

116TH CONGRESS  
1ST SESSION

# H. R. 4390

To amend the Immigration and Nationality Act by striking marijuana use, possession, and distribution as grounds of inadmissibility and removal.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2019

Mr. LUJÁN (for himself, Ms. LEE of California, Ms. SCHAKOWSKY, Mrs. WATSON COLEMAN, Mr. CORREA, Mr. GARCÍA of Illinois, Mr. ESPAILLAT, Mr. SWALWELL of California, Ms. NORTON, Mr. CÁRDENAS, Mr. SOTO, Mr. BLUMENAUER, Mr. GALLEG0, Ms. TITUS, Mr. MCGOVERN, Mr. GRIMALVA, Ms. ESCOBAR, Mr. ENGEL, Ms. PINGREE, Mr. POCAN, Mr. HUFFMAN, and Ms. VELÁZQUEZ) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act by striking marijuana use, possession, and distribution as grounds of inadmissibility and removal.

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 “Removing Marijuana  
5 from Deportable Offenses Act”.

1 **SEC. 2. STRIKING MARIJUANA USE, POSSESSION, AND DIS-**  
2 **TRIBUTION AS GROUNDS FOR INADMIS-**  
3 **SIBILITY AND REMOVAL.**

4 (a) IN GENERAL.—The Immigration and Nationality  
5 Act (8 U.S.C. 1101 et seq.) is amended—

6 (1) in section 101(a)(43)(B) (8 U.S.C.  
7 1101(a)(43)(B)), by inserting “other than the dis-  
8 tribution of marijuana,” after “(as defined in section  
9 102 of the Controlled Substances Act)”;

10 (2) in section 212(a)(2) (8 U.S.C. 1182(a)(2)),  
11 by amending subparagraph (F) to read as follows:

12 “(F) MARIJUANA OFFENSES.—Notwith-  
13 standing any other provision of this section, any  
14 offenses involving the use, possession, or dis-  
15 tribution of marijuana shall not be considered  
16 as grounds of inadmissibility.”; and

17 (3) in section 237(a)(2)(B)(i) (8 U.S.C.  
18 1227(a)(2)(B)(i)), by striking “other than a single  
19 offense involving possession for one’s own use of 30  
20 grams or less of marijuana” and inserting “other  
21 than offenses involving the use, possession, or dis-  
22 tribution of marijuana”.

23 (b) RIGHT TO REAPPLY OR RETURN.—

24 (1) REAPPLICATION.—Any alien who was pre-  
25 viously denied a visa to enter the United States as  
26 a direct result of the alien’s use, possession, or dis-

1       tribution of marijuana may reapply for admission to  
2       the United States.

3           (2) REISSUANCE.—Any alien who was deported  
4       from the United States as a direct result of the  
5       alien’s use, possession, or distribution of marijuana  
6       shall be readmitted to the United States and re-  
7       issued the visa that they had at the time of the  
8       alien’s deportation if the alien is not inadmissible  
9       under section 212(a) of the Immigration and Na-  
10      tionality Act, as amended by subsection (a)(2).

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