

116TH CONGRESS
2D SESSION

S. 4386

To decriminalize and deschedule cannabis, to provide for the regulation of cannabis and cannabis products to protect public health and safety, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 30, 2020

Ms. SMITH introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To decriminalize and deschedule cannabis, to provide for the regulation of cannabis and cannabis products to protect public health and safety, 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 “Substance Regulation
5 and Safety Act of 2020”.

6 **SEC. 2. DECRIMINALIZATION OF CANNABIS.**

7 (a) CANNABIS REMOVED FROM SCHEDULE OF CON-
8 TROLLED SUBSTANCES.—

1 (1) REMOVAL IN STATUTE.—Subsection (c) of
2 schedule I of section 202(c) of the Controlled Sub-
3 stances Act (21 U.S.C. 812(c)) is amended—

4 (A) by striking “(10) Marihuana.”; and

5 (B) by striking “(17)
6 Tetrahydrocannabinols, except for
7 tetrahydrocannabinols in hemp (as defined
8 under section 297A of the Agricultural Mar-
9 keting Act of 1946).”.

10 (2) REMOVAL FROM SCHEDULE.—

11 (A) IN GENERAL.—Not later than 180
12 days after the date of enactment of this Act,
13 the Attorney General shall finalize a rulemaking
14 under section 201(a)(2) of the Controlled Sub-
15 stances Act (21 U.S.C. 811(a)(2)) removing
16 marihuana and tetrahydrocannabinols from the
17 schedules of controlled substances.

18 (B) DRUGS DO NOT MEET REQUIRE-
19 MENTS.—Marihuana and tetrahydrocannabinols
20 shall each be deemed to be a drug or other sub-
21 stance that does not meet the requirements for
22 inclusion in any schedule under the Controlled
23 Substances Act (21 U.S.C. 801 et seq.).

24 (C) EFFECTIVE DATE.—The rulemaking
25 under subparagraph (A) shall be considered to

1 have taken effect as of the date of enactment
2 of this Act for purposes of any offense com-
3 mitted, case pending, or conviction entered, and
4 in the case of a juvenile, any offense committed,
5 case pending, or adjudication of juvenile delin-
6 quency entered, before, on, or after the date of
7 enactment of this Act.

8 (b) CONFORMING AMENDMENTS TO CONTROLLED
9 SUBSTANCES ACT.—The Controlled Substances Act (21
10 U.S.C. 801 et seq.) is amended—

11 (1) in section 102(44) (21 U.S.C. 802(44)), by
12 striking “marihuana,”;

13 (2) in section 401(b) (21 U.S.C. 841(b))—

14 (A) in paragraph (1)—

15 (i) in subparagraph (A)—

16 (I) in clause (vi), by inserting
17 “or” after the semicolon;

18 (II) by striking clause (vii); and

19 (III) by redesignating clause
20 (viii) as clause (vii);

21 (ii) in subparagraph (B)—

22 (I) in clause (vi), by inserting
23 “or” after the semicolon;

24 (II) by striking clause (vii); and

1 (III) by redesignating clause
2 (viii) as clause (vii);
3 (iii) in subparagraph (C), in the first
4 sentence, by striking “subparagraphs (A),
5 (B), and (D)” and inserting “subpara-
6 graphs (A) and (B)”;
7 (iv) by striking subparagraph (D);
8 (v) by redesignating subparagraph (E)
9 as subparagraph (D); and
10 (vi) in subparagraph (D)(i), as so re-
11 designated, by striking “subparagraphs (C)
12 and (D)” and inserting “subparagraph
13 (C)”;
14 (B) by striking paragraph (4); and
15 (C) by redesignating paragraphs (5), (6),
16 and (7) as paragraphs (4), (5), and (6), respec-
17 tively;
18 (3) in section 402(c)(2)(B) (21 U.S.C.
19 842(c)(2)(B)), by striking “, marihuana,”;
20 (4) in section 403(d)(1) (21 U.S.C. 843(d)(1)),
21 by striking “, marihuana,”;
22 (5) in section 418(a) (21 U.S.C. 859(a)), by
23 striking the last sentence;
24 (6) in section 419(a) (21 U.S.C. 860(a)), by
25 striking the last sentence;

1 (7) in section 422(d) (21 U.S.C. 863(d))—

2 (A) in the matter preceding paragraph (1),
3 by striking “marijuana,”; and

4 (B) in paragraph (5), by striking “, such
5 as a marihuana cigarette,”; and

6 (8) in section 516(d) (21 U.S.C. 886(d)), by
7 striking “section 401(b)(6)” each place the term ap-
8 pears and inserting “section 401(b)(5)”.

9 (c) OTHER CONFORMING AMENDMENTS.—

10 (1) NATIONAL FOREST SYSTEM DRUG CONTROL
11 ACT OF 1986.—The National Forest System Drug
12 Control Act of 1986 (16 U.S.C. 559b et seq.) is
13 amended—

14 (A) in section 15002(a) (16 U.S.C.
15 559b(a)) by striking “marijuana and other”;

16 (B) in section 15003(2) (16 U.S.C.
17 559c(2)) by striking “marijuana and other”;
18 and

19 (C) in section 15004(2) (16 U.S.C.
20 559d(2)) by striking “marijuana and other”.

21 (2) INTERCEPTION OF COMMUNICATIONS.—Sec-
22 tion 2516 of title 18, United States Code, is amend-
23 ed—

24 (A) in subsection (1)(e), by striking “,
25 marihuana,”; and

1 (B) in subsection (2), by striking “, mari-
2 huana”.

3 (d) RETROACTIVITY.—The amendments made by this
4 section to the Controlled Substances Act (21 U.S.C. 801
5 et seq.) are retroactive and shall apply to any offense com-
6 mitted, case pending, or conviction entered, and, in the
7 case of a juvenile, any offense committed, case pending,
8 or adjudication of juvenile delinquency entered, before, on,
9 or after the date of enactment of this Act.

10 **SEC. 3. REGULATION OF CANNABIS PRODUCTS BY THE**
11 **FOOD AND DRUG ADMINISTRATION.**

12 (a) IN GENERAL.—The Secretary of Health and
13 Human Services (referred to in this section as the “Sec-
14 retary”), acting through the Commissioner of Food and
15 Drugs, shall regulate cannabis products in the same man-
16 ner, and to the same extent, as the Secretary regulates
17 tobacco products under the Federal Food, Drug, and Cos-
18 metic Act (21 U.S.C. 301 et seq.), including by applying
19 all labeling and advertising requirements that apply to to-
20 bacco products under such Act to cannabis products.

21 (b) MINIMUM AGE FOR PURCHASING CANNABIS.—

22 (1) IN GENERAL.—It shall be unlawful for any
23 retailer to sell cannabis, or any cannabis-derived
24 product, to any individual younger than 21 years of
25 age.

1 tion of such application to cannabis or cannabis-de-
2 rived substances.”.

3 **SEC. 5. NATIONAL STRATEGY TO COMBAT YOUTH USE OF**
4 **CANNABIS.**

5 (a) IN GENERAL.—The Secretary of Health and
6 Human Services (referred to in this section as the “Sec-
7 retary”) shall develop a national strategy to prevent youth
8 use and abuse of cannabis, with specific attention to youth
9 vaping of cannabis products.

10 (b) PREVENTING RACIALLY DISPARATE IMPACTS.—

11 (1) CONSULTATION; RECOMMENDATIONS.—As
12 part of the strategy under subsection (a), not later
13 than 100 days after the date of enactment of this
14 Act, the Secretary shall consult with civil rights
15 stakeholders and the heads of other Federal agen-
16 cies, as appropriate, to—

17 (A) assess whether cannabis abuse preven-
18 tion strategies and policies are likely to have ra-
19 cially disparate impacts; and

20 (B) obtain recommendations to prevent ra-
21 cially disparate impacts in such strategies and
22 policies.

23 (2) SUMMARY.—Not later than 1 year after the
24 date of enactment of this Act, the Secretary shall

1 publish a summary of the consultation conducted
2 under paragraph (1), including—

3 (A) a description of the process involved in
4 such consultation;

5 (B) enumerated recommendations obtained
6 under paragraph (1)(B); and

7 (C) enumerated explanations for why the
8 Secretary has adopted or has not adopted each
9 such recommendation.

10 **SEC. 6. DEPARTMENT OF AGRICULTURE REGULATIONS.**

11 (a) **IN GENERAL.**—Not later than 1 year after the
12 date of enactment of this Act, the Secretary of Agriculture
13 shall promulgate regulations, as appropriate, relating to—

14 (1) the production of cannabis with respect to
15 health, safety, and quality; and

16 (2) quality control of cannabis intended for use
17 in consumer cannabis products regulated under sec-
18 tion 3 in accordance with the regulations developed
19 by the Commissioner of Food and Drugs under sub-
20 section (c) of such section.

21 (b) **CONSULTATION.**—In carrying out subsection (a),
22 the Secretary of Agriculture shall consult, as appropriate,
23 with the Commissioner of Food and Drugs, the Secretary
24 of Health and Human Services, and the head of any other
25 relevant Federal agency.

1 **SEC. 7. REGULATIONS WITH RESPECT TO IMPORTATION**
2 **AND EXPORTATION OF CANNABIS AND CAN-**
3 **NABIS PRODUCTS.**

4 Not later than one year after the date of the enact-
5 ment of this Act, the Commissioner of U.S. Customs and
6 Border Protection, in consultation (as appropriate) with
7 the Attorney General, the Secretary of Agriculture, and
8 the Administrator of the Environmental Protection Agen-
9 cy, shall prescribe regulations with respect to the importa-
10 tion and exportation of cannabis and cannabis products.

11 **SEC. 8. HIGHWAY TRAFFIC SAFETY RESEARCH AND RE-**
12 **PORT.**

13 (a) RESEARCH.—

14 (1) IN GENERAL.—The Secretary of Transpor-
15 tation, acting through the Administrator of the Na-
16 tional Highway Traffic Safety Administration (re-
17 ferred to in this section as the “Secretary”), shall
18 conduct research to identify reliable, evidence-based
19 methods for detecting cannabis-impaired driving.

20 (2) COORDINATION.—In conducting the re-
21 search under paragraph (1), the Secretary shall co-
22 ordinate with the heads of other Federal agencies, as
23 appropriate.

24 (b) EVALUATION.—

25 (1) IN GENERAL.—The Secretary shall evaluate
26 each method for detecting cannabis-impaired driving

1 identified pursuant to the research conducted under
2 subsection (a) to determine whether the method is
3 likely to contribute to racially disparate impacts in
4 the enforcement of traffic safety laws.

5 (2) CONSULTATION.—

6 (A) CONSULTATION REQUIRED.—In evalu-
7 ating a method for detecting cannabis-impaired
8 driving under paragraph (1), the Secretary
9 shall consult with—

10 (i) civil rights stakeholders; and

11 (ii) the heads of other Federal agen-
12 cies, as appropriate.

13 (B) RECOMMENDATIONS AND BEST PRAC-
14 TICES.—

15 (i) IN GENERAL.—The civil rights
16 stakeholders consulted under subparagraph
17 (A)(i) may develop recommendations and
18 best practices designed to prevent racially
19 disparate impacts in the enforcement of
20 traffic safety laws with respect to the use
21 of any method for detecting cannabis-im-
22 paired driving.

23 (ii) CONSIDERATION OF REC-
24 OMMENDATIONS AND BEST PRACTICES.—

25 The Secretary shall consider any rec-

1 ommendations or best practices developed
2 under clause (i) in determining whether to
3 adopt for purposes of any guidance issued,
4 regulation promulgated, or grant adminis-
5 tered by the National Highway Traffic
6 Safety Administration a method for detect-
7 ing cannabis-impaired driving identified
8 pursuant to the research conducted under
9 subsection (a).

10 (iii) PUBLIC AVAILABILITY.—Any rec-
11 ommendations or best practices developed
12 under clause (i) shall be made publicly
13 available on the website of the National
14 Highway Traffic Safety Administration.

15 (c) REPORT.—The Secretary shall publish in the
16 Federal Register and on the website of the National High-
17 way Traffic Safety Administration a report describing—

18 (1) the research conducted under subsection
19 (a); and

20 (2) each evaluation conducted under subsection
21 (b), including—

22 (A) a description of the consultation proc-
23 ess carried out under paragraph (2) of that
24 subsection;

1 (B) a description of each recommendation
2 or best practice developed by civil rights stake-
3 holders under subparagraph (B) of that para-
4 graph; and

5 (C) an explanation of the reasons for
6 adopting or not adopting for purposes of any
7 guidance issued, regulation promulgated, or
8 grant administered by the National Highway
9 Traffic Safety Administration—

10 (i) each method for detecting can-
11 nabis-impaired driving identified pursuant
12 to the research conducted under subsection
13 (a); and

14 (ii) each recommendation or best
15 practice developed by civil rights stake-
16 holders under subsection (b)(2)(B).

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