

119TH CONGRESS
1ST SESSION

H. R. 2934

To amend the Controlled Substances Act to provide for a new rule regarding the application of the Act to marijuana, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2025

Mr. JOYCE of Ohio (for himself, Mr. MILLER of Ohio, and Ms. TITUS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Transportation and Infrastructure, 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 amend the Controlled Substances Act to provide for a new rule regarding the application of the Act to 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 “Strengthening the
5 Tenth Amendment Through Entrusting States 2.0 Act”
6 or the “STATES 2.0 Act”.

7 **SEC. 2. FINDINGS.**

8 The Congress finds the following:

1 (1) States have vastly different visions for the
2 role of legal cannabis in their cities and counties.
3 Some wish to see a complete prohibition, while oth-
4 ers believe cannabis should be treated like alcohol.
5 States should be empowered to determine their own
6 destiny for the cannabis markets. They should be
7 able to enact time, place, and manner restrictions
8 that help to aid small and craft businesses, impose
9 regulations for health and safety, keep cannabis
10 businesses away from schools, and generally fit with
11 the character and values of the community.

12 (2) While States have the power to determine
13 what happens within their own borders, they cannot
14 make laws permitting or restricting interstate com-
15 merce unilaterally. In the absence of Federal move-
16 ment, the illicit interstate trade in cannabis has per-
17 sisted even in the face of significant State policy
18 changes. The Federal Government should be respon-
19 sible for regulating and tracking this interstate trade
20 to ensure cannabis does not end up where it does
21 not belong.

22 (3) Today's illicit marijuana market represents
23 75 percent of the known marijuana market.

24 (4) Excessive taxation in licensed markets has
25 caused the price of legal marijuana products to ex-

1 ceed that of illegal products by two to three times,
2 contributing to the growth of the illicit market.

3 (5) Because of Federal restrictions on mari-
4 juana activities, marijuana is currently regulated by
5 a punitive tax structure that harms the ability of li-
6 censed operators to sell marijuana products, discour-
7 ages new business creation and growth, and perpet-
8 uates illicit markets.

9 (6) A Federal regulatory program for mari-
10 juana should require a framework that supports crit-
11 ical components such as proper administration and
12 oversight, consumer safety protections, and enforce-
13 ment.

14 (7) The cost of such a program should fall on
15 users of the program through the establishment of
16 a Federal excise tax. Such a Federal marijuana tax
17 should—

18 (A) support a legal market, not illegal
19 sales and illicit activity;

20 (B) be low enough to not exacerbate the
21 level of taxation set by States, thereby avoiding
22 the pyramid effect of adding Federal taxes on
23 top of high State taxes;

24 (C) be administrable and allow for con-
25 sistent and timely collection by the Alcohol and

1 Tobacco Tax and Trade Bureau as primary
2 regulator; and

3 (D) offset the costs of executing the ad-
4 ministrative functions of a Federal regulatory
5 framework for marijuana, including require-
6 ments for testing, enforcement and policing,
7 youth prevention, and substance abuse preven-
8 tion and education.

9 (8) States that legalize cannabis utilize less
10 public safety resources on cannabis arrests. This has
11 allowed more police resources to be devoted to vio-
12 lent and property crime as well as more serious
13 types of illicit substances.

14 **SEC. 3. SENSE OF CONGRESS REGARDING FDA SUPPORT**
15 **FOR TRIBAL SELF-DETERMINATION AND**
16 **SELF-GOVERNMENT WITH RESPECT TO MARI-**
17 **JUANA REGULATION.**

18 It is the sense of Congress that, with respect to the
19 regulation of the manufacture, production, possession, dis-
20 tribution, dispensation, administration, or delivery of
21 marijuana, the Food and Drug Administration should sup-
22 port—

23 (1) self-determination and self-government by
24 Indian tribes (as defined in section 102 of the Fed-

1 erally Recognized Indian Tribe List Act of 1994 (25
2 U.S.C. 5130)); and

3 (2) the treaty rights of such Indian tribes.

4 **SEC. 4. RULE REGARDING APPLICATION TO MARIJUANA.**

5 Part G of the Controlled Substances Act (21 U.S.C.
6 801 et seq.) is amended by adding at the end the fol-
7 lowing:

8 “RULE REGARDING APPLICATION TO MARIJUANA

9 “SEC. 710. (a) STATES.—Notwithstanding any other
10 provision of law, the provisions of this Act as applied to
11 marijuana, except the provisions described in subsection
12 (d) and except as provided in subsection (e), shall not
13 apply to any marijuana manufactured, produced, pos-
14 sessed, distributed, dispensed, administered, or delivered
15 in compliance with State law relating to the manufacture,
16 production, possession, distribution, dispensation, admin-
17 istration, or delivery of marijuana.

18 “(b) INDIAN TRIBES.—Notwithstanding any other
19 provision of law, the provisions of this Act related to mari-
20 juana, except the provisions described in subsection (d)
21 and except as provided in subsection (e), shall not apply
22 to marijuana manufactured, produced, possessed, distrib-
23 uted, dispensed, administered, or delivered in compliance
24 with the law of a federally recognized Indian Tribe relat-
25 ing to the manufacture, production, possession, distribu-
26 tion, dispensation, administration, or delivery of mari-

1 juana within its jurisdiction in Indian country, as defined
2 in section 1151 of title 18, United States Code, so long
3 as such jurisdiction is located within a State that permits,
4 as applicable, the manufacture, production, possession,
5 distribution, dispensation, administration, or delivery of
6 marijuana.

7 “(c) INTERSTATE TRANSPORTATION.—

8 “(1) STATE LAW.—

9 “(A) IN GENERAL.—No State or Indian
10 Tribe may prohibit the transportation or ship-
11 ment of marijuana through the State or the ter-
12 ritory of the Indian Tribe, as applicable, if the
13 originating and destination States or territories
14 permit, as applicable, the manufacture, produc-
15 tion, possession, distribution, dispensation, ad-
16 ministration, or delivery of marijuana.

17 “(B) RULE OF CONSTRUCTION.—Subpara-
18 graph (A) shall not be construed to limit the
19 authority of an originating or destination State
20 or territory to impose reasonable restrictions
21 within its jurisdiction on the manufacture, pro-
22 duction, possession, distribution dispensation,
23 administration, or delivery of marijuana—

24 “(i) through time, place, and manner
25 restrictions; or

1 “(ii) to protect public health and safe-
2 ty.

3 “(2) FEDERAL LAW.—Notwithstanding any
4 other provision of law, the provisions of this title as
5 applied to marijuana, except the provisions described
6 in subsection (d) and except as provided in sub-
7 section (e), shall not apply to any person engaged in
8 marijuana transportation or shipment between two
9 States which States permit, as applicable, the manu-
10 facture, production, possession, distribution, dis-
11 pensation, administration, or delivery of marijuana.

12 “(d) PROVISIONS DESCRIBED.—The provisions de-
13 scribed in this subsection are—

14 “(1) section 401(a)(1), with respect to a viola-
15 tion of section 409 or 418;

16 “(2) section 409;

17 “(3) section 417; and

18 “(4) section 418.

19 “(e) EXCEPTION.—Subsections (a) through (c) shall
20 not apply to any person who—

21 “(1) violates this title with respect to any con-
22 trolled substance other than marijuana;

23 “(2) knowingly or intentionally manufactures,
24 produces, possesses, distributes, dispenses, admin-
25 isters, or delivers any marijuana in violation of the

1 laws of the State or Indian Tribe in which such
2 manufacture, production, possession, distribution,
3 dispensation, administration, or delivery occurs; or

4 “(3) employs or hires any person under 18
5 years of age to manufacture, produce, distribute,
6 dispense, administer, or deliver marijuana.

7 “(f) REMOVAL FROM SCHEDULE.—

8 “(1) IN GENERAL.—For the purposes of this
9 title, marijuana manufactured, produced, possessed,
10 distributed, dispensed, administered, or delivered in
11 compliance with State law or the law of a federally
12 recognized Indian Tribe relating to the manufacture,
13 production, possession, distribution, dispensation,
14 administration, or delivery of marijuana shall be
15 deemed to be a substance that does not meet the re-
16 quirements for inclusion in any schedule.

17 “(2) RULES.—Not later than 180 days after
18 the date of the enactment of this Act, the Attorney
19 General shall finalize a rule under section 201(a)(2)
20 executing paragraph (1) of this subsection.

21 “(g) DEFINITION.—In this section, the term ‘Indian
22 Tribe’ has the meaning given to the term ‘Indian tribe’
23 in section 102 of the Federally Recognized Indian Tribe
24 List Act of 1994 (25 U.S.C. 5130).”.

1 **SEC. 5. TRANSPORTATION SAFETY OFFENSES.**

2 Section 409 of the Controlled Substances Act (21
3 U.S.C. 849) is amended—

4 (1) in subsection (b), in the matter preceding
5 paragraph (1)—

6 (A) by striking “A person” and inserting
7 “Except as provided in subsection (d), a per-
8 son”; and

9 (B) by striking “subsection (b)” and in-
10 serting “subsection (c)”;

11 (2) in subsection (c), in the matter preceding
12 paragraph (1)—

13 (A) by striking “A person” and inserting
14 “Except as provided in subsection (d), a per-
15 son”; and

16 (B) by striking “subsection (a)” and in-
17 serting “subsection (b)”;

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

19 “(d) EXCEPTION.—Subsections (b) and (c) shall not
20 apply to any person who possesses, or possesses with in-
21 tent to distribute marijuana in compliance with section
22 710.”.

23 **SEC. 6. DISTRIBUTION TO PERSONS UNDER AGE 21.**

24 Section 418 of the Controlled Substances Act (21
25 U.S.C. 859) is amended—

1 (1) in subsection (a), in the first sentence, by
 2 inserting “and subsection (c) of this section” after
 3 “section 419”;

4 (2) in subsection (b), in the first sentence, by
 5 inserting “and subsection(c) of this section” after
 6 “section 419”; and

7 (3) by adding at the end the following:

8 “(c) Subsections (a) and (b) shall not apply to any
 9 person at least 18 years of age who distributes medicinal
 10 marijuana to a person under 21 years of age in compliance
 11 with section 710.”.

12 **SEC. 7. REGULATION OF MARIJUANA PRODUCTS BY FOOD**
 13 **AND DRUG ADMINISTRATION.**

14 (a) DEFINITIONS.—

15 (1) MARIJUANA PRODUCT DEFINED.—In this
 16 section, the term “marijuana product” means any
 17 product made or derived from marijuana that is in-
 18 tended for human or animal consumption, including
 19 any component of marijuana (except for raw mate-
 20 rials other than such marijuana used in manufac-
 21 turing a component of such product).

22 (2) OTHER DEFINITIONS.—In this section:

23 (A) The term “biological product” has the
 24 meaning given to that term in section 351(i) of

1 the Public Health Service Act (42 U.S.C.
2 262(i)).

3 (B) The term “marijuana” has the mean-
4 ing given to that term in section 102 of the
5 Controlled Substances Act (21 U.S.C. 802).

6 (C) The terms “cosmetic”, “device”, “die-
7 tary supplement”, “drug”, “food”, and “to-
8 bacco product” have the meanings given to such
9 terms in section 201 of the Federal Food,
10 Drug, and Cosmetic Act (21 U.S.C. 321).

11 (b) DRUGS.—A marijuana product meeting the defi-
12 nition of a drug shall be treated as a drug for purposes
13 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
14 301 et seq.).

15 (c) FOOD; DIETARY SUPPLEMENTS.—The Secretary
16 of Health and Human Services, acting through the Com-
17 missioner of Food and Drugs, shall have the same authori-
18 ties under the Federal Food, Drug, and Cosmetic Act (21
19 U.S.C. 301 et seq.) and other applicable law to regulate
20 a marijuana product that is food or a dietary supplement
21 as the Food and Drug Administration has with respect
22 to food containing alcohol.

23 (d) COSMETICS.—A marijuana product meeting the
24 definition of a cosmetic shall be treated as a cosmetic for

1 purposes of the Federal Food, Drug, and Cosmetic Act
2 (21 U.S.C. 301 et seq.).

3 (e) OTHER PRODUCTS.—

4 (1) IN GENERAL.—A marijuana product that is
5 not covered by subsection (b), (c), or (d) may be
6 lawfully marketed pursuant to regulations issued
7 under paragraph (2).

8 (2) REGULATION.—Not later than 180 days
9 after the date of enactment of this Act, the Sec-
10 retary of Health and Human Services, acting
11 through the Commissioner of Food and Drugs, shall
12 promulgate a regulation with respect to marijuana
13 products described in paragraph (1).

14 (3) CONTENTS.—The regulation under para-
15 graph (2) shall include requirements for—

16 (A) contaminant testing;

17 (B) manufacturing practices; and

18 (C) marketing practices and postmarket
19 reporting, with special attention to preventing
20 consumption by youths.

21 (4) NO PREMARKET APPROVAL REQUIRED.—

22 The regulation under paragraph (2) shall not re-
23 quire premarket approval of marijuana products de-
24 scribed in paragraph (1).

1 (f) NO MARKETING IN COMBINATION WITH CERTAIN
 2 OTHER PRODUCTS.—A marijuana product marketed in
 3 combination with a drug, a biological product, a device,
 4 a tobacco product, or an alcohol product is deemed to be
 5 adulterated for purposes of the Federal Food, Drug, and
 6 Cosmetic Act (21 U.S.C. 301 et seq.).

7 **SEC. 8. COMPTROLLER GENERAL STUDY ON EFFECTS OF**
 8 **MARIJUANA LEGALIZATION ON TRAFFIC**
 9 **SAFETY.**

10 (a) IN GENERAL.—The Comptroller General of the
 11 United States shall conduct a study on the effects of mari-
 12 juana legalization on traffic safety.

13 (b) INCLUSIONS.—The study conducted under sub-
 14 section (a) shall include a detailed assessment of—

15 (1) traffic crashes, fatalities, and injuries in
 16 States that have legalized marijuana use, including
 17 whether States are able to accurately evaluate mari-
 18 juana impairment in those incidents;

19 (2) actions taken by the States referred to in
 20 paragraph (1) to address marijuana-impaired driv-
 21 ing, including any challenges faced in addressing
 22 marijuana-impaired driving;

23 (3) testing standards used by the States re-
 24 ferred to in paragraph (1) to evaluate marijuana im-
 25 pairment in traffic crashes, fatalities, and injuries,

1 including any scientific methods used to determine
2 impairment and analyze data; and

3 (4) Federal initiatives aiming to assist States
4 that have legalized marijuana with traffic safety, in-
5 cluding recommendations for policies and programs
6 to be carried out by the National Highway Traffic
7 Safety Administration.

8 (c) REPORT.—Not later than 1 year after the date
9 of enactment of this Act, the Comptroller General of the
10 United States shall submit to the appropriate committees
11 of Congress a report on the results of the study conducted
12 under subsection (a).

13 **SEC. 9. RULE OF CONSTRUCTION.**

14 (a) IN GENERAL.—Conduct in compliance with this
15 Act and the amendments made by this Act—

16 (1) shall not be unlawful;

17 (2) shall not constitute trafficking in a con-
18 trolled substance under section 401 of the Controlled
19 Substances Act (21 U.S.C. 841) or any other provi-
20 sion of law;

21 (3) shall not constitute the basis for forfeiture
22 of property under section 511 of the Controlled Sub-
23 stances Act (21 U.S.C. 881) or section 981 of title
24 18, United States Code; and

1 (4) shall not be subject to section 280E of the
2 Internal Revenue Code of 1986, relating to expendi-
3 tures in connection with the illegal sale of drugs.

4 (b) PROCEEDS.—The proceeds from any transaction
5 in compliance with this Act and the amendments made
6 by this Act shall not be deemed to be the proceeds of an
7 unlawful transaction under section 1956 or 1957 of title
8 18, United States Code, or any other provision of law.

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