

116TH CONGRESS  
1ST SESSION

# H. R. 1687

To amend title 5, United States Code, to remove limitations on Federal employment for an individual legally using marijuana under the law of the State in which the individual resides, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2019

Mr. CRIST (for himself, Mr. YOUNG, Mr. BLUMENAUER, Mr. COHEN, Mr. GAETZ, Mr. MOULTON, Ms. NORTON, Mr. PANETTA, Mr. POCAN, and Mr. RASKIN) introduced the following bill; which was referred to the Committee on Oversight and Reform

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## A BILL

To amend title 5, United States Code, to remove limitations on Federal employment for an individual legally using marijuana under the law of the State in which the individual resides, 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. SHORT TITLE.**

4 This Act may be cited as the “Fairness in Federal  
5 Drug Testing Under State Laws Act”.

1 **SEC. 2. FEDERAL EMPLOYMENT AND INDIVIDUALS USING**  
2 **MARIJUANA IN COMPLIANCE WITH STATE OR**  
3 **TRIBAL LAW.**

4 (a) IN GENERAL.—Subchapter I of chapter 33 of title  
5 5, United States Code, is amended by adding at the end  
6 the following:

7 **“§ 3330f. Federal employment and individuals using**  
8 **marijuana in compliance with State or**  
9 **tribal law**

10 “(a)(1) An individual whose residence is in a State  
11 where that individual’s private use of marijuana is not  
12 prohibited, who is tested under a drug testing program  
13 of any Executive agency without probable cause to believe  
14 that the individual is under the influence of marijuana,  
15 who tests positive for past marijuana use (determined by  
16 the presence of tetrahydrocannabinol or marijuana me-  
17 tabolite in the sample provided by the individual), and,  
18 in the case of an individual whose use of marijuana was  
19 for medical purposes, who is able to provide documenta-  
20 tion (in such form and manner as the Office of Personnel  
21 Management may prescribe) attesting to the lawful nature  
22 of such use under the law of the State, may not, based  
23 solely on such positive test, be—

24 “(A) denied employment at an Executive agen-  
25 cy; or

1 “(B) if the individual is an employee of an Ex-  
2 ecutive agency, subject to any adverse personnel ac-  
3 tion.

4 “(2) For purposes of this section—

5 “(A) the term ‘Executive agency’ has the mean-  
6 ing given that term in section 105, and includes the  
7 United States Postal Service and the Postal Regu-  
8 latory Commission;

9 “(B) the term ‘marijuana’ means marihuana  
10 (as such term is defined in section 102(16) of the  
11 Controlled Substances Act (21 U.S.C. 802(16)));

12 “(C) the term ‘individual’ does not include any  
13 individual applying for or occupying a position at an  
14 Executive agency which requires a top secret clear-  
15 ance or access to a highly sensitive program (as that  
16 term is defined in section 3001(a)(4) of the Intel-  
17 ligence Reform and Terrorism Prevention Act of  
18 2004 (50 U.S.C. 3341(a)(4))); and

19 “(D) the term ‘State’ means—

20 “(i) any State or the District of Columbia;

21 “(ii) the Commonwealth of Puerto Rico,  
22 the Commonwealth of the Northern Mariana Is-  
23 lands, the Virgin Islands of the United States,  
24 Guam, American Samoa, or any other territory  
25 or possession of the United States;

1           “(iii) the Federated States of Micronesia,  
2           the Republic of the Marshall Islands, or the Re-  
3           public of Palau; or

4           “(iv) any land over which an Indian tribe  
5           (as defined in section 4 of the Indian Self-De-  
6           termination and Education Assistance Act (25  
7           U.S.C. 5304)) has jurisdiction or any land held  
8           in trust for an Indian tribe.”.

9           (b) CLERICAL AMENDMENT.—The table of sections  
10          for such subchapter is amended by inserting after the item  
11          relating to section 3330e the following:

          “3330f. Federal employment and individuals using marijuana in compliance with  
          State or tribal law.”.

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