

116TH CONGRESS  
1ST SESSION

# S. 1028

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

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## IN THE SENATE OF THE UNITED STATES

APRIL 4, 2019

Ms. WARREN (for herself, Mr. GARDNER, Mr. BENNET, Ms. CORTEZ MASTO, Mr. CRAMER, Ms. KLOBUCHAR, Ms. MURKOWSKI, Mr. PAUL, Mr. SULLIVAN, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Controlled Substances Act to provide for a new rule regarding the application of the Act to marihuana, 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 Act” or  
6 the “STATES Act”.

1 **SEC. 2. RULE REGARDING APPLICATION TO MARIHUANA.**

2 Part G of the Controlled Substances Act (21 U.S.C.  
3 801 et seq.) is amended by adding at the end the fol-  
4 lowing:

5 “RULE REGARDING APPLICATION TO MARIHUANA

6 “SEC. 710. (a) Notwithstanding any other provision  
7 of law, the provisions of this title as applied to marihuana,  
8 other than the provisions described in subsection (c) and  
9 other than as provided in subsection (d), shall not apply  
10 to any person acting in compliance with State law relating  
11 to the manufacture, production, possession, distribution,  
12 dispensation, administration, or delivery of marihuana.

13 “(b) Notwithstanding any other provision of law, the  
14 provisions of this title related to marihuana, other than  
15 the provisions described in subsection (c) and other than  
16 as provided in subsection (d), shall not apply to any person  
17 acting in compliance with the law of a Federally recog-  
18 nized Indian tribe within its jurisdiction in Indian Coun-  
19 try, as defined in section 1151 of title 18, United States  
20 Code, related to the manufacture, production, possession,  
21 distribution, dispensation, administration, or delivery of  
22 marihuana so long as such jurisdiction is located within  
23 a State that permits, respectively, manufacture, produc-  
24 tion, possession, distribution, dispensation, administra-  
25 tion, or delivery of marihuana.

26 “(c) The provisions described in this subsection are—

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

3 “(2) section 409;

4 “(3) section 417; and

5 “(4) section 418.

6 “(d) Subsection (a) shall not apply to any person  
7 who—

8 “(1) violates the Controlled Substances Act  
9 with respect to any other controlled substance;

10 “(2) notwithstanding compliance with State or  
11 tribal law, knowingly or intentionally manufactures,  
12 produces, possesses, distributes, dispenses, admin-  
13 isters, or delivers any other marihuana in violation  
14 of the laws of the State or tribe in which such man-  
15 ufacture, production, possession, distribution, dis-  
16 pensation, administration, or delivery occurs; or

17 “(3) employs or hires any person under 18  
18 years of age to manufacture, produce, distribute,  
19 dispense, administer, or deliver marihuana.”.

20 **SEC. 3. TRANSPORTATION SAFETY OFFENSES.**

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

23 (1) in subsection (b), in the matter preceding  
24 paragraph (1)—

1 (A) by striking “A person” and inserting  
2 “Except as provided in subsection (d), a per-  
3 son”; and

4 (B) by striking “subsection (b)” and in-  
5 serting “subsection (e)”;

6 (2) in subsection (c), 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 (a)” and in-  
12 serting “subsection (b)”;

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

14 “(d) EXCEPTION.—Subsections (b) and (c) shall not  
15 apply to any person who possesses, or possesses with in-  
16 tent to distribute marihuana in compliance with section  
17 710.”.

18 **SEC. 4. DISTRIBUTION TO PERSONS UNDER AGE 21.**

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

21 (1) in subsection (a), in the first sentence, by  
22 inserting “and subsection (c) of this section” after  
23 “section 419”;

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

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

5           “(c) Subsections (a) and (b) shall not apply to any  
6           person at least 18 years of age who distributes medicinal  
7           marihuana to a person under 21 years of age in compli-  
8           ance with section 710.”.

9   **SEC. 5. COMPTROLLER GENERAL STUDY ON EFFECTS OF**  
10                   **MARIHUANA 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           huana 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 marihuana use, including  
19                   whether States are able to accurately evaluate mari-  
20                   huana impairment in those incidents;

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

1           (3) testing standards used by the States re-  
2           ferred to in paragraph (1) to evaluate marihuana  
3           impairment 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 marihuana 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. 6. 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; and

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.

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

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