

115TH CONGRESS
2D SESSION

S. 3174

To decriminalize marijuana, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2018

Mr. SCHUMER (for himself, Ms. DUCKWORTH, Mr. SANDERS, Mr. KAINE, Mr. MERKLEY, Mr. WYDEN, Mr. BENNET, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To decriminalize marijuana, 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 “Marijuana Freedom
5 and Opportunity Act”.

6 **SEC. 2. DECRIMINALIZATION OF MARIJUANA.**

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

11 (1) by striking “marihuana”; and

1 (2) by striking “tetrahydrocannabinols”.

2 (b) REMOVAL OF PROHIBITION ON IMPORT AND EX-
3 PORT.—Section 1010(b) of the Controlled Substances Im-
4 port and Export Act (21 U.S.C. 960) is amended—

5 (1) in paragraph (1)—

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

8 (B) by striking subparagraph (G); and

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

11 (2) in paragraph (2)—

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

14 (B) by striking subparagraph (G); and

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

17 (3) in paragraph (3), by striking “paragraphs
18 (1), (2), and (4)” and inserting “paragraphs (1) and
19 (2)”;

20 (4) by striking paragraph (4); and

21 (5) by redesignating paragraphs (5), (6), and
22 (7) as paragraphs (4), (5), and (6), respectively.

23 (c) CONFORMING AMENDMENTS TO CONTROLLED
24 SUBSTANCES ACT.—The Controlled Substances Act (21
25 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)”;

1 (B) by striking paragraph (4); and

2 (C) by redesignating paragraphs (5), (6),
3 and (7) as paragraphs (4), (5), and (6), respec-
4 tively;

5 (3) in section 402(c)(2)(B) (21 U.S.C.
6 842(c)(2)(B)), by striking “, marihuana,”;

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

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

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

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

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

16 (B) in paragraph (5), by striking “, such
17 as a marihuana cigarette,”; and

18 (8) in section 516(d) (21 U.S.C. 886(d)), by
19 striking “section 401(b)(6)” each place the term ap-
20 pears and inserting “section 401(b)(5)”.

21 (d) OTHER CONFORMING AMENDMENTS.—

22 (1) NATIONAL FOREST SYSTEM DRUG CONTROL
23 ACT OF 1986.—The National Forest System Drug
24 Control Act of 1986 (16 U.S.C. 559b et seq.) is
25 amended—

1 (A) in section 15002(a) (16 U.S.C.
2 559b(a)) by striking “marijuana and other”;

3 (B) in section 15003(2) (16 U.S.C.
4 559c(2)) by striking “marijuana and other”;
5 and

6 (C) in section 15004(2) (16 U.S.C.
7 559d(2)) by striking “marijuana and other”.

8 (2) INTERCEPTION OF COMMUNICATIONS.—Sec-
9 tion 2516 of title 18, United States Code, is amend-
10 ed—

11 (A) in subsection (1)(e), by striking “mari-
12 huana,”; and

13 (B) in subsection (2) by striking “mari-
14 huana,”.

15 **SEC. 3. LEVEL THE ECONOMIC PLAYING FIELD.**

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

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

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

25 (2) \$10,000,000.

1 (c) TRUST FUND.—

2 (1) IN GENERAL.—There is established in the
3 Treasury of the United States a trust fund to be
4 known as the Marijuana Opportunity Trust Fund,
5 which shall consist of amounts transferred under
6 subsection (b).

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

13 (A) small business concerns owned and
14 controlled by women, as defined in section 3 of
15 that Act (15 U.S.C. 632), that operate in the
16 marijuana industry; and

17 (B) small business concerns owned and
18 controlled by socially and economically dis-
19 advantaged individuals, as defined in section
20 8(d)(3)(C) of that Act (15 U.S.C.
21 637(d)(3)(C)), that operate in the marijuana
22 industry.

1 **SEC. 4. HIGHWAY SAFETY RESEARCH.**

2 (a) STUDY; DEVELOPMENT.—The Administrator of
3 the National Highway Traffic Safety Administration (re-
4 ferred to in this section as the “Administrator”) shall—

5 (1) carry out a study of the impact of driving
6 under the influence of tetrahydrocannabinol on high-
7 way safety; and

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

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to the Administrator to
13 carry out this section \$50,000,000 for each of fiscal years
14 2019 through 2023.

15 **SEC. 5. PUBLIC HEALTH RESEARCH.**

16 (a) IN GENERAL.—The Secretary of Health and
17 Human Services, in consultation with the Director of the
18 National Institutes of Health and the Commissioner of
19 Food and Drugs, shall conduct research on the impacts
20 of marijuana, including—

21 (1) effects of tetrahydrocannabinol on the
22 human brain;

23 (2) efficacy of medicinal marijuana as a treat-
24 ment for specific diseases and conditions; and

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

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to the Secretary of
 3 Health and Human Services, \$100,000,000 for each of fis-
 4 cal years 2019 through 2023, for purposes of carrying out
 5 the activities described in subsection (a).

6 **SEC. 6. PROTECT KIDS.**

7 The Alcohol and Tobacco Tax and Trade Bureau of
 8 the Department of the Treasury shall promulgate regula-
 9 tions that—

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

15 (A) the risks and benefits to the popu-
 16 lation of individuals age 18 and under, includ-
 17 ing users and nonusers of marijuana products;

18 (B) the increased or decreased likelihood
 19 that existing users of marijuana products who
 20 are age 18 and under will stop using such prod-
 21 ucts; and

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

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

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

8 There is authorized to be appropriated to the Attor-
9 ney General to award grants to States and units of local
10 government for the purpose of administering, expanding,
11 or developing expungement or sealing programs for convic-
12 tions of possession of marijuana \$20,000,000 for each of
13 fiscal years 2019 through 2023 with not less than 50 per-
14 cent of those funds being directed to cover the cost of pub-
15 lic defenders or legal aid providers.

16 **SEC. 8. RULE OF CONSTRUCTION.**

17 Nothing in this Act, or an amendment made by this
18 Act, may be construed to modify the authority of the Fed-
19 eral Government to prevent marijuana trafficking from
20 States that have legalized marijuana to those that have
21 not.

○