

116TH CONGRESS
1ST SESSION

H. R. 3754

To amend the Controlled Substances Act to provide for a new rule regarding the application of the Act to marihuana, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2019

Mr. AMASH introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, 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

A BILL

To amend the Controlled Substances Act to provide for a new rule regarding the application of the Act to marihuana, 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. RULE REGARDING APPLICATION TO MARI-**
4 **HUANA.**

5 Part G of the Controlled Substances Act (21 U.S.C.
6 801 et seq.) is amended by adding at the end the fol-
7 lowing:

1 “RULE REGARDING APPLICATION TO MARIHUANA

2 “SEC. 710. (a) Notwithstanding any other provision
3 of law, the provisions of this title as applied to marihuana,
4 other than the provisions described in subsection (c) and
5 other than as provided in subsection (d), shall not apply
6 to any person acting in compliance with State law relating
7 to the manufacture, production, possession, distribution,
8 dispensation, administration, or delivery of marihuana.

9 “(b) Notwithstanding any other provision of law, the
10 provisions of this title related to marihuana, other than
11 the provisions described in subsection (c) and other than
12 as provided in subsection (d), shall not apply to any person
13 acting in compliance with the law of a federally recognized
14 Indian tribe within its jurisdiction in Indian country, as
15 defined in section 1151 of title 18, United States Code,
16 related to the manufacture, production, possession, dis-
17 tribution, dispensation, administration, or delivery of mar-
18 ihuana so long as such jurisdiction is located within a
19 State that permits, respectively, manufacture, production,
20 possession, distribution, dispensation, administration, or
21 delivery of marihuana.

22 “(c) The provisions described in this subsection are—

23 “(1) section 401(a)(1), with respect to a viola-
24 tion of section 409 or 418;

25 “(2) section 409;

1 “(3) section 417; and

2 “(4) section 418.

3 “(d) Subsection (a) shall not apply to any person
4 who—

5 “(1) violates the Controlled Substances Act
6 with respect to any other controlled substance;

7 “(2) notwithstanding compliance with State or
8 tribal law, knowingly or intentionally manufactures,
9 produces, possesses, distributes, dispenses, admin-
10 isters, or delivers any other marihuana in violation
11 of the laws of the State or tribe in which such man-
12 ufacture, production, possession, distribution, dis-
13 pensation, administration, or delivery occurs; or

14 “(3) employs or hires any person under 18
15 years of age to manufacture, produce, distribute,
16 dispense, administer, or deliver marihuana.”.

17 **SEC. 2. TRANSPORTATION SAFETY OFFENSES.**

18 Section 409 of the Controlled Substances Act (21
19 U.S.C. 849) is amended—

20 (1) in subsection (b), in the matter preceding
21 paragraph (1)—

22 (A) by striking “A person” and inserting
23 “Except as provided in subsection (d), a per-
24 son”; and

1 (B) by striking “subsection (b)” and in-
2 serting “subsection (c)”;

3 (2) in subsection (c), in the matter preceding
4 paragraph (1)—

5 (A) by striking “A person” and inserting
6 “Except as provided in subsection (d), a per-
7 son”; and

8 (B) by striking “subsection (a)” and in-
9 serting “subsection (b)”;

10 (3) by adding at the end the following:

11 “(d) EXCEPTION.—Subsections (b) and (c) shall not
12 apply to any person who possesses, or possesses with in-
13 tent to distribute marihuana in compliance with section
14 710.”.

15 **SEC. 3. DISTRIBUTION TO PERSONS UNDER AGE 21.**

16 Section 418 of the Controlled Substances Act (21
17 U.S.C. 859) is amended—

18 (1) in subsection (a), in the first sentence, by
19 inserting “and subsection (c) of this section” after
20 “section 419”;

21 (2) in subsection (b), in the first sentence, by
22 inserting “and subsection (c) of this section” after
23 “section 419”; and

24 (3) by adding at the end the following:

1 “(c) Subsections (a) and (b) shall not apply to any
2 person at least 18 years of age who distributes medicinal
3 marihuana to a person under 21 years of age in compli-
4 ance with section 710.”.

5 **SEC. 4. RULE OF CONSTRUCTION.**

6 (a) IN GENERAL.—Conduct in compliance with this
7 Act and the amendments made by this Act—

8 (1) shall not be unlawful;

9 (2) shall not constitute trafficking in a con-
10 trolled substance under section 401 of the Controlled
11 Substances Act (21 U.S.C. 841) or any other provi-
12 sion of law; and

13 (3) shall not constitute the basis for forfeiture
14 of property under section 511 of the Controlled Sub-
15 stances Act (21 U.S.C. 881) or section 981 of title
16 18, United States Code.

17 (b) PROCEEDS.—The proceeds from any transaction
18 in compliance with this Act and the amendments made
19 by this Act shall not be deemed to be the proceeds of an
20 unlawful transaction under section 1956 or 1957 of title
21 18, United States Code, or any other provision of law.

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