

116TH CONGRESS
1ST SESSION

H. R. 2338

To provide that an individual who uses marijuana in compliance with State law may not be denied occupancy of federally assisted housing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2019

Ms. NORTON introduced the following bill; which was referred to the
Committee on Financial Services

A BILL

To provide that an individual who uses marijuana in compliance with State law may not be denied occupancy of federally assisted housing, 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 “Marijuana in Federally
5 Assisted Housing Parity Act of 2019”.

6 **SEC. 2. AMENDMENTS TO UNITED STATES HOUSING ACT OF**
7 **1937.**

8 The United States Housing Act of 1937 is amended
9 as follows:

1 (1) DRUG-RELATED CRIMINAL ACTIVITY DE-
2 FINED.—In section 3(b)(9) (42 U.S.C. 1437a(b)(9)),
3 by inserting before the period at the end the fol-
4 lowing: “, except that such term shall not include
5 any such manufacture, sale, distribution, use, or
6 possession of marihuana (as such term is defined in
7 such section) that is in compliance with the law of
8 the State in which such manufacture, sale, distribu-
9 tion, use, or possession takes place”.

10 (2) CURRENTLY ENGAGING IN THE ILLEGAL
11 USE OF A CONTROLLED SUBSTANCE AND DRUG-RE-
12 LATED CRIMINAL ACTIVITY DEFINED.—In section 6
13 (42 U.S.C. 1437d)—

14 (A) in subsection (l), in the last sentence
15 after paragraph (9)—

16 (i) by striking “paragraph (5)” and
17 inserting “paragraph (6)”; and

18 (ii) by inserting before the period at
19 the end the following: “, except that such
20 term shall not include any such manufac-
21 ture, sale, distribution, use, or possession
22 of marihuana (as such term is defined in
23 such section) that is in compliance with the
24 law of the State in which such manufac-

ture, sale, distribution, use, or possession
takes place”; and

(B) in subsection (t)(7)(C), by inserting
before the period at the end the following: “,
except that such term shall not include the use,
distribution, possession, sale, or manufacture of
marihuana (as such term is defined in section
102 of the Controlled Substances Act (21
U.S.C. 802)) that is in compliance with the law
of the State in which such use, distribution,
possession, sale, or manufacture takes place”.

(3) DRUG-RELATED CRIMINAL ACTIVITY DE-
FINED.—In section 8(f)(5) (42 U.S.C. 1437f(f)(5)),
by inserting before the period at the end the fol-
lowing: “, except that such term shall not include
any such manufacture, sale, distribution, use, or
possession of marihuana (as such term is defined in
such section) that is in compliance with the law of
the State in which such manufacture, sale, distribu-
tion, use, or possession takes place”.

**SEC. 3. AMENDMENTS TO QUALITY HOUSING AND WORK
RESPONSIBILITY ACT OF 1998.**

Subtitle F of title V of the Quality Housing and Work
Responsibility Act of 1998 is amended—

(1) in section 576 (42 U.S.C. 13661)—

1 (A) in subsection (b)—

2 (i) in paragraph (1), by striking “Not-
3 withstanding” and inserting “Except as
4 provided in paragraph (3) and notwith-
5 standing”;

6 (ii) in paragraph (2), by inserting
7 “other than the use of marihuana de-
8 scribed in paragraph (3),” after “con-
9 trolled substance” each place such term
10 appears; and

11 (iii) by adding at the end the fol-
12 lowing new paragraph:

13 “(3) STATE LAW EXCEPTION.—A public hous-
14 ing agency or an owner of federally assisted housing
15 may not establish standards prohibiting admission to
16 the program or federally assisted housing to any
17 household with a member who engages in the use,
18 distribution, possession, sale, or manufacture of
19 marihuana (as defined in section 102 of the Con-
20 trolled Substances Act (21 U.S.C. 802)) in compli-
21 ance with the law of the State in which such use,
22 distribution, possession, sale, or manufacture takes
23 place.”; and

24 (B) in subsection (c), by adding after and
25 below paragraph (2) the following flush matter:

1 “For the purposes of this subsection, the term ‘criminal
2 activity’ shall not include the use, distribution, possession,
3 sale, or manufacture of marihuana (as such term is de-
4 fined in section 102 of the Controlled Substances Act (21
5 U.S.C. 802)) that is in compliance with the law of the
6 State in which such use, distribution, possession, sale, or
7 manufacture takes place.”;

8 (2) in section 577 (42 U.S.C. 13662), by add-
9 ing at the end the following new subsection:

10 “(c) STATE LAW EXCEPTION.—For the purposes of
11 this section, the term ‘illegal use of a controlled substance’
12 shall not include the use, distribution, possession, sale, or
13 manufacture of marihuana (as defined in section 102 of
14 the Controlled Substances Act (21 U.S.C. 802)) that is
15 in compliance with the law of the State in which such use,
16 distribution, possession, sale, or manufacture takes
17 place.”;

18 (3) in section 579, by adding at the end the fol-
19 lowing new paragraph:

20 “(4) STATE.—The term ‘State’ means the sev-
21 eral States, the District of Columbia, the Common-
22 wealth of Puerto Rico, the territories and posses-
23 sions of the United States, and the Trust Territory
24 of the Pacific Islands.”; and

1 (4) by adding at the end the following new sec-
2 tion:

3 **“SEC. 580. ENFORCEMENT; SMOKE-FREE ZONES.**

4 “(a) ENFORCEMENT.—The Secretary may not pro-
5 hibit or otherwise discourage any activity involving the
6 use, distribution, possession, sale, or manufacture of mari-
7 huana in federally assisted housing that is in compliance
8 with the law of the State in which such activity takes
9 place.

10 “(b) HUD SMOKE-FREE ZONES.—Not later than 90
11 days after the date of the enactment of the Marijuana in
12 Federally Assisted Housing Parity Act of 2019, the Sec-
13 retary shall issue regulations that restrict smoking mari-
14 huana in federally assisted housing in the same manner
15 and same locations as the Secretary restricts smoking to-
16 bacco in public housing under subpart G of title 24, Code
17 of Federal Regulations (or any successor regulation).

18 “(c) MARIHUANA DEFINED.—In this section, the
19 term ‘marihuana’ has the meaning given such term in sec-
20 tion 102 of the Controlled Substances Act (21 U.S.C.
21 802).”.

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