To decriminalize marijuana, and for other purposes.

---

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2019

Mr. JEFFRIES (for himself, Ms. LEE of California, Mr. BLUMENAUER, Ms. NORTON, Ms. SCHIAKOWSKY, Mr. COHEN, Miss RICE of New York, Mr. CÁRDENAS, Mr. HUFFMAN, Mr. ESPAILLAT, Ms. CLARKE of New York, Mr. RUSH, Mr. POCAN, Ms. GABBARD, Ms. TLAIB, Mr. JOHNSON of Georgia, Mr. HASTINGS, Mr. SERRANO, Mr. PERLMUTTER, Mr. TRONE, Mr. LOWENTHAL, Ms. HAALAND, Mr. RASKIN, Ms. JAYAPAL, Mr. MCGOVERN, Ms. CLARK of Massachusetts, Mr. CRIST, Mr. NEGUSE, Mr. CORREA, Mr. ENGEL, Mr. SOTO, Mr. GRIJALVA, and Mr. TED LIEU of California) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Natural Resources, Agriculture, Transportation and Infrastructure, and Small Business, 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

---

A BILL

To decriminalize marijuana, and for other purposes.

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 “Marijuana Freedom and Opportunity Act”.

1

2

3

4

5
SEC. 2. DECRIMINALIZATION OF MARIJUANA.

(a) MARIHUANA REMOVED FROM SCHEDULE OF CONTROlLED SUBSTANCES.—Subsection (c) of schedule I of section 202(c) of the Controlled Substances Act (21 U.S.C. 812) is amended—

(1) by striking “marihuana”; and

(2) by striking “tetrahydrocannabinols”.

(b) REMOVAL OF PROHIBITION ON IMPORT AND EXPORT.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960) is amended—

(1) in paragraph (1)—

(A) in subparagraph (F), by inserting “or” after the semicolon;

(B) by striking subparagraph (G); and

(C) by redesignating subparagraph (H) as subparagraph (G);

(2) in paragraph (2)—

(A) in subparagraph (F), by inserting “or” after the semicolon;

(B) by striking subparagraph (G); and

(C) by redesignating subparagraph (H) as subparagraph (G);

(3) in paragraph (3), by striking “paragraphs (1), (2), and (4)” and inserting “paragraphs (1) and (2)”;

(4) by striking paragraph (4); and
(5) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively.

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

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

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

(A) in paragraph (1)—

(i) in subparagraph (A)—

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

(II) by striking (vii); and

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

(ii) in subparagraph (B)—

(I) by striking clause (vii); and

(II) by redesignating clause (viii) as clause (vii);

(iii) in subparagraph (C), in the first sentence, by striking “subparagraphs (A), (B), and (D)” and inserting “subparagraphs (A) and (B)”;

(iv) by striking subparagraph (D);
(v) by redesignating subparagraph (E) as subparagraph (D); and

(vi) in subparagraph (D)(i), as so redesignated, by striking “subparagraphs (C) and (D)” and inserting “subparagraph (C)”;

(B) by striking paragraph (4); and

(C) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively;

(3) in section 402(c)(2)(B) (21 U.S.C. 842(c)(2)(B)), by striking “, marihuana,”;

(4) in section 403(d)(1) (21 U.S.C. 843(d)(1)), by striking “, marihuana,”;

(5) in section 418(a) (21 U.S.C. 859(a)), by striking the last sentence;

(6) in section 419(a) (21 U.S.C. 860(a)), by striking the last sentence;

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

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

(B) in paragraph (5), by striking “, such as a marihuana cigarette,”; and
(8) in section 516(d) (21 U.S.C. 886(d)), by striking “section 401(b)(6)” each place the term appears and inserting “section 401(b)(5)”.

(d) Other Conforming Amendments.—


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

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

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

(2) Interception of Communications.—Section 2516 of title 18, United States Code, is amended—

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

(B) in subsection (2) by striking “marihuana,”.

SEC. 3. LEVEL THE ECONOMIC PLAYING FIELD.

(a) Estimate.—On an annual basis, the Secretary of the Treasury shall make a reasonable estimate of total
tax revenue generated by the marijuana industry for the
previous 12-month period.

(b) Transfer.—The Secretary of the Treasury shall
transfer from the general fund of the Treasury to the trust
fund established under subsection (c) the greater of—

(1) an amount equal to 10 percent of the
amount estimated under subsection (a); and

(2) $10,000,000.

c) Trust Fund.—

(1) In General.—There is established in the
Treasury of the United States a trust fund to be
known as the Marijuana Opportunity Trust Fund,
which shall consist of amounts transferred under
subsection (b).

(2) Use of Amounts.—Amounts in the trust
fund established under paragraph (1) shall be made
available to the Administrator of the Small Business
Administration to provide loans under section 7(m)
of the Small Business Act (15 U.S.C. 636(m)) to as-
sist—

(A) small business concerns owned and
controlled by women, as defined in section 3 of
that Act (15 U.S.C. 632), that operate in the
marijuana industry; and
(B) small business concerns owned and controlled by socially and economically dis-
advantaged individuals, as defined in section 8(d)(3)(C) of that Act (15 U.S.C. 637(d)(3)(C)), that operate in the marijuana industry.

SEC. 4. HIGHWAY SAFETY RESEARCH.

(a) Study; Development.—The Administrator of the National Highway Traffic Safety Administration (referred to in this section as the “Administrator”) shall—

(1) carry out a study of the impact of driving under the influence of tetrahydrocannabinol on highway safety; and

(2) develop enhanced strategies and procedures to reliably determine the impairment of a driver under the influence of tetrahydrocannabinol.

(b) Authorization of Appropriations.—There is authorized to be appropriated to the Administrator to carry out this section $50,000,000 for each of fiscal years 2020 through 2024.

SEC. 5. PUBLIC HEALTH RESEARCH.

(a) In General.—The Secretary of Health and Human Services, in consultation with the Director of the National Institutes of Health and the Commissioner of
Food and Drugs, shall conduct research on the impacts of marijuana, including—

(1) effects of tetrahydrocannabinol on the human brain;

(2) efficacy of medicinal marijuana as a treatment for specific diseases and conditions; and

(3) identification of additional medical benefits and uses of cannabis.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services, $100,000,000 for each of fiscal years 2020 through 2024, for purposes of carrying out the activities described in subsection (a).

SEC. 6. PROTECT KIDS.

The Alcohol and Tobacco Tax and Trade Bureau of the Department of the Treasury shall promulgate regulations that—

(1) require restrictions on the advertising and promotion of products related to marijuana, if the Secretary determines that such regulation would be appropriate for the protection of the public health, taking into account—

(A) the risks and benefits to the population of individuals age 18 and under, including users and nonusers of marijuana products;
(B) the increased or decreased likelihood
that existing users of marijuana products who
are age 18 and under will stop using such prod-
ucts; and

(C) the increased or decreased likelihood
that those age 18 and under who do not use
marijuana products will start using such prod-
ucts; and

(2) impose restrictions on the advertising and
promotion of products related to marijuana con-
sistent with and to the full extent permitted by the
First Amendment to the Constitution of the United
States.

SEC. 7. GRANTS FOR EXPUNGEMENT OF MARIJUANA CON-
VICTIONS.

There is authorized to be appropriated to the Attor-
ney General to award grants to States and units of local
government for the purpose of administering, expanding,
or developing expungement or sealing programs for convic-
tions of possession of marijuana $20,000,000 for each of
fiscal years 2020 through 2024 with not less than 50 per-
cent of those funds being directed to cover the cost of pub-
lic defenders or legal aid providers.
SEC. 8. RULE OF CONSTRUCTION.

Nothing in this Act, or an amendment made by this Act, may be construed to modify the authority of the Federal Government to prevent marijuana trafficking from States that have legalized marijuana to those that have not.