

118TH CONGRESS
1ST SESSION

H. R. 6673

To amend the Controlled Substances Act to provide for a new rule regarding the application of the Act to marijuana, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2023

Mr. JOYCE of Ohio (for himself, Mrs. CHAVEZ-DEREMER, Mr. MAST, Mr. BLUMENAUER, and Mr. CARTER of Louisiana) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, 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 marijuana, 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 “Strengthening the
5 Tenth Amendment Through Entrusting States 2.0 Act”
6 or the “STATES 2.0 Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) States have vastly different visions for the
4 role of legal cannabis in their cities and counties.
5 Some wish to see a complete prohibition, while oth-
6 ers believe cannabis should be treated like alcohol.
7 States should be empowered to determine their own
8 destiny for the cannabis markets. They should be
9 able to enact time, place, and manner restrictions
10 that help to aid small and craft businesses, impose
11 regulations for health and safety, keep cannabis
12 businesses away from schools, and generally fit with
13 the character and values of the community.

14 (2) While States have the power to determine
15 what happens within their own borders, they cannot
16 make laws permitting or restricting interstate com-
17 merce unilaterally. In the absence of Federal move-
18 ment, the illicit interstate trade in cannabis has per-
19 sisted even in the face of significant State policy
20 changes. The Federal Government should be respon-
21 sible for regulating and tracking this interstate trade
22 to ensure cannabis does not end up where it does
23 not belong.

24 (3) Today's illicit marijuana market represents
25 75 percent of the known marijuana market.

1 (4) Excessive taxation in licensed markets has
2 caused the price of legal marijuana products to ex-
3 ceed that of illegal products by two to three times,
4 contributing to the growth of the illicit market.

5 (5) Because of Federal restrictions on mari-
6 juana activities, marijuana is currently regulated by
7 a punitive tax structure that harms the ability of li-
8 censed operators to sell marijuana products, discour-
9 ages new business creation and growth, and perpet-
10 uates illicit markets.

11 (6) A Federal regulatory program for mari-
12 juana should require a framework that supports crit-
13 ical components such as proper administration and
14 oversight, consumer safety protections, and enforce-
15 ment.

16 (7) The cost of such a program should fall on
17 users of the program through the establishment of
18 a Federal excise tax. Such a Federal marijuana tax
19 should—

20 (A) support a legal market, not illegal
21 sales and illicit activity;

22 (B) be low enough to not exacerbate the
23 level of taxation set by States, thereby avoiding
24 the pyramid effect of adding Federal taxes on
25 top of high State taxes;

1 (C) be administrable and allow for con-
2 sistent and timely collection by the Alcohol and
3 Tobacco Tax and Trade Bureau as primary
4 regulator; and

5 (D) offset the costs of executing the ad-
6 ministrative functions of a Federal regulatory
7 framework for marijuana, including require-
8 ments for testing, enforcement and policing,
9 youth prevention, and substance abuse preven-
10 tion and education.

11 (8) States that legalize cannabis utilize less
12 public safety resources on cannabis arrests. This has
13 allowed more police resources to be devoted to vio-
14 lent and property crime as well as more serious
15 types of illicit substances.

16 **SEC. 3. SENSE OF CONGRESS REGARDING FDA SUPPORT**
17 **FOR TRIBAL SELF-DETERMINATION AND**
18 **SELF-GOVERNMENT WITH RESPECT TO MARI-**
19 **JUANA REGULATION.**

20 It is the sense of Congress that, with respect to the
21 regulation of the manufacture, production, possession, dis-
22 tribution, dispensation, administration, or delivery of
23 marijuana, the Food and Drug Administration should sup-
24 port—

1 (1) self-determination and self-government by
2 Indian tribes (as defined in section 102 of the Fed-
3 erally Recognized Indian Tribe List Act of 1994 (25
4 U.S.C. 5130)); and

5 (2) the treaty rights of such Indian tribes.

6 **SEC. 4. RULE REGARDING APPLICATION TO MARIJUANA.**

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

10 “RULE REGARDING APPLICATION TO MARIJUANA

11 “SEC. 710. (a) STATES.—Notwithstanding any other
12 provision of law, the provisions of this Act as applied to
13 marijuana, except the provisions described in subsection
14 (d) and except as provided in subsection (e), shall not
15 apply to any marijuana manufactured, produced, pos-
16 sessed, distributed, dispensed, administered, or delivered
17 in compliance with State law relating to the manufacture,
18 production, possession, distribution, dispensation, admin-
19 istration, or delivery of marijuana.

20 “(b) INDIAN TRIBES.—Notwithstanding any other
21 provision of law, the provisions of this Act related to mari-
22 juana, except the provisions described in subsection (d)
23 and except as provided in subsection (e), shall not apply
24 to marijuana manufactured, produced, possessed, distrib-
25 uted, dispensed, administered, or delivered in compliance
26 with the law of a federally recognized Indian Tribe relat-

1 ing to the manufacture, production, possession, distribu-
2 tion, dispensation, administration, or delivery of mari-
3 juana within its jurisdiction in Indian country, as defined
4 in section 1151 of title 18, United States Code, so long
5 as such jurisdiction is located within a State that permits,
6 as applicable, the manufacture, production, possession,
7 distribution, dispensation, administration, or delivery of
8 marijuana.

9 “(c) INTERSTATE TRANSPORTATION.—

10 “(1) STATE LAW.—

11 “(A) IN GENERAL.—No State or Indian
12 Tribe may prohibit the transportation or ship-
13 ment of marijuana through the State or the ter-
14 ritory of the Indian Tribe, as applicable, if the
15 originating and destination States or territories
16 permit, as applicable, the manufacture, produc-
17 tion, possession, distribution, dispensation, ad-
18 ministration, or delivery of marijuana.

19 “(B) RULE OF CONSTRUCTION.—Subpara-
20 graph (A) shall not be construed to limit the
21 authority of an originating or destination State
22 or territory to impose reasonable restrictions
23 within its jurisdiction on the manufacture, pro-
24 duction, possession, distribution dispensation,
25 administration, or delivery of marijuana—

1 “(i) through time, place, and manner
2 restrictions; or

3 “(ii) to protect public health and safe-
4 ty.

5 “(2) FEDERAL LAW.—Notwithstanding any
6 other provision of law, the provisions of this title as
7 applied to marijuana, except the provisions described
8 in subsection (d) and except as provided in sub-
9 section (e), shall not apply to any person engaged in
10 marijuana transportation or shipment between two
11 States which States permit, as applicable, the manu-
12 facture, production, possession, distribution, dis-
13 pensation, administration, or delivery of marijuana.

14 “(d) PROVISIONS DESCRIBED.—The provisions de-
15 scribed in this subsection are—

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

18 “(2) section 409;

19 “(3) section 417; and

20 “(4) section 418.

21 “(e) EXCEPTION.—Subsections (a) through (c) shall
22 not apply to any person who—

23 “(1) violates this title with respect to any con-
24 trolled substance other than marijuana;

1 “(2) knowingly or intentionally manufactures,
2 produces, possesses, distributes, dispenses, admin-
3 isters, or delivers any marijuana in violation of the
4 laws of the State or Indian Tribe in which such
5 manufacture, production, possession, distribution,
6 dispensation, administration, or delivery occurs; or

7 “(3) employs or hires any person under 18
8 years of age to manufacture, produce, distribute,
9 dispense, administer, or deliver marijuana.

10 “(f) REMOVAL FROM SCHEDULE.—

11 “(1) IN GENERAL.—For the purposes of this
12 title, marijuana manufactured, produced, possessed,
13 distributed, dispensed, administered, or delivered in
14 compliance with State law or the law of a federally
15 recognized Indian Tribe relating to the manufacture,
16 production, possession, distribution, dispensation,
17 administration, or delivery of marijuana shall be
18 deemed to be a substance that does not meet the re-
19 quirements for inclusion in any schedule.

20 “(2) RULES.—Not later than 180 days after
21 the date of the enactment of this Act, the Attorney
22 General shall finalize a rule under section 201(a)(2)
23 executing paragraph (1) of this subsection.

24 “(g) DEFINITION.—In this section, the term ‘Indian
25 Tribe’ has the meaning given to the term ‘Indian tribe’

1 in section 102 of the Federally Recognized Indian Tribe
2 List Act of 1994 (25 U.S.C. 5130).”.

3 **SEC. 5. TRANSPORTATION SAFETY OFFENSES.**

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

6 (1) in subsection (b), in the matter preceding
7 paragraph (1)—

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

11 (B) by striking “subsection (b)” and in-
12 serting “subsection (c)”;

13 (2) in subsection (c), in the matter preceding
14 paragraph (1)—

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

18 (B) by striking “subsection (a)” and in-
19 serting “subsection (b)”;

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

21 “(d) EXCEPTION.—Subsections (b) and (c) shall not
22 apply to any person who possesses, or possesses with in-
23 tent to distribute marijuana in compliance with section
24 710.”.

1 **SEC. 6. DISTRIBUTION TO PERSONS UNDER AGE 21.**

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

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

7 (2) in subsection (b), in the first sentence, by
8 inserting “and subsection(c) of this section” after
9 “section 419”; and

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

11 “(c) Subsections (a) and (b) shall not apply to any
12 person at least 18 years of age who distributes medicinal
13 marijuana to a person under 21 years of age in compliance
14 with section 710.”.

15 **SEC. 7. REGULATION OF MARIJUANA PRODUCTS BY FOOD
16 AND DRUG ADMINISTRATION.**

17 (a) DEFINITIONS.—

18 (1) MARIJUANA PRODUCT DEFINED.—In this
19 section, the term “marijuana product” means any
20 product made or derived from marijuana that is in-
21 tended for human or animal consumption, including
22 any component of marijuana (except for raw mate-
23 rials other than such marijuana used in manufac-
24 turing a component of such product).

25 (2) OTHER DEFINITIONS.—In this section:

1 (A) The term “biological product” has the
2 meaning given to that term in section 351(i) of
3 the Public Health Service Act (42 U.S.C.
4 262(i)).

5 (B) The term “marijuana” has the mean-
6 ing given to that term in section 102 of the
7 Controlled Substances Act (21 U.S.C. 802).

8 (C) The terms “cosmetic”, “device”, “die-
9 tary supplement”, “drug”, “food”, and “to-
10 bacco product” have the meanings given to such
11 terms in section 201 of the Federal Food,
12 Drug, and Cosmetic Act (21 U.S.C. 321).

13 (b) DRUGS.—A marijuana product meeting the defi-
14 nition of a drug shall be treated as a drug for purposes
15 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
16 301 et seq.).

17 (c) FOOD; DIETARY SUPPLEMENTS.—The Secretary
18 of Health and Human Services, acting through the Com-
19 missioner of Food and Drugs, shall have the same authori-
20 ties under the Federal Food, Drug, and Cosmetic Act (21
21 U.S.C. 301 et seq.) and other applicable law to regulate
22 a marijuana product that is food or a dietary supplement
23 as the Food and Drug Administration has with respect
24 to food containing alcohol.

1 (d) COSMETICS.—A marijuana product meeting the
2 definition of a cosmetic shall be treated as a cosmetic for
3 purposes of the Federal Food, Drug, and Cosmetic Act
4 (21 U.S.C. 301 et seq.).

5 (e) OTHER PRODUCTS.—

6 (1) IN GENERAL.—A marijuana product that is
7 not covered by subsection (b), (c), or (d) may be
8 lawfully marketed pursuant to regulations issued
9 under paragraph (2).

10 (2) REGULATION.—Not later than 180 days
11 after the date of enactment of this Act, the Sec-
12 retary of Health and Human Services, acting
13 through the Commissioner of Food and Drugs, shall
14 promulgate a regulation with respect to marijuana
15 products described in paragraph (1).

16 (3) CONTENTS.—The regulation under para-
17 graph (2) shall include requirements for—

18 (A) contaminant testing;

19 (B) manufacturing practices; and

20 (C) marketing practices and postmarket
21 reporting, with special attention to preventing
22 consumption by youths.

23 (4) NO PREMARKET APPROVAL REQUIRED.—

24 The regulation under paragraph (2) shall not re-

1 quire premarket approval of marijuana products de-
2 scribed in paragraph (1).

3 (f) NO MARKETING IN COMBINATION WITH CERTAIN
4 OTHER PRODUCTS.—A marijuana product marketed in
5 combination with a drug, a biological product, a device,
6 a tobacco product, or an alcohol product is deemed to be
7 adulterated for purposes of the Federal Food, Drug, and
8 Cosmetic Act (21 U.S.C. 301 et seq.).

9 **SEC. 8. COMPTROLLER GENERAL STUDY ON EFFECTS OF**
10 **MARIJUANA LEGALIZATION ON TRAFFIC**
11 **SAFETY.**

12 (a) IN GENERAL.—The Comptroller General of the
13 United States shall conduct a study on the effects of mari-
14 juana legalization on traffic safety.

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

17 (1) traffic crashes, fatalities, and injuries in
18 States that have legalized marijuana use, including
19 whether States are able to accurately evaluate mari-
20 juana impairment in those incidents;

21 (2) actions taken by the States referred to in
22 paragraph (1) to address marijuana-impaired driv-
23 ing, including any challenges faced in addressing
24 marijuana-impaired driving;

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

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

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

16 **SEC. 9. RULE OF CONSTRUCTION.**

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

19 (1) shall not be unlawful;

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

24 (3) shall not constitute the basis for forfeiture
25 of property under section 511 of the Controlled Sub-

1 stances Act (21 U.S.C. 881) or section 981 of title
2 18, United States Code; and

3 (4) shall not be subject to section 280E of the
4 Internal Revenue Code of 1986, relating to expendi-
5 tures in connection with the illegal sale of drugs.

6 (b) PROCEEDS.—The proceeds from any transaction
7 in compliance with this Act and the amendments made
8 by this Act shall not be deemed to be the proceeds of an
9 unlawful transaction under section 1956 or 1957 of title
10 18, United States Code, or any other provision of law.

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