

117TH CONGRESS  
1ST SESSION

# H. R. 3105

To limit the application of Federal laws to the distribution and consumption of marihuana, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2021

Mr. JOYCE of Ohio (for himself and Mr. YOUNG) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Financial Services, 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 limit the application of Federal laws to the distribution and consumption of marihuana, 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 “Common Sense Can-  
5 nabis Reform for Veterans, Small Businesses, and Medical  
6 Professionals Act”.

1 **SEC. 2. APPLICATION OF THE CONTROLLED SUBSTANCES**  
2 **ACT TO MARIHUANA.**

3 (a) IN GENERAL.—Part A of the Controlled Sub-  
4 stances Act (21 U.S.C. 801 et seq.) is amended by adding  
5 at the end the following:

6 **“SEC. 103. APPLICATION OF THIS ACT TO MARIHUANA.**

7 “(a) PROHIBITION ON CERTAIN SHIPPING OR  
8 TRANSPORTATION.—This Act shall not apply to mari-  
9 huana, except that it shall be unlawful only to ship or  
10 transport, in any manner or by any means whatsoever,  
11 marihuana, from one State, territory, or district of the  
12 United States, or place noncontiguous to but subject to  
13 the jurisdiction thereof, into any other State, territory, or  
14 district of the United States, or place noncontiguous to  
15 but subject to the jurisdiction thereof, or from any foreign  
16 country into any State, territory, or district of the United  
17 States, or place noncontiguous to but subject to the juris-  
18 diction thereof, when such marihuana is intended, by any  
19 person interested therein, to be received, possessed, sold,  
20 or in any manner used, either in the original package or  
21 otherwise, in violation of any law of such State, territory,  
22 or district of the United States, or place noncontiguous  
23 to but subject to the jurisdiction thereof.

24 “(b) PENALTY.—Whoever knowingly violates sub-  
25 section (a) shall be fined under title 18, United States  
26 Code, imprisoned not more than 1 year, or both.”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
2 the Comprehensive Drug Abuse Prevention and Control  
3 Act of 1970 (Public Law 91–513; 84 Stat. 1236) is  
4 amended by striking the item relating to section 103 and  
5 inserting the following:

“Sec. 103. Application of this Act to marihuana.”.

6 **SEC. 3. DESCHEDULING MARIHUANA.**

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

11 (1) by striking “marihuana”; and

12 (2) by striking “tetrahydrocannabinols”.

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

16 (1) in paragraph (1)—

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

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

20 (C) by redesignating subparagraph (H) as  
21 subparagraph (G);

22 (2) in paragraph (2)—

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

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

1 (C) by redesignating subparagraph (H) as  
2 subparagraph (G);

3 (3) in paragraph (3), by striking “paragraphs  
4 (1), (2), and (4)” and inserting “paragraphs (1) and  
5 (2)”;

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

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

9 (c) CONFORMING AMENDMENTS TO CONTROLLED  
10 SUBSTANCES ACT.—The Controlled Substances Act (21  
11 U.S.C. 801 et seq.) is amended—

12 (1) in section 102(44) (21 U.S.C. 802(44)), by  
13 striking “marihuana,”;

14 (2) in section 401(b) (21 U.S.C. 841(b))—

15 (A) in paragraph (1)—

16 (i) in subparagraph (A)—

17 (I) in clause (vi), by inserting  
18 “or” after the semicolon;

19 (II) by striking (vii); and

20 (III) by redesignating clause  
21 (viii) as clause (vii);

22 (ii) in subparagraph (B)—

23 (I) by striking clause (vii); and

24 (II) by redesignating clause (viii)  
25 as clause (vii);

- 1 (iii) in subparagraph (C), by striking  
2 “subparagraphs (A), (B), and (D)” and in-  
3 serting “subparagraphs (A) and (B)”;
- 4 (iv) by striking subparagraph (D);
- 5 (v) by redesignating subparagraph (E)  
6 as subparagraph (D); and
- 7 (vi) in subparagraph (D)(i), as redesi-  
8 gnated, by striking “subparagraphs (C)  
9 and (D)” and inserting “subparagraph  
10 (C)”;
- 11 (B) by striking paragraph (4); and
- 12 (C) by redesignating paragraphs (5), (6),  
13 and (7) as paragraphs (4), (5), and (6), respec-  
14 tively;
- 15 (3) in section 402(c)(2)(B) (21 U.S.C.  
16 842(c)(2)(B)), by striking “, marihuana,”;
- 17 (4) in section 403(d)(1) (21 U.S.C. 843(d)(1)),  
18 by striking “, marihuana,”;
- 19 (5) in section 418(a) (21 U.S.C. 859(a)), by  
20 striking the last sentence;
- 21 (6) in section 419(a) (21 U.S.C. 860(a)), by  
22 striking the last sentence;
- 23 (7) in section 422(d) (21 U.S.C. 863(d))—
- 24 (A) in the matter preceding paragraph (1),  
25 by striking “marijuana,”; and

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

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

6 **SEC. 4. REGULATION AND LABELING OF MARIJUANA.**

7 (a) IN GENERAL.—Not later than 1 year after the  
8 date of enactment of this Act, the Food and Drug Admin-  
9 istration and the Alcohol and Tobacco Tax and Trade Bu-  
10 reau of the Department of the Treasury shall, jointly,  
11 issue rules to regulate marijuana. Such rules shall, to the  
12 extent practicable, be similar to Federal rules regulating  
13 alcohol.

14 (b) EFFECTIVE DATE OF DESCHEDULING.—The  
15 amendments made by sections 2 and 3 of this Act shall  
16 take effect on the date that the final rules issued pursuant  
17 to subsection (a) take effect.

18 **SEC. 5. BANKING PROTECTIONS.**

19 (a) SAFE HARBOR.—A depository institution that  
20 provides a financial service to a person shall not violate  
21 any Federal or State law for providing such financial serv-  
22 ice solely because such person is a cannabis-related legiti-  
23 mate business or a service provider.

24 (b) DEFINITIONS.—In this section:

1           (1) BUSINESS OF INSURANCE.—The term  
2 “business of insurance” has the meaning given such  
3 term in section 1002 of the Dodd-Frank Wall Street  
4 Reform and Consumer Protection Act (12 U.S.C.  
5 5481).

6           (2) CANNABIS.—The term “cannabis” has the  
7 meaning given the term “marihuana” in section 102  
8 of the Controlled Substances Act (21 U.S.C. 802).

9           (3) CANNABIS PRODUCT.—The term “cannabis  
10 product” means any article which contains cannabis,  
11 including an article which is a concentrate, an edi-  
12 ble, a tincture, a cannabis-infused product, or a top-  
13 ical.

14           (4) CANNABIS-RELATED LEGITIMATE BUSI-  
15 NESS.—The term “cannabis-related legitimate busi-  
16 ness” means a manufacturer, producer, or any per-  
17 son or company that—

18                   (A) engages in any activity described in  
19 subparagraph (B) pursuant to a law established  
20 by a State or a political subdivision of a State,  
21 as determined by such or political subdivision;  
22 and

23                   (B) participates in any business or orga-  
24 nized activity that involves handling cannabis or  
25 cannabis products, including cultivating, pro-

1           ducing, manufacturing, selling, transporting,  
2           displaying, dispensing, distributing, or pur-  
3           chasing cannabis or cannabis products.

4           (5) DEPOSITORY INSTITUTION.—The term “de-  
5           pository institution” means—

6                   (A) a depository institution as defined in  
7                   section 3(c) of the Federal Deposit Insurance  
8                   Act (12 U.S.C. 1813(c));

9                   (B) a Federal credit union as defined in  
10                  section 101 of the Federal Credit Union Act  
11                  (12 U.S.C. 1752); or

12                  (C) a credit union as defined in section  
13                  101 of the Federal Credit Union Act (12  
14                  U.S.C. 1752).

15           (6) FINANCIAL SERVICE.—The term “financial  
16           service”—

17                   (A) means a financial product or service,  
18                   as defined in section 1002 of the Dodd-Frank  
19                   Wall Street Reform and Consumer Protection  
20                   Act (12 U.S.C. 5481), regardless if the cus-  
21                   tomer receiving the product or service is a con-  
22                   sumer or commercial entity;

23                   (B) means a financial product or service,  
24                   or any combination of products and services,  
25                   permitted to be provided by—

1 (i) a national bank or a financial sub-  
2 sidiary pursuant to the authority provided  
3 under—

4 (I) the provision designated  
5 “Seventh” of section 5136 of the Re-  
6 vised Statutes of the United States  
7 (12 U.S.C. 24); or

8 (II) section 5136A of the Revised  
9 Statutes of the United States (12  
10 U.S.C. 24a); and

11 (ii) a Federal credit union, pursuant  
12 to the authority provided under the Fed-  
13 eral Credit Union Act;

14 (C) includes the business of insurance;

15 (D) includes, whether performed directly or  
16 indirectly, the authorizing, processing, clearing,  
17 settling, billing, transferring for deposit, trans-  
18 mitting, delivering, instructing to be delivered,  
19 reconciling, collecting, or otherwise effectuating  
20 or facilitating of payments or funds, where such  
21 payments or funds are made or transferred by  
22 any means, including by the use of credit cards,  
23 debit cards, other payment cards, or other ac-  
24 cess devices, accounts, original or substitute  
25 checks, or electronic funds transfers;

1 (E) includes acting as a money transmit-  
2 ting business which directly or indirectly makes  
3 use of a depository institution in connection  
4 with effectuating or facilitating a payment for  
5 a cannabis-related legitimate business or service  
6 provider in compliance with section 5330 of  
7 title 31, United States Code, and any applicable  
8 State law; and

9 (F) includes acting as an armored car  
10 service for processing and depositing with a de-  
11 pository institution or a Federal reserve bank  
12 with respect to any monetary instruments (as  
13 defined under section 1956(e)(5) of title 18,  
14 United States Code.

15 (7) MANUFACTURER.—The term “manufac-  
16 turer” means a person who manufactures, com-  
17 pounds, converts, processes, prepares, or packages  
18 cannabis or cannabis products.

19 (8) PRODUCER.—The term “producer” means a  
20 person who plants, cultivates, harvests, or in any  
21 way facilitates the natural growth of cannabis.

22 (9) SERVICE PROVIDER.—The term “service  
23 provider”—

24 (A) means a business, organization, or  
25 other person that—

1 (i) sells goods or services to a can-  
2 nabis-related legitimate business; or

3 (ii) provides any business services, in-  
4 cluding the sale or lease of real or any  
5 other property, legal or other licensed serv-  
6 ices, or any other ancillary service, relating  
7 to cannabis; and

8 (B) does not include a business, organiza-  
9 tion, or other person that participates in any  
10 business or organized activity that involves han-  
11 dling cannabis or cannabis products, including  
12 cultivating, producing, manufacturing, selling,  
13 transporting, displaying, dispensing, distrib-  
14 uting, or purchasing cannabis or cannabis prod-  
15 ucts.

16 (10) STATE.—The term “State” means each of  
17 the several States, each Indian Tribe, the District of  
18 Columbia, the Commonwealth of Puerto Rico, and  
19 any territory or possession of the United States.

20 **SEC. 6. SAFE HARBOR FOR USE BY VETERANS OF MEDICAL**  
21 **MARIJUANA.**

22 (a) SAFE HARBOR.—Notwithstanding any provision  
23 of Federal law, it shall not be unlawful for—

24 (1) a veteran to use, possess, or transport med-  
25 ical marijuana in a State or on Indian land if the

1 use, possession, or transport is authorized and in ac-  
2 cordance with the law of the applicable State or In-  
3 dian Tribe;

4 (2) a physician to discuss with a veteran the  
5 use of medical marijuana as a treatment if the phy-  
6 sician is in a State or on Indian land where the law  
7 of the applicable State or Indian Tribe authorizes  
8 the use, possession, distribution, dispensation, ad-  
9 ministration, delivery, and transport of medical  
10 marijuana; or

11 (3) a physician to recommend, complete forms  
12 for, or register veterans for participation in a treat-  
13 ment program involving medical marijuana that is  
14 approved by the law of the applicable State or In-  
15 dian Tribe.

16 (b) DEFINITIONS.—In this section:

17 (1) INDIAN LAND.—The term “Indian land”  
18 means any of the Indian lands, as such term is de-  
19 fined in section 824(b) of the Indian Health Care  
20 Improvement Act (25 U.S.C. 1680n).

21 (2) INDIAN TRIBE.—The term “Indian Tribe”  
22 has the meaning given the term “Indian tribe” in  
23 section 4 of the Indian Self-Determination and Edu-  
24 cation Assistance Act (25 U.S.C. 5304).

1           (3) PHYSICIAN.—The term “physician” means  
2           a physician appointed by the Secretary of Veterans  
3           Affairs under section 7401(1) of title 38, United  
4           States Code.

5           (4) STATE.—The term “State” has the mean-  
6           ing given that term in section 102 of the Controlled  
7           Substances Act (21 U.S.C. 802).

8           (5) VETERAN.—The term “veteran” has the  
9           meaning given that term in section 101 of title 38,  
10          United States Code.

11 **SEC. 7. STUDIES ON USE OF MEDICAL MARIJUANA.**

12          (a) STUDY ON EFFECTS OF MEDICAL MARIJUANA ON  
13          INDIVIDUALS IN PAIN OR WHO ARE IMPAIRED.—

14               (1) IN GENERAL.—Not later than two years  
15               after the date of the enactment of this Act, the Di-  
16               rector of the National Institutes of Health shall con-  
17               duct or support a study on the effects of medical  
18               marijuana on individuals in pain or who are im-  
19               paired.

20               (2) REPORT.—Not later than 180 days after  
21               the date on which the study required under para-  
22               graph (1) is completed, the Director shall submit to  
23               Congress a report on the study, which shall include  
24               such recommendations for legislative or administra-  
25               tive action as the Director considers appropriate.

1 (b) STUDY ON USE OF STATE MEDICAL MARIJUANA  
2 PROGRAMS.—

3 (1) IN GENERAL.—Not later than two years  
4 after the date of the enactment of this Act, the Di-  
5 rector of the National Institutes of Health shall con-  
6 duct or support a study on the relationship between  
7 treatment programs involving medical marijuana  
8 that are approved by States, the access of individ-  
9 uals to such programs, and a reduction in opioid  
10 abuse.

11 (2) REPORT.—Not later than 180 days after  
12 the date on which the study required under para-  
13 graph (1) is completed, the Director shall submit to  
14 Congress a report on the study, which shall include  
15 such recommendations for legislative or administra-  
16 tive action as the Director considers appropriate.

○