

112TH CONGRESS
1ST SESSION

H. R. 1983

To provide for the rescheduling of marijuana and for the medical use of marijuana in accordance with the laws of the various States.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2011

Mr. FRANK of Massachusetts (for himself, Mr. ROHRABACHER, Mr. STARK, and Mr. POLIS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To provide for the rescheduling of marijuana and for the medical use of marijuana in accordance with the laws of the various States.

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 “States’ Medical Mari-
5 juana Patient Protection Act”.

6 **SEC. 2. CONTROLLED SUBSTANCES ACT.**

7 (a) SCHEDULE.—

8 (1) Not later than 6 months after the date of
9 enactment of this Act, the Secretary of Health and

1 Human Services, in cooperation with the National
2 Academy of Sciences' Institute of Medicine, shall
3 submit to the Administrator of the Drug Enforce-
4 ment Administration a recommendation on the list-
5 ing of marijuana within the Controlled Substances
6 Act (CSA), and shall recommend a listing other than
7 "Schedule I" or "Schedule II".

8 (2) Not later than 12 months after the date of
9 enactment of this Act, the Administrator of the
10 Drug Enforcement Administration shall, based upon
11 the recommendation of the National Academy of
12 Sciences, issue a notice of proposed rulemaking for
13 the rescheduling of marijuana within the CSA, which
14 shall include a recommendation to list marijuana as
15 other than a "Schedule I" or "Schedule II" sub-
16 stance.

17 (b) LIMITATIONS ON THE APPLICATION OF THE CON-
18 TROLLED SUBSTANCES ACT.—

19 (1) IN GENERAL.—No provision of the Con-
20 trolled Substances Act shall prohibit or otherwise re-
21 strict in a State in which the medical use of mari-
22 juana is legal under State law—

23 (A) the prescription or recommendation of
24 marijuana for medical use by a medical profes-
25 sional or the certification by a medical profes-

1 sional that a patient has a condition for which
2 marijuana may have therapeutic benefit;

3 (B) an individual from obtaining, manufac-
4 turing, possessing, or transporting within their
5 State marijuana for medical purposes, provided
6 the activities are authorized under State law; or

7 (C) a pharmacy or other entity authorized
8 under local or State law to distribute medical
9 marijuana to individuals authorized to possess
10 medical marijuana under State law from ob-
11 taining, possessing or distributing marijuana to
12 such individuals.

13 (2) PRODUCTION.—No provision of the Con-
14 trolled Substances Act shall prohibit or otherwise re-
15 strict an entity authorized by a State or local gov-
16 ernment, in a State in which the possession and use
17 of marijuana for medical purposes is legal from pro-
18 ducing, processing, or distributing marijuana for
19 such purposes.

20 **SEC. 3. FEDERAL FOOD, DRUG, AND COSMETIC ACT.**

21 (a) IN GENERAL.—No provision of the Federal Food,
22 Drug, and Cosmetic Act shall prohibit or otherwise re-
23 strict in a State in which the medical use of marijuana
24 is legal under State law—

1 (1) the prescription or recommendation of mari-
2 juana for medical use by a medical professional or
3 the certification by a medical professional that a pa-
4 tient has a condition for which marijuana may have
5 therapeutic benefit;

6 (2) an individual from obtaining, manufac-
7 turing, possessing, or transporting within their State
8 marijuana for medical purposes, provided the activi-
9 ties are authorized under State law; or

10 (3) a pharmacy or other entity authorized
11 under local or State law to distribute medical mari-
12 juana to individuals authorized to possess medical
13 marijuana under State law from obtaining, pos-
14 sessing, or distributing marijuana to such individ-
15 uals.

16 (b) PRODUCTION.—No provision of the Federal
17 Food, Drug, and Cosmetic Act shall prohibit or otherwise
18 restrict an entity authorized by a State or local govern-
19 ment, in a State in which the possession and use of mari-
20 juana for medical purposes is legal from producing, proc-
21 essing, or distributing marijuana for such purpose.

1 **SEC. 4. RELATION OF ACT TO CERTAIN PROHIBITIONS RE-**
2 **LATING TO SMOKING.**

3 This Act does not affect any Federal, State, or local
4 law regulating or prohibiting smoking in public.

