

116TH CONGRESS
1ST SESSION

H. R. 2093

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

APRIL 4, 2019

Mr. BLUMENAUER (for himself, Mr. JOYCE of Ohio, Ms. LEE of California, Mr. GAETZ, Ms. DEGETTE, Mr. MCCLINTOCK, Mr. COHEN, Mr. GRAVES of Georgia, Ms. NORTON, Mr. YOUNG, Mr. CORREA, Mr. BUCK, Mr. KHANNA, Mr. STEUBE, Mr. NEGUSE, Mr. ARMSTRONG, Mr. CRIST, Mr. RIGGLEMAN, Ms. TITUS, Mr. HUNTER, Mr. PERLMUTTER, Mr. RODNEY DAVIS of Illinois, Ms. PINGREE, Mr. AMODEI, Mr. RYAN, and Mr. NEWHOUSE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Strengthening the
3 Tenth Amendment Through Entrusting States Act” or
4 the “STATES Act”.

5 **SEC. 2. RULE REGARDING APPLICATION TO MARIHUANA.**

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

9 “RULE REGARDING APPLICATION TO MARIHUANA

10 “SEC. 710. (a) Notwithstanding any other provision
11 of law, the provisions of this title as applied to marihuana,
12 other than the provisions described in subsection (c) and
13 other than as provided in subsection (d), shall not apply
14 to any person acting in compliance with State law relating
15 to the manufacture, production, possession, distribution,
16 dispensation, administration, or delivery of marihuana.

17 “(b) Notwithstanding any other provision of law, the
18 provisions of this title related to marihuana, other than
19 the provisions described in subsection (c) and other than
20 as provided in subsection (d), shall not apply to any person
21 acting in compliance with the law of a federally recognized
22 Indian tribe within its jurisdiction in Indian country, as
23 defined in section 1151 of title 18, United States Code,
24 related to the manufacture, production, possession, dis-
25 tribution, dispensation, administration, or delivery of mar-
26 ihuana so long as such jurisdiction is located within a

1 state that permits, respectively, manufacture, production,
2 possession, distribution, dispensation, administration, or
3 delivery of marihuana.

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

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

7 “(2) section 409;

8 “(3) section 417; and

9 “(4) section 418.

10 “(d) Subsection (a) shall not apply to any person
11 who—

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

14 “(2) notwithstanding compliance with State or
15 tribal law, knowingly or intentionally manufactures,
16 produces, possesses, distributes, dispenses, admin-
17 isters, or delivers any other marihuana in violation
18 of the laws of the State or tribe in which such man-
19 ufacture, production, possession, distribution, dis-
20 pensation, administration, or delivery occurs; or

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

1 **SEC. 3. TRANSPORTATION SAFETY OFFENSES.**

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

4 (1) in subsection (b), in the matter preceding
5 paragraph (1)—

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

9 (B) by striking “subsection (b)” and in-
10 serting “subsection (c)”;

11 (2) in subsection (c), in the matter preceding
12 paragraph (1)—

13 (A) by striking “A person” and inserting
14 “Except as provided in subsection (d), a per-
15 son”; and

16 (B) by striking “subsection (a)” and in-
17 serting “subsection (b)”;

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

19 “(d) EXCEPTION.—Subsections (b) and (c) shall not
20 apply to any person who possesses, or possesses with in-
21 tent to distribute marihuana in compliance with section
22 710.”.

23 **SEC. 4. DISTRIBUTION TO PERSONS UNDER AGE 21.**

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

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

4 (2) in subsection (b), in the first sentence, by
 5 inserting “and subsection(c) of this section” after
 6 “section 419”; and

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

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

12 **SEC. 5. COMPTROLLER GENERAL STUDY ON EFFECTS OF**
 13 **MARIHUANA LEGALIZATION ON TRAFFIC**
 14 **SAFETY.**

15 (a) IN GENERAL.—The Comptroller General of the
 16 United States shall conduct a study on the effects of mari-
 17 huana legalization on traffic safety.

18 (b) INCLUSIONS.—The study conducted under sub-
 19 section (a) shall include a detailed assessment of—

20 (1) traffic crashes, fatalities, and injuries in
 21 States that have legalized marihuana use, including
 22 whether States are able to accurately evaluate mari-
 23 huana impairment in those incidents;

24 (2) actions taken by the States referred to in
 25 paragraph (1) to address marihuana-impaired driv-

1 ing, including any challenges faced in addressing
2 marihuana-impaired driving;

3 (3) testing standards used by the States re-
4 ferred to in paragraph (1) to evaluate marihuana
5 impairment in traffic crashes, fatalities, and injuries,
6 including any scientific methods used to determine
7 impairment and analyze data; and

8 (4) Federal initiatives aiming to assist States
9 that have legalized marihuana with traffic safety, in-
10 cluding recommendations for policies and programs
11 to be carried out by the National Highway Traffic
12 Safety Administration.

13 (c) REPORT.—Not later than 1 year after the date
14 of enactment of this Act, the Comptroller General of the
15 United States shall submit to the appropriate committees
16 of Congress a report on the results of the study conducted
17 under subsection (a).

18 **SEC. 6. RULE OF CONSTRUCTION.**

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

21 (1) shall not be unlawful;

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

1 (3) shall not constitute the basis for forfeiture
2 of property under section 511 of the Controlled Sub-
3 stances Act (21 U.S.C. 881) or section 981 of title
4 18, United States Code.

5 (b) PROCEEDS.—The proceeds from any transaction
6 in compliance with this Act and the amendments made
7 by this Act shall not be deemed to be the proceeds of an
8 unlawful transaction under section 1956 or 1957 of title
9 18, United States Code, or any other provision of law.

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