

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2992
OFFERED BY MR. GAETZ OF FLORIDA**

Add at the end of the bill the following:

1 **SECTION 5. STRENGTHENING THE TENTH AMENDMENT**
2 **THROUGH ENTRUSTING STATES.**

3 (a) RULE REGARDING APPLICATION TO MARI-
4 HUANA.—Part G of the Controlled Substances Act (21
5 U.S.C. 801 et seq.) is amended by adding at the end the
6 following:

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

15 “(b) Notwithstanding any other provision of law, the
16 provisions of this title related to marihuana, other than
17 the provisions described in subsection (c) and other than
18 as provided in subsection (d), shall not apply to any person
19 acting in compliance with the law of a federally recognized

1 Indian tribe within its jurisdiction in Indian country, as
2 defined in section 1151 of title 18, United States Code,
3 related to the manufacture, production, possession, dis-
4 tribution, dispensation, administration, or delivery of mar-
5 ihuana so long as such jurisdiction is located within a
6 state that permits, respectively, manufacture, production,
7 possession, distribution, dispensation, administration, or
8 delivery of marihuana.

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

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

12 “(2) section 409;

13 “(3) section 417; and

14 “(4) section 418.

15 “(d) Subsection (a) shall not apply to any person
16 who—

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

19 “(2) notwithstanding compliance with State or
20 tribal law, knowingly or intentionally manufactures,
21 produces, possesses, distributes, dispenses, admin-
22 isters, or delivers any other marihuana in violation
23 of the laws of the State or tribe in which such man-
24 ufacture, production, possession, distribution, dis-
25 pensation, administration, or delivery occurs; or

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

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

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

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

12 (B) by striking “subsection (b)” and in-
13 serting “subsection (e)”;

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

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

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

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

22 “(d) EXCEPTION.—Subsections (b) and (c) shall not
23 apply to any person who possesses, or possesses with in-
24 tent to distribute marihuana in compliance with section
25 710.”.

1 (c) DISTRIBUTION TO PERSONS UNDER AGE 21.—
2 Section 418 of the Controlled Substances Act (21 U.S.C.
3 859) 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 marihuana to a person under 21 years of age in compli-
14 ance with section 710.”.

15 (d) COMPTROLLER GENERAL STUDY ON EFFECTS OF
16 MARIHUANA LEGALIZATION ON TRAFFIC SAFETY.—

17 (1) IN GENERAL.—The Comptroller General of
18 the United States shall conduct a study on the ef-
19 fects of marihuana legalization on traffic safety.

20 (2) INCLUSIONS.—The study conducted under
21 paragraph (1) shall include a detailed assessment
22 of—

23 (A) traffic crashes, fatalities, and injuries
24 in States that have legalized marihuana use, in-
25 cluding whether States are able to accurately

1 evaluate marihuana impairment in those inci-
2 dents;

3 (B) actions taken by the States referred to
4 in subparagraph (A) to address marihuana-im-
5 paired driving, including any challenges faced in
6 addressing marihuana-impaired driving;

7 (C) testing standards used by the States
8 referred to in subparagraph (A) to evaluate
9 marihuana impairment in traffic crashes, fatali-
10 ties, and injuries, including any scientific meth-
11 ods used to determine impairment and analyze
12 data; and

13 (D) Federal initiatives aiming to assist
14 States that have legalized marihuana with traf-
15 fic safety, including recommendations for poli-
16 cies and programs to be carried out by the Na-
17 tional Highway Traffic Safety Administration.

18 (3) REPORT.—Not later than 1 year after the
19 date of enactment of this Act, the Comptroller Gen-
20 eral of the United States shall submit to the appro-
21 priate committees of Congress a report on the re-
22 sults of the study conducted under paragraph (1).

23 (e) RULE OF CONSTRUCTION.—

1 (1) IN GENERAL.—Conduct in compliance with
2 this section and the amendments made by this sec-
3 tion—

4 (A) shall not be unlawful;

5 (B) shall not constitute trafficking in a
6 controlled substance under section 401 of the
7 Controlled Substances Act (21 U.S.C. 841) or
8 any other provision of law; and

9 (C) shall not constitute the basis for for-
10 feiture of property under section 511 of the
11 Controlled Substances Act (21 U.S.C. 881) or
12 section 981 of title 18, United States Code.

13 (2) PROCEEDS.—The proceeds from any trans-
14 action in compliance with this section and the
15 amendments made by this section shall not be
16 deemed to be the proceeds of an unlawful trans-
17 action under section 1956 or 1957 of title 18,
18 United States Code, or any other provision of law.

