

114TH CONGRESS
1ST SESSION

H. R. 1538

To extend the principle of federalism to State drug policy, provide access to medical marijuana, and enable research into the medicinal properties of marijuana.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2015

Mr. COHEN (for himself and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Financial Services, and Veterans' Affairs, 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 extend the principle of federalism to State drug policy, provide access to medical marijuana, and enable research into the medicinal properties of marijuana.

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 “Compassionate Access,
5 Research Expansion, and Respect States Act of 2015” or
6 the “CARERS Act of 2015”.

1 **SEC. 2. FEDERALISM IN DRUG POLICY.**

2 Section 708 of the Controlled Substances Act (21
3 U.S.C. 903) is amended—

4 (1) by striking “No provision” and inserting
5 the following:

6 “(a) IN GENERAL.—Except as provided in subsection
7 (b), no provision”; and

8 (2) by adding at the end the following:

9 “(b) COMPLIANCE WITH STATE LAW.—Notwith-
10 standing any other provision of law, the provisions of this
11 title relating to marihuana shall not apply to any person
12 acting in compliance with State law relating to the produc-
13 tion, possession, distribution, dispensation, administra-
14 tion, laboratory testing, or delivery of medical mari-
15 huana.”.

16 **SEC. 3. RESCHEDULING OF MARIHUANA.**

17 (a) REMOVAL FROM SCHEDULE I.—Schedule I, as
18 set forth in section 202(c) of the Controlled Substances
19 Act (21 U.S.C. 812(c)), is amended in subsection (c)—

20 (1) by striking paragraphs (10) and (17);

21 (2) by redesignating paragraphs (11) through
22 (16) as paragraphs (10) through (15), respectively;
23 and

24 (3) by redesignating paragraphs (18) through
25 (28) as paragraphs (16) through (26), respectively.

1 (b) LISTING IN SCHEDULE II.—Schedule II, as set
2 forth in section 202(c) of the Controlled Substances Act
3 (21 U.S.C. 812(c)), is amended by adding at the end the
4 following:

5 “(d) Unless specifically excepted or unless listed in
6 another schedule, any material, compound, mixture, or
7 preparation, which contains any quantity of marihuana,
8 including its salts, isomers, and salts of isomers.”.

9 **SEC. 4. EXCLUSION OF CANNABIDIOL FROM DEFINITION OF**
10 **MARIHUANA.**

11 Section 102 of the Controlled Substances Act (21
12 U.S.C. 802) is amended—

13 (1) in paragraph (16)—

14 (A) by striking “or cake, or the sterilized”
15 and inserting “cake, the sterilized”; and

16 (B) by adding “, or cannabidiol” before
17 the period at the end; and

18 (2) by adding at the end the following:

19 “(57) The term ‘cannabidiol’ means the sub-
20 stance cannabidiol, as derived from marihuana or
21 the synthetic formulation, that contains not greater
22 than 0.3 percent delta-9-tetrahydrocannabinol on a
23 dry weight basis.”.

1 **SEC. 5. CANNABIDIOL DETERMINATION BY STATES.**

2 Section 201 of the Controlled Substances Act (21
3 U.S.C. 811) is amended by adding at the end the fol-
4 lowing:

5 “(j) CANNABIDIOL DETERMINATION.—If a person
6 grows or processes marihuana for purposes of making
7 cannabidiol in accordance with State law, the marihuana
8 shall be deemed to meet the concentration limitation under
9 section 102(57), unless the Attorney General determines
10 that the State law is not reasonably calculated to comply
11 with section 102(57).”.

12 **SEC. 6. BANKING.**

13 (a) DEFINITIONS.—In this section—

14 (1) the term “depository institution” means—

15 (A) a depository institution as defined in
16 section 3(e) of the Federal Deposit Insurance
17 Act (12 U.S.C. 1813(e));

18 (B) a Federal credit union as defined in
19 section 101 of the Federal Credit Union Act
20 (12 U.S.C. 1752); or

21 (C) a State credit union as defined in sec-
22 tion 101 of the Federal Credit Union Act (12
23 U.S.C. 1752);

24 (2) the term “Federal banking regulator”
25 means each of the Board of Governors of the Fed-
26 eral Reserve System, the Bureau of Consumer Fi-

1 nancial Protection, the Federal Deposit Insurance
2 Corporation, the Office of the Comptroller of the
3 Currency, the National Credit Union Administra-
4 tion, or any Federal agency or department that reg-
5 ulates banking or financial services, as determined
6 by the Secretary of the Treasury;

7 (3) the term “financial service” means a finan-
8 cial product or service as defined in section 1002 of
9 the Dodd-Frank Wall Street Reform and Consumer
10 Protection Act (12 U.S.C. 5481);

11 (4) the term “manufacturer” means a person
12 who manufactures, compounds, converts, processes,
13 prepares, or packages marijuana or marijuana prod-
14 ucts;

15 (5) the term “marijuana-related legitimate busi-
16 ness” means a manufacturer, producer, or any per-
17 son that—

18 (A) participates in any business or orga-
19 nized activity that involves handling marijuana
20 or marijuana products, including selling, trans-
21 porting, displaying, dispensing, or distributing
22 marijuana or marijuana products; and

23 (B) engages in such activity pursuant to a
24 law established by a State or a unite of local
25 government;

1 (6) the term “marijuana” has the meaning
2 given the term “marihuana” in section 102 of the
3 Controlled Substances Act (21 U.S.C. 802), as
4 amended by this Act;

5 (7) the term “marijuana product” means any
6 article that contains marijuana, including an article
7 that is a concentrate, an edible, a tincture, a mari-
8 juana-infused product, or a topical;

9 (8) the term “producer” means a person who
10 plants, cultivates, harvests, or in any way facilitates
11 the natural growth of marijuana; and

12 (9) the term “State” means each of the several
13 States, the District of Columbia, Puerto Rico, and
14 any territory or possession of the United States.

15 (b) SAFE HARBOR FOR DEPOSITORY INSTITU-
16 TIONS.—A Federal banking regulator may not—

17 (1) terminate or limit the deposit insurance of
18 a depository institution under the Federal Deposit
19 Insurance Act (12 U.S.C. 1811 et seq.) or the Fed-
20 eral Credit Union Act (12 U.S.C. 1751 et seq.) sole-
21 ly because the depository institution provides or has
22 provided financial services to a marijuana-related le-
23 gitimate business;

1 (2) prohibit, penalize, or otherwise discourage a
2 depository institution from providing financial serv-
3 ices to a marijuana-related legitimate business;

4 (3) recommend, incentivize, or encourage a de-
5 pository institution not to offer financial services to
6 an individual, or to downgrade or cancel the finan-
7 cial services offered to an individual solely because—

8 (A) the individual is a manufacturer or
9 producer of marijuana;

10 (B) the individual is the owner or operator
11 of a marijuana-related legitimate business;

12 (C) the individual later becomes an owner
13 or operator of a marijuana-related legitimate
14 business; or

15 (D) the depository institution was not
16 aware that the individual is the owner or oper-
17 ator of a marijuana-related legitimate business;
18 or

19 (4) take any adverse or corrective supervisory
20 action on a loan to an owner or operator of—

21 (A) a marijuana-related legitimate business
22 solely because the owner or operator is a mari-
23 juana-related business; or

24 (B) real estate or equipment that is leased
25 to a marijuana-related legitimate business solely

1 because the owner or operator of the real estate
2 or equipment leased the real estate or equip-
3 ment to a marijuana-related business.

4 (c) PROTECTIONS UNDER FEDERAL LAW.—

5 (1) INVESTIGATION AND PROSECUTION.—A de-
6 pository institution that provides financial services
7 to a marijuana-related legitimate business, or the of-
8 ficers, directors, and employees of that business,
9 shall be immune from Federal criminal prosecution
10 or investigation for providing those services.

11 (2) FEDERAL CRIMINAL LAW.—A depository in-
12 stitution that provides financial services to a mari-
13 juana-related legitimate business shall not be subject
14 to a criminal penalty under any Federal law solely
15 for providing those services or for further investing
16 any income derived from such services.

17 (3) FORFEITURE.—A depository institution
18 that has a legal interest in the collateral for a loan
19 made to an owner or operator of a marijuana-related
20 legitimate business, or to an owner or operator of
21 real estate or equipment that is leased to a mari-
22 juana-related legitimate business, shall not be sub-
23 ject to criminal, civil, or administrative forfeiture of
24 that legal interest pursuant to any Federal law for
25 providing such loan.

1 (d) EXEMPTION FROM FILING SUSPICIOUS ACTIVITY
2 REPORTS.—Section 5318(g) of title 31, United States
3 Code, is amended by adding at the end the following:

4 “(5) REQUIREMENTS FOR MARIJUANA-RELATED
5 LEGITIMATE BUSINESSES.—If a financial institution
6 or any director, officer, employee, or agent of a fi-
7 nancial institution reports a suspicious transaction
8 pursuant to this subsection, and the reason for the
9 report relates to a marijuana-related business, the
10 Secretary shall require that such report complies
11 with the requirements of the guidance issued by the
12 Financial Crimes Enforcement Network titled ‘BSA
13 Expectations Regarding Marijuana-Related Busi-
14 nesses’ (FIN–2014–G001; published on February
15 14, 2014).”.

16 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion requires a depository institution to provide financial
18 services to a marijuana-related legitimate business.

19 **SEC. 7. RESEARCH.**

20 (a) IN GENERAL.—Not later than 180 days after the
21 date of enactment of this Act, the Secretary for Health
22 and Human Services shall terminate the Public Health
23 Service interdisciplinary review process described in the
24 guidance entitled “Guidance on Procedures for the Provi-

1 sion of Marijuana for Medical Research” (issued on May
2 21, 1999).

3 (b) LICENSES FOR MARIJUANA RESEARCH.—Not
4 later than 1 year after the date of enactment of this Act,
5 the Attorney General, acting through the Drug Enforce-
6 ment Administration, shall issue not less than 3 licenses
7 under section 303 of the Controlled Substances Act (21
8 U.S.C. 823) to manufacture marijuana and marijuana-de-
9 rivatives for research approved by the Food and Drug Ad-
10 ministration.

11 **SEC. 8. PROVISION BY DEPARTMENT OF VETERANS AF-**
12 **FAIRS HEALTH CARE PROVIDERS OF REC-**
13 **COMMENDATIONS AND OPINIONS REGARDING**
14 **VETERAN PARTICIPATION IN STATE MARI-**
15 **JUANA PROGRAMS.**

16 Notwithstanding any other provision of law, the Sec-
17 retary of Veterans Affairs shall authorize physicians and
18 other health care providers employed by the Department
19 of Veterans Affairs to—

20 (1) provide recommendations and opinions to
21 veterans who are residents of States with State
22 marijuana programs regarding the participation of
23 veterans in such State marijuana programs; and

- 1 (2) complete forms reflecting such recommenda-
- 2 tions and opinions.

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