

115TH CONGRESS
1ST SESSION

H. R. 3534

To make the Controlled Substances Act inapplicable with respect to marihuana in States that have legalized marijuana and have in effect a statewide regulatory regime to protect certain Federal interests, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2017

Ms. DELBENE (for herself, Mr. CICILLINE, Mr. COHEN, and Mr. SMITH of Washington) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, 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 make the Controlled Substances Act inapplicable with respect to marihuana in States that have legalized marijuana and have in effect a statewide regulatory regime to protect certain Federal interests, 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 “State Marihuana And
5 Regulatory Tolerance Enforcement Act”.

1 **SEC. 2. INAPPLICABILITY OF CONTROLLED SUBSTANCES**

2 **ACT TO MARIHUANA IN CERTAIN STATES.**

3 (a) IN GENERAL.—Part E of the Controlled Sub-
4 stances Act (21 U.S.C. 871 et seq.) is amended by adding
5 at the end the following:

6 **“SEC. 521. INAPPLICABILITY TO MARIHUANA IN CERTAIN**
7 **STATES.**

8 “(a) IN GENERAL.—For the period described in sub-
9 section (b), this title shall not apply with respect to the
10 production, manufacture, distribution, prescribing, dis-
11 pensing, possession, and use of marihuana in a State if
12 each of the following conditions is met:

13 “(1) The State submits a request to the Attor-
14 ney General certifying that the State has legalized
15 marihuana for recreational or medical use.

16 “(2) The request includes a certification that
17 the State has, or will have, in effect a statewide reg-
18 ulatory regime for marihuana that is sufficient to
19 protect Federal interests, including each of the fol-
20 lowing:

21 “(A) Preventing the distribution of mari-
22 huana to minors.

23 “(B) Preventing revenue from the sale of
24 marihuana from going to criminal enterprises,
25 gangs, and cartels.

1 “(C) Preventing the diversion of mari-
2 huana from States where the manufacture, dis-
3 tribution, dispensing, and possession of mari-
4 huana is legal to other States.

5 “(D) Preventing State-authorized mari-
6 huana activity from being used as a cover or
7 pretext for the trafficking of other illegal drugs
8 or other illegal activity.

9 “(E) Preventing violence and the use of
10 firearms in the cultivation and distribution of
11 marihuana.

12 “(F) Preventing drugged driving and the
13 exacerbation of other adverse public health con-
14 sequences associated with marihuana use.

15 “(G) Preventing the growing of marihuana
16 on public lands and the attendant public safety
17 and environmental dangers posed by marihuana
18 production on public lands.

19 “(H) Preventing marihuana possession or
20 use on Federal property.

21 “(I) Preventing distribution of tainted
22 marihuana.

23 “(3) The State agrees to study and report an-
24 nually to the Attorney General regarding outcomes

1 of legalizing marihuana in the State on the fol-
2 lowing:

3 “(A) Youth marihuana use.

4 “(B) Rates of driving while intoxicated.

5 “(C) Diversion to other States.

6 “(D) Prevalence of drug-related organized
7 crime activity.

8 “(b) DURATION OF PERIOD.—Subject to subsection
9 (c), the period described in this subsection is, with respect
10 to a State—

11 “(1) the period of 3 years beginning on the date
12 of receipt by the Attorney General of a request
13 under subsection (a)(1); and

14 “(2) any subsequent, consecutive 3-year period
15 if, by the beginning of such period, the State sub-
16 mits a request under subsection (a)(1) for such pe-
17 riod.

18 “(c) DELAYED EFFECTIVE DATE.—The effective pe-
19 riod of a request under subsection (a)(1) shall commence
20 not sooner than the effective date of the State’s regulatory
21 regime required by subsection (a)(2).

22 “(d) LOSS OF WAIVER.—

23 “(1) IN GENERAL.—The Attorney General
24 may—

1 “(A) continually review the production,
2 manufacture, distribution, prescribing, dis-
3 pensing, possession, and use of marihuana in a
4 State with a waiver in effect under subsection
5 (a); and

6 “(B) after providing notice and an oppor-
7 tunity to correct under paragraph (2), revoke
8 such waiver if the Attorney General finds, with
9 respect to such State, that the conditions listed
10 in subsection (a) are no longer met.

11 “(2) NOTICE; OPPORTUNITY TO CORRECT.—If
12 the Attorney General finds that the conditions listed
13 in subsection (a) are no longer met, the Attorney
14 General shall give the State involved—

15 “(A) notice of such finding; and

16 “(B) a period of not less than 180 days to
17 correct any failure to meet the conditions listed
18 in subsection (a).

19 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to prohibit the Federal Government
21 from providing assistance to a State (under Federal law
22 other than this title) in the implementation or enforcement
23 of State law relating to the production, manufacture, dis-
24 tribution, prescribing, dispensing, possession, or use of
25 marihuana.

1 “(f) DEFINITION.—In this section, the term ‘tainted’
2 means containing microbes, pesticides, or controlled sub-
3 stances other than marihuana.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 at the beginning of the Comprehensive Drug Abuse Pre-
6 vention and Control Act of 1970 (Public Law 91–513) is
7 amended by inserting at the end of the items relating to
8 part E of title II the following new item:

“Sec. 521. Inapplicability to marihuana in certain States.”.

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