, or agent of a fi-
25 nancial institution reports a suspicious transaction

1 pursuant to this subsection, and the reason for the
2 report relates to a marijuana-related business, the
3 Secretary shall require that such report complies
4 with the requirements of the guidance issued by the
5 Financial Crimes Enforcement Network titled ‘BSA
6 Expectations Regarding Marijuana-Related Busi-
7 nesses’ (FIN–2014–G001; published on February
8 14, 2014).”.

9 (e) **RULE OF CONSTRUCTION.**—Nothing in this sec-
10 tion requires a depository institution to provide financial
11 services to a marijuana-related legitimate business.

12 **SEC. 7. RESEARCH.**

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

20 (b) **LICENSES FOR MARIJUANA RESEARCH .**—Not
21 later than 1 year after the date of enactment of this Act,
22 the Attorney General, acting through the Drug Enforce-
23 ment Administration, shall issue not less than 3 licenses
24 under section 303 of the Controlled Substances Act (21
25 U.S.C. 823) to manufacture marijuana and marijuana-de-

1 rivatives for research approved by the Food and Drug Ad-
2 ministration.

3 **SEC. 8. PROVISION BY DEPARTMENT OF VETERANS AF-**
4 **FAIRS HEALTH CARE PROVIDERS OF REC-**
5 **COMMENDATIONS AND OPINIONS REGARDING**
6 **VETERAN PARTICIPATION IN STATE MARI-**
7 **JUANA PROGRAMS.**

8 Notwithstanding any other provision of law, the Sec-
9 retary of Veterans Affairs shall authorize physicians and
10 other health care providers employed by the Department
11 of Veterans Affairs to—

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

16 (2) complete forms reflecting such recommenda-
17 tions and opinions.