

108TH CONGRESS  
2D SESSION

# S. 2989

To amend the Controlled Substances Act to provide an affirmative defense for the medical use of marijuana in accordance with the laws of the various States, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2004

Mr. DURBIN (for himself, Mr. LEAHY, and Mr. JEFFORDS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Controlled Substances Act to provide an affirmative defense for the medical use of marijuana in accordance with the laws of the various States, 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 “Truth in Trials Act”.

1 **SEC. 2. PROVIDING AN AFFIRMATIVE DEFENSE FOR THE**  
2 **MEDICAL USE OF MARIJUANA.**

3 The Controlled Substances Act (21 U.S.C. 801 et  
4 seq.) is amended by inserting after section 423 the fol-  
5 lowing:

6 “AFFIRMATIVE DEFENSE FOR CONDUCT REGARDING THE  
7 MEDICAL USE OF MARIJUANA

8 “SEC. 424. (a) PERMISSIBLE EVIDENCE.—Any per-  
9 son facing prosecution or a proceeding for any marijuana-  
10 related offense under this title shall have the right to in-  
11 troduce evidence demonstrating that the marijuana-re-  
12 lated activities for which the person stands accused were  
13 performed in compliance with State law regarding the  
14 medical use of marijuana, or that the property which is  
15 subject to a proceeding was possessed in compliance with  
16 State law regarding the medical use of marijuana.

17 “(b) DEFENSE.—It is an affirmative defense, to a  
18 prosecution or proceeding under this title for marijuana-  
19 related activities, if the proponent establishes by a prepon-  
20 derance of the evidence, that such activities comply with  
21 State law regarding the medical use of marijuana.”.

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