H. R. 171

To provide for the legitimate use of medicinal marihuana in accordance with the laws of the various States.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2019

Mr. GRIFFITH introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To provide for the legitimate use of medicinal marihuana in accordance with the laws of the various States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Legitimate Use of Medicinal Marihuana Act” or the “LUMMA”.

SEC. 2. SCHEDULING OF MARIHUANA; PRESCRIPTIONS.

(a) Schedule.—Marihuana is moved from schedule I of the Controlled Substances Act to schedule II of such Act.

(b) Prescription.—
(1) IN GENERAL.—In a State in which marihuana may be prescribed by a physician for medical use under applicable State law, no provision of the Controlled Substances Act (21 U.S.C. 801 et seq.) or of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) shall prohibit or otherwise restrict—

(A) the prescription of marihuana by a physician for medical use;

(B) an individual who is an authorized patient from obtaining, possessing, transporting within the individual’s State, or using marihuana for that individual’s medical use;

(C) an individual authorized under State law to obtain, possess, transport within their State, or manufacture marihuana, from obtaining, possessing, transporting within that State, or manufacturing marihuana pursuant to that authorization; or

(D) a pharmacy or other entity authorized under State law to distribute medical marihuana to an authorized patient, from obtaining or possessing marihuana for that purpose, or from distributing marihuana to an authorized patient for medical use.
(2) PRODUCTION.—No provision of the Controlled Substances Act (21 U.S.C. 801 et. seq.) or of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) shall prohibit or otherwise restrict an entity authorized by a State, in which marihuana may be prescribed by a physician for medical use, for the purpose of producing marihuana for prescription by a physician for medical use, from producing, processing, or distributing marihuana for such purpose.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term “authorized patient” means an individual using marihuana in accordance with a prescription of marihuana by a physician for medical use;

(2) the term “physician” means a practitioner of medicine, who—

(A) graduated from a college of medicine or osteopathy; and

(B) is licensed by the appropriate State board;

(3) the term “prescription” means an instruction written by a medical physician in accordance
with applicable State law that authorizes a patient
to be issued with a medicine or treatment; and

(4) the term “State” includes the District of
Columbia, Puerto Rico, and any other territory or
possession of the United States.

SEC. 4. RELATION OF ACT TO CERTAIN PROHIBITIONS RELATING TO SMOKING.

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