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(Original Signature of Member)

110TH CONGRESS  
2D SESSION

# H. R.

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

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## IN THE HOUSE OF REPRESENTATIVES

Mr. FRANK of Massachusetts introduced the following bill; which was referred  
to the Committee on \_\_\_\_\_

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# A BILL

To provide 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 “Medical Marijuana Pa-  
5 tient Protection Act”.

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

7 (a) SCHEDULE.—Marijuana is moved from schedule  
8 I of the Controlled Substances Act to schedule II of such  
9 Act.

1 (b) PRESCRIPTION OR RECOMMENDATION.—

2 (1) IN GENERAL.—No provision of the Con-  
3 trolled Substances Act shall prohibit or otherwise re-  
4 strict in a State in which marijuana may be pre-  
5 scribed or recommended by a physician for medical  
6 use under applicable State law—

7 (A) the prescription or recommendation of  
8 marijuana by a physician for medical use;

9 (B) an individual from obtaining, pos-  
10 ssuming, or transporting within their State,  
11 manufacturing or using marijuana in accord-  
12 ance with a prescription or recommendation of  
13 marijuana by a physician for medical use by  
14 such individual hereinafter in this section re-  
15 ferred to as “an authorized patient”;

16 (C) an individual authorized under State  
17 law to obtain, possess, transport within their  
18 State, or manufacture marijuana from obtain-  
19 ing, possessing, transporting within their State,  
20 or manufacturing marijuana on an authorized  
21 patient’s behalf; or

22 (D) a pharmacy or other entity authorized  
23 under local or State law to distribute medical  
24 marijuana to authorized patients from obtain-

1           ing, possessing or distributing marijuana to  
2           such authorized patients.

3           (2) PRODUCTION.—No provision of the Con-  
4           trolled Substances Act shall prohibit or otherwise re-  
5           strict an entity authorized by a State or local gov-  
6           ernment, in which marijuana may be prescribed or  
7           recommended by a physician for medical use, for the  
8           purpose of producing marijuana for prescription or  
9           recommendation by a physician for medical use from  
10          producing, processing, or distributing marijuana for  
11          such purpose.

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

13          (a) IN GENERAL.—No provision of the Federal Food,  
14          Drug, and Cosmetic Act shall prohibit or otherwise re-  
15          strict in a State in which marijuana may be prescribed  
16          or recommended by a physician for medical use under ap-  
17          plicable State law—

18                (1) the prescription or recommendation of mari-  
19                juana by a physician for medical use;

20                (2) an individual from obtaining, possessing, or  
21                transporting within their State, manufacturing, or  
22                using marijuana in accordance with a prescription or  
23                recommendation of marijuana by a physician for  
24                medical use by such individual, hereinafter in this  
25                section referred to as “an authorized patient”;

1           (3) an individual authorized under State law to  
2           obtain, possess, transport within their State, or  
3           manufacture marijuana from obtaining, possessing,  
4           transporting within their State, or manufacturing  
5           marijuana on an authorized patient's behalf; or

6           (4) a pharmacy or other entity authorized  
7           under local or State law to distribute medical mari-  
8           juana to authorized patients from obtaining, pos-  
9           sessing or distributing marijuana to such authorized  
10          patients.

11          (b) PRODUCTION.—No provision of the Federal  
12 Food, Drug, and Cosmetic Act shall prohibit or otherwise  
13 restrict an entity authorized by a State or local govern-  
14 ment, in which marijuana may be prescribed or rec-  
15 ommended by a physician for medical use, for the purpose  
16 of producing marijuana for prescription or recommenda-  
17 tion by a physician for medical use from producing, proc-  
18 essing, or distributing marijuana for such purpose.

19 **SEC. 4. RELATION OF ACT TO CERTAIN PROHIBITIONS RE-**  
20 **LATING TO SMOKING.**

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