

113TH CONGRESS  
1ST SESSION

# H. R. 689

To provide for the rescheduling of marijuana and for the medical use of marijuana in accordance with the laws of the various States.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2013

Mr. BLUMENAUER (for himself, Mr. ROHRABACHER, Mr. POLIS, Ms. LEE of California, Mr. MORAN, Mr. COHEN, Mr. FARR, Mr. GRIJALVA, Mr. NADLER, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mr. HONDA, and Mr. HUFFMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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

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## A BILL

To provide for the rescheduling of marijuana and for the medical use of marijuana in accordance with the laws of the various States.

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 “States’ Medical Mari-  
5       juana Patient Protection Act”.

6       **SEC. 2. CONTROLLED SUBSTANCES ACT.**

7       (a) SCHEDULE.—

1           (1) Not later than 180 days after the date of  
2           enactment of this Act, the Secretary of Health and  
3           Human Services, in cooperation with the National  
4           Academy of Sciences' Institute of Medicine, shall  
5           submit to the Administrator of the Drug Enforce-  
6           ment Administration a recommendation on the list-  
7           ing of marijuana within the Controlled Substances  
8           Act (21 U.S.C. 801 et seq.), and shall recommend  
9           a listing other than "Schedule I" or "Schedule II".

10           (2) Not later than one year after the date of  
11           enactment of this Act, the Administrator of the  
12           Drug Enforcement Administration shall, based upon  
13           the recommendation under paragraph (1), issue a  
14           notice of proposed rulemaking for the rescheduling  
15           of marijuana within the Controlled Substances Act,  
16           which shall include a recommendation to list mari-  
17           juana as other than a "Schedule I" or "Schedule II"  
18           substance.

19           (b) LIMITATIONS ON THE APPLICATION OF THE CON-  
20           TROLLED SUBSTANCES ACT.—

21           (1) IN GENERAL.—No provision of the Con-  
22           trolled Substances Act shall prohibit or otherwise re-  
23           strict in a State in which the medical use of mari-  
24           juana is legal under State law—

1 (A) the prescription or recommendation of  
2 marijuana for medical use by a medical profes-  
3 sional or the certification by a medical profes-  
4 sional that a patient has a condition for which  
5 marijuana may have therapeutic benefit;

6 (B) an individual from obtaining, manufac-  
7 turing, possessing, or transporting within their  
8 State marijuana for medical purposes, provided  
9 the activities are authorized under State law; or

10 (C) a pharmacy or other entity authorized  
11 under local or State law to distribute medical  
12 marijuana to individuals authorized to possess  
13 medical marijuana under State law from ob-  
14 taining, possessing or distributing marijuana to  
15 such individuals.

16 (2) PRODUCTION.—No provision of the Con-  
17 trolled Substances Act shall prohibit or otherwise re-  
18 strict an entity authorized by a State or local gov-  
19 ernment, in a State in which the possession and use  
20 of marijuana for medical purposes is legal from pro-  
21 ducing, processing, or distributing marijuana for  
22 such purposes.

23 **SEC. 3. FEDERAL FOOD, DRUG, AND COSMETIC ACT.**

24 (a) IN GENERAL.—No provision of the Federal Food,  
25 Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) shall pro-

1 hibit or otherwise restrict in a State in which the medical  
2 use of marijuana is legal under State law—

3           (1) the prescription or recommendation of mari-  
4           juana for medical use by a medical professional or  
5           the certification by a medical professional that a pa-  
6           tient has a condition for which marijuana may have  
7           therapeutic benefit;

8           (2) an individual from obtaining, manufac-  
9           turing, possessing, or transporting within their State  
10          marijuana for medical purposes, provided the activi-  
11          ties are authorized under State law; or

12          (3) a pharmacy or other entity authorized  
13          under local or State law to distribute medical mari-  
14          juana to individuals authorized to possess medical  
15          marijuana under State law from obtaining, pos-  
16          sessing, or distributing marijuana to such individ-  
17          uals.

18          (b) PRODUCTION.—No provision of the Federal  
19          Food, Drug, and Cosmetic Act shall prohibit or otherwise  
20          restrict an entity authorized by a State or local govern-  
21          ment, in a State in which the possession and use of mari-  
22          juana for medical purposes is legal from producing, proc-  
23          essing, or distributing marijuana for such purpose.

1 **SEC. 4. ADMINISTRATION OF REGISTRATION REQUIRE-**  
2 **MENTS RELATED TO MARIJUANA RESEARCH.**

3 Not later than 180 days after the date of enactment  
4 of this Act, the Attorney General shall delegate responsi-  
5 bility under section 303(f) of the Controlled Substances  
6 Act (21 U.S.C. 823(f)) for control over access to mari-  
7 juana for research into its potential therapeutic and me-  
8 dicinal uses to an entity of the Executive Branch that is  
9 not focused on researching the addictive properties of sub-  
10 stances. That entity shall take appropriate actions to en-  
11 sure that an adequate supply of marijuana is available for  
12 therapeutic and medicinal research.

13 **SEC. 5. RELATION OF ACT TO CERTAIN PROHIBITIONS RE-**  
14 **LATING TO SMOKING.**

15 This Act does not affect any Federal, State, or local  
16 law regulating or prohibiting smoking in public.

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