

110TH CONGRESS
2D SESSION

H. R. 5842

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2008

Mr. FRANK of Massachusetts (for himself, Mr. PAUL, Mr. ROHRABACHER, Mr. FARR, and Mr. HINCHEY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To provide 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 “Medical Marijuana Pa-
5 tient Protection Act”.

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

7 (a) SCHEDULE.—Marijuana is moved from schedule
8 I of the Controlled Substances Act to schedule II of such
9 Act.

10 (b) PRESCRIPTION OR RECOMMENDATION.—

1 (1) IN GENERAL.—No provision of the Con-
2 trolled Substances Act shall prohibit or otherwise re-
3 strict in a State in which marijuana may be pre-
4 scribed or recommended by a physician for medical
5 use under applicable State law—

6 (A) the prescription or recommendation of
7 marijuana by a physician for medical use;

8 (B) an individual from obtaining, pos-
9 sessing, or transporting within their State,
10 manufacturing or using marijuana in accord-
11 ance with a prescription or recommendation of
12 marijuana by a physician for medical use by
13 such individual hereinafter in this section re-
14 ferred to as “an authorized patient”;

15 (C) an individual authorized under State
16 law to obtain, possess, transport within their
17 State, or manufacture marijuana from obtain-
18 ing, possessing, transporting within their State,
19 or manufacturing marijuana on an authorized
20 patient’s behalf; or

21 (D) a pharmacy or other entity authorized
22 under local or State law to distribute medical
23 marijuana to authorized patients from obtain-
24 ing, possessing or distributing marijuana to
25 such authorized patients.

1 (2) PRODUCTION.—No provision of the Con-
2 trolled Substances Act shall prohibit or otherwise re-
3 strict an entity authorized by a State or local gov-
4 ernment, in which marijuana may be prescribed or
5 recommended by a physician for medical use, for the
6 purpose of producing marijuana for prescription or
7 recommendation by a physician for medical use from
8 producing, processing, or distributing marijuana for
9 such purpose.

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

11 (a) IN GENERAL.—No provision of the Federal Food,
12 Drug, and Cosmetic Act shall prohibit or otherwise re-
13 strict in a State in which marijuana may be prescribed
14 or recommended by a physician for medical use under ap-
15 plicable State law—

16 (1) the prescription or recommendation of mari-
17 juana by a physician for medical use;

18 (2) an individual from obtaining, possessing, or
19 transporting within their State, manufacturing, or
20 using marijuana in accordance with a prescription or
21 recommendation of marijuana by a physician for
22 medical use by such individual, hereinafter in this
23 section referred to as “an authorized patient”;

24 (3) an individual authorized under State law to
25 obtain, possess, transport within their State, or

1 manufacture marijuana from obtaining, possessing,
2 transporting within their State, or manufacturing
3 marijuana on an authorized patient's behalf; or

4 (4) a pharmacy or other entity authorized
5 under local or State law to distribute medical mari-
6 juana to authorized patients from obtaining, pos-
7 sessed or distributing marijuana to such authorized
8 patients.

9 (b) PRODUCTION.—No provision of the Federal
10 Food, Drug, and Cosmetic Act shall prohibit or otherwise
11 restrict an entity authorized by a State or local govern-
12 ment, in which marijuana may be prescribed or rec-
13 ommended by a physician for medical use, for the purpose
14 of producing marijuana for prescription or recommenda-
15 tion by a physician for medical use from producing, proc-
16 essing, or distributing marijuana for such purpose.

17 **SEC. 4. RELATION OF ACT TO CERTAIN PROHIBITIONS RE-**
18 **LATING TO SMOKING.**

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

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