

116TH CONGRESS
1ST SESSION

H. R. 1687

To amend title 5, United States Code, to remove limitations on Federal employment for an individual legally using marijuana under the law of the State in which the individual resides, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2019

Mr. CRIST (for himself, Mr. YOUNG, Mr. BLUMENAUER, Mr. COHEN, Mr. GAETZ, Mr. MOULTON, Ms. NORTON, Mr. PANETTA, Mr. POCAN, and Mr. RASKIN) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To amend title 5, United States Code, to remove limitations on Federal employment for an individual legally using marijuana under the law of the State in which the individual resides, 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 “Fairness in Federal
5 Drug Testing Under State Laws Act”.

1 **SEC. 2. FEDERAL EMPLOYMENT AND INDIVIDUALS USING**
2 **MARIJUANA IN COMPLIANCE WITH STATE OR**
3 **TRIBAL LAW.**

4 (a) IN GENERAL.—Subchapter I of chapter 33 of title
5 5, United States Code, is amended by adding at the end
6 the following:

7 **“§ 3330f. Federal employment and individuals using**
8 **marijuana in compliance with State or**
9 **tribal law**

10 “(a)(1) An individual whose residence is in a State
11 where that individual’s private use of marijuana is not
12 prohibited, who is tested under a drug testing program
13 of any Executive agency without probable cause to believe
14 that the individual is under the influence of marijuana,
15 who tests positive for past marijuana use (determined by
16 the presence of tetrahydrocannabinol or marijuana me-
17 tabolite in the sample provided by the individual), and,
18 in the case of an individual whose use of marijuana was
19 for medical purposes, who is able to provide documenta-
20 tion (in such form and manner as the Office of Personnel
21 Management may prescribe) attesting to the lawful nature
22 of such use under the law of the State, may not, based
23 solely on such positive test, be—

24 “(A) denied employment at an Executive agen-
25 cy; or

1 “(B) if the individual is an employee of an Ex-
2 ecutive agency, subject to any adverse personnel ac-
3 tion.

4 “(2) For purposes of this section—

5 “(A) the term ‘Executive agency’ has the mean-
6 ing given that term in section 105, and includes the
7 United States Postal Service and the Postal Regu-
8 latory Commission;

9 “(B) the term ‘marijuana’ means marihuana
10 (as such term is defined in section 102(16) of the
11 Controlled Substances Act (21 U.S.C. 802(16)));

12 “(C) the term ‘individual’ does not include any
13 individual applying for or occupying a position at an
14 Executive agency which requires a top secret clear-
15 ance or access to a highly sensitive program (as that
16 term is defined in section 3001(a)(4) of the Intel-
17 ligence Reform and Terrorism Prevention Act of
18 2004 (50 U.S.C. 3341(a)(4))); and

19 “(D) the term ‘State’ means—

20 “(i) any State or the District of Columbia;

21 “(ii) the Commonwealth of Puerto Rico,
22 the Commonwealth of the Northern Mariana Is-
23 lands, the Virgin Islands of the United States,
24 Guam, American Samoa, or any other territory
25 or possession of the United States;

1 “(iii) the Federated States of Micronesia,
2 the Republic of the Marshall Islands, or the Re-
3 public of Palau; or

4 “(iv) any land over which an Indian tribe
5 (as defined in section 4 of the Indian Self-De-
6 termination and Education Assistance Act (25
7 U.S.C. 5304)) has jurisdiction or any land held
8 in trust for an Indian tribe.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 for such subchapter is amended by inserting after the item
11 relating to section 3330e the following:

 “3330f. Federal employment and individuals using marijuana in compliance with
 State or tribal law.”.

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