

116TH CONGRESS
1ST SESSION

S. 421

To amend the Controlled Substances Act to reduce the gap between Federal and State marijuana policy, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2019

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Controlled Substances Act to reduce the gap between Federal and State marijuana policy, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Responsibly Addressing the Marijuana Policy Gap Act of
6 2019”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—FEDERALISM IN MARIJUANA POLICY

Sec. 101. Elimination of criminal penalties for certain persons complying with State law.

TITLE II—REMOVING BUSINESS AND BANKING BARRIERS

Sec. 201. Allowance of deductions and credits relating to expenditures in connection with marijuana sales conducted in compliance with State law.

Sec. 202. Marijuana print advertising.

Sec. 203. Safe harbor for marijuana broadcast advertising.

Sec. 204. Access to banking.

Sec. 205. Requirements for filing suspicious activity reports.

Sec. 206. Bankruptcy protection.

Sec. 207. Tribal marijuana sovereignty.

TITLE III—INDIVIDUAL PROTECTIONS

Sec. 301. Expungement of criminal records for certain marijuana-related offenses.

Sec. 302. Limit on drug testing for applicants for Federal employment.

Sec. 303. Fair access to education.

Sec. 304. Civil forfeiture exemption for marijuana facilities authorized by State law.

Sec. 305. Prohibition on inadmissibility or deportation of aliens who comply with State law.

Sec. 306. Drug-related criminal activity in federally assisted housing.

TITLE IV—MEDICAL MARIJUANA RESEARCH AND ACCESS

Sec. 401. Medical Marijuana Research Act.

Sec. 402. Provision by health care providers of the Department of Veterans Affairs of recommendations and opinions regarding veteran participation in State marijuana programs.

Sec. 403. Provision by medical professionals of the Indian Health Service of recommendations and opinions regarding participation in State marijuana programs.

1 **SEC. 2. DEFINITIONS.**

2 In this Act—

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

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

1 (B) a Federal credit union as defined in
2 section 101 of the Federal Credit Union Act
3 (12 U.S.C. 1752); or

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

7 (2) the term “Indian country” has the meaning
8 given the term in section 1151 of title 18, United
9 States Code;

10 (3) the term “Indian tribe” has the meaning
11 given the term in section 4 of the Indian Self-Deter-
12 mination and Education Assistance Act (25 U.S.C.
13 5304);

14 (4) the term “marijuana” has the meaning
15 given the term in section 102 of the Controlled Sub-
16 stances Act (21 U.S.C. 802), as amended by section
17 401(d) of this Act;

18 (5) the term “marijuana derivative” means any
19 marijuana product that is not a naturally grown and
20 unadulterated marijuana flower product;

21 (6) the term “marijuana product” means any
22 article that contains marijuana or any marijuana de-
23 rivative;

1 (7) the term “marijuana-related business”
 2 means a manufacturer, producer, or any person
 3 that—

4 (A) participates in any business or orga-
 5 nized activity that involves handling marijuana
 6 or marijuana products, including selling, trans-
 7 porting, displaying, dispensing, or distributing
 8 marijuana or marijuana products; and

9 (B) engages in such activity pursuant to a
 10 law established by a State, a unit of local gov-
 11 ernment, or an Indian tribe that has jurisdic-
 12 tion over the Indian country in which the activ-
 13 ity occurs; and

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

17 **TITLE I—FEDERALISM IN** 18 **MARIJUANA POLICY**

19 **SEC. 101. ELIMINATION OF CRIMINAL PENALTIES FOR CER-** 20 **TAIN PERSONS COMPLYING WITH STATE** 21 **LAW.**

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

24 (1) by striking “No provision” and inserting
 25 the following:

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

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

4 “(b) COMPLIANCE WITH STATE LAW.—Notwith-
5 standing any other provision of law, the provisions of this
6 title relating to marihuana shall not apply to any person
7 acting in compliance with State law or the law of the In-
8 dian tribe that has jurisdiction over the Indian country,
9 as defined in section 1151 of title 18, United States Code,
10 where the conduct occurs relating to—

11 “(1) the production, possession, distribution,
12 dispensation, administration, laboratory testing, or
13 delivery of marihuana; or

14 “(2) the provision of ancillary services related
15 to the activities described in paragraph (1), such as
16 legal representation, payment processing, adver-
17 tising, security services, scientific and safety testing,
18 or property leasing.”.

1 **TITLE II—REMOVING BUSINESS**
 2 **AND BANKING BARRIERS**

3 **SEC. 201. ALLOWANCE OF DEDUCTIONS AND CREDITS RE-**
 4 **LATING TO EXPENDITURES IN CONNECTION**
 5 **WITH MARIJUANA SALES CONDUCTED IN**
 6 **COMPLIANCE WITH STATE LAW.**

7 (a) **SHORT TITLE.**—This section may be cited as the
 8 “Small Business Tax Equity Act of 2019”.

9 (b) **ALLOWANCE.**—Section 280E of the Internal Rev-
 10 enue Code of 1986 is amended by inserting before the pe-
 11 riod at the end the following: “, unless such trade or busi-
 12 ness consists of marijuana sales conducted in compliance
 13 with State law or the law of the Indian tribe, as defined
 14 in section 4 of the Indian Self-Determination and Edu-
 15 cation Assistance Act (25 U.S.C. 5304), that has jurisdic-
 16 tion over the Indian country, as defined in section 1151
 17 of title 18, where the trade or business is conducted”.

18 (c) **EFFECTIVE DATE.**—The amendment made by
 19 this section shall apply with respect to taxable years end-
 20 ing after the date of the enactment of this Act.

21 **SEC. 202. MARIJUANA PRINT ADVERTISING.**

22 (a) **SHORT TITLE.**—This section may be cited as the
 23 “Marijuana Advertising In Legal States Act” or the
 24 “MAILS Act”.

1 (b) MARIJUANA PRINT ADVERTISING.—Section
 2 403(c)(1) of the Controlled Substances Act (21 U.S.C.
 3 843(c)(1)) is amended by adding at the end the following:
 4 “This paragraph does not apply to an advertisement to
 5 the extent that the advertisement relates to an activity,
 6 involving marihuana, that is in compliance with the law
 7 of the State or the law of the Indian tribe, as defined in
 8 section 4 of the Indian Self-Determination and Education
 9 Assistance Act (25 U.S.C. 5304), that has jurisdiction
 10 over the Indian country, as defined in section 1151 of title
 11 18, United States Code, in which that activity takes
 12 place.”.

13 **SEC. 203. SAFE HARBOR FOR MARIJUANA BROADCAST AD-**
 14 **VERTISING.**

15 (a) COMMUNICATIONS ACT OF 1934.—Section 309 of
 16 the Communications Act of 1934 (47 U.S.C. 309) is
 17 amended by adding at the end the following:

18 “(m) SAFE HARBOR FOR MARIJUANA BROADCAST
 19 ADVERTISING.—

20 “(1) DEFINITIONS.—In this subsection—

21 “(A) the term ‘covered activity’ means the
 22 production, possession, sale, distribution, dis-
 23 pensation, administration, processing, or labora-
 24 tory testing of marijuana;

1 “(B) the term ‘Indian country’ has the
2 meaning given the term in section 1151 of title
3 18, United States Code;

4 “(C) the term ‘Indian tribe’ has the mean-
5 ing given the term in section 4 of the Indian
6 Self-Determination and Education Assistance
7 Act (25 U.S.C. 5304);

8 “(D) the term ‘marijuana’ has the mean-
9 ing given the term in section 102 of the Con-
10 trolled Substances Act (21 U.S.C. 802); and

11 “(E) the term ‘media of mass communica-
12 tions’ has the meaning given the term in sub-
13 section (i)(3)(C).

14 “(2) SAFE HARBOR.—In determining whether
15 to grant an application for a license or permit (in-
16 cluding for the renewal of a license or permit) under
17 this section, the Commission shall not consider the
18 broadcast by any medium of mass communications
19 of any advertising or other information pertaining to
20 any aspect of a covered activity to be contrary to the
21 public interest, convenience, and necessity, if the
22 covered activity, and the advertising thereof, does
23 not violate the law of—

24 “(A) the State, or the Indian tribe that
25 has jurisdiction over the Indian country, in

1 which the transmission point of the subject me-
2 dium of mass communications is located; or

3 “(B) with respect to a radio or television
4 station, the State, or the Indian tribe that has
5 jurisdiction over the Indian country, in which
6 the station’s community of license is or is pro-
7 posed to be located.”.

8 (b) CONTROLLED SUBSTANCES ACT.—Section 708 of
9 the Controlled Substances Act (21 U.S.C. 903), as amend-
10 ed by section 101, is amended—

11 (1) in subsection (a), by striking “subsection
12 (b)” and inserting “subsections (b) and (c)”;

13 (2) in subsection (b), by striking “Notwith-
14 standing” and inserting “Subject to subsection (c)
15 and notwithstanding”; and

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

17 “(c) COMPLIANCE WITH STATE OR TRIBAL LAW RE-
18 LATING TO MARIJUANA BROADCAST ADVERTISING.—

19 “(1) IN GENERAL.—Except as provided in para-
20 graph (2) and notwithstanding any other provision
21 of law, the provisions of this title relating to mari-
22 juana shall not apply to the broadcast by any me-
23 dium of mass communications of any advertising or
24 other information pertaining to any aspect of a cov-

1 ered activity if the covered activity, and the adver-
2 tising thereof, does not violate the law of—

3 “(A) the State, or the Indian tribe that
4 has jurisdiction over the Indian country, in
5 which the transmission point of the subject me-
6 dium of mass communications is located; or

7 “(B) with respect to a radio or television
8 station, the State, or the Indian tribe that has
9 jurisdiction over the Indian country, in which
10 the station’s community of license is located.

11 “(2) BROADCASTS CALCULATED TO INDUCE
12 TRAVEL FROM NON-LEGAL JURISDICTIONS.—Para-
13 graph (1) shall not apply to the broadcast by any
14 medium of mass communications of any advertising
15 or other information pertaining to any aspect of a
16 covered activity that is calculated to induce residents
17 of a non-legal jurisdiction to travel to another State
18 or other area of Indian country to purchase mari-
19 juana.

20 “(d) DEFINITIONS.—For purposes of this section—

21 “(1) the term ‘covered activity’ means the pro-
22 duction, possession, sale, distribution, dispensation,
23 administration, processing, or laboratory testing of
24 marijuana;

1 “(2) the term ‘Indian country’ has the meaning
2 given the term in section 1151 of title 18, United
3 States Code;

4 “(3) the term ‘Indian tribe’ has the meaning
5 given the term in section 4 of the Indian Self-Deter-
6 mination and Education Assistance Act (25 U.S.C.
7 5304);

8 “(4) the term ‘media of mass communications’
9 has the meaning given the term in section
10 309(i)(3)(C) of the Communications Act of 1934 (47
11 U.S.C. 309(i)(3)(C)); and

12 “(5) the term ‘non-legal jurisdiction’ means—

13 “(A) a State in which the purchase of
14 marijuana is prohibited under State law; or

15 “(B) Indian country in which the purchase
16 of marijuana is prohibited under the law of the
17 Indian tribe that has jurisdiction over the In-
18 dian country.”.

19 **SEC. 204. ACCESS TO BANKING.**

20 (a) DEFINITIONS.—In this section—

21 (1) the term “Federal banking regulator”
22 means each of the Board of Governors of the Fed-
23 eral Reserve System, the Bureau of Consumer Fi-
24 nancial Protection, the Federal Deposit Insurance
25 Corporation, the Office of the Comptroller of the

1 Currency, the National Credit Union Administra-
2 tion, or any Federal agency or department that reg-
3 ulates banking or financial services, as determined
4 by the Secretary of the Treasury;

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

9 (3) the term “manufacturer” means a person
10 who manufactures, compounds, converts, processes,
11 prepares, or packages marijuana or marijuana prod-
12 ucts; and

13 (4) the term “producer” means a person who
14 plants, cultivates, harvests, or in any way facilitates
15 the natural growth of marijuana.

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

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

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

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

8 (A) the person is a manufacturer or pro-
9 ducer of marijuana;

10 (B) the person is the owner, operator, or
11 an employee of a marijuana-related business;

12 (C) the person later becomes an owner, op-
13 erator, or employee of a marijuana-related busi-
14 ness; or

15 (D) the depository institution was not
16 aware that the person is the owner, operator, or
17 an employee of a marijuana-related business; or

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

21 (A) a marijuana-related business solely be-
22 cause the owner, operator, or employee is an
23 owner, operator, or employee of a marijuana-re-
24 lated business; or

1 (B) real estate or equipment that is leased
 2 to a marijuana-related business solely because
 3 the owner or operator of the real estate or
 4 equipment leased the real estate or equipment
 5 to a marijuana-related business.

6 (c) PROHIBITION ON DENYING MASTER ACCOUNTS
 7 TO DEPOSITORY INSTITUTIONS BECAUSE OF MARIJUANA-
 8 RELATED FUNDS.—Notwithstanding any other provision
 9 of law, the Board of Governors of the Federal Reserve
 10 System may not deny a master account to a depository
 11 institution solely on the basis that the depository institu-
 12 tion accepts deposits of funds from marijuana-related
 13 businesses.

14 (d) PROTECTIONS UNDER FEDERAL LAW.—

15 (1) INVESTIGATION AND PROSECUTION.—A de-
 16 pository institution that provides financial services
 17 to a marijuana-related business, or the officers, di-
 18 rectors, and employees of that business, shall be im-
 19 mune from Federal criminal prosecution or inves-
 20 tigation for providing those services.

21 (2) FEDERAL CRIMINAL LAW.—A depository in-
 22 stitution that provides financial services to a mari-
 23 juana-related business, or the officers, directors, and
 24 employees of that business, shall not be subject to
 25 a criminal penalty under any Federal law solely for

1 providing those services or for further investing any
2 income derived from such services.

3 (3) FORFEITURE.—A depository institution
4 that has a legal interest in the collateral for a loan
5 made to an owner, operator, or employee of a mari-
6 juana-related business, or to an owner or operator of
7 real estate or equipment that is leased to a mari-
8 juana-related business, shall not be subject to crimi-
9 nal, civil, or administrative forfeiture of that legal
10 interest pursuant to any Federal law for providing
11 such loan.

12 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
13 tion requires a depository institution to provide financial
14 services to a marijuana-related business.

15 **SEC. 205. REQUIREMENTS FOR FILING SUSPICIOUS ACTIV-**
16 **ITY REPORTS.**

17 (a) DEFINITION.—In this section, the term “deposit
18 account records”—

19 (1) means account ledgers, signature cards, cer-
20 tificates of deposit, passbooks, corporate resolutions
21 authorizing accounts in the possession of the deposi-
22 tory institution, and other books and records of the
23 depository institution, including records maintained
24 by computer, which relate to the depository institu-
25 tion’s deposit taking function; and

(2) does not include account statements, deposit slips, items deposited, or cancelled checks.

(b) SUSPICIOUS ACTIVITY REPORTS.—

(1) IN GENERAL.—A depository institution or any director, officer, employee, or agent of a depository institution shall not be required to report a suspicious transaction as prescribed by the guidance issued by the Financial Crimes Enforcement Network titled “BSA Expectations Regarding Marijuana-Related Businesses” (FIN–2014–G001; published on February 14, 2014) or section 21.11(c)(4)(1) of title 12, Code of Federal Regulations, if—

(A) the depository institution reasonably believes, based on customer due diligence, that the marijuana-related businesses to which it is providing financial services does not implicate one of the priorities outlined in the document entitled “Memorandum for All United States Attorneys: Guidance Regarding Marijuana Enforcement” issued by James M. Cole on August 29, 2013, nor violate the laws of the State in which marijuana-related business operates; and

(B) the deposit account records of the depository institution—

1 (i) include—

2 (I) identifying information of the
3 account holder and related parties;
4 and

5 (II) addresses of the account
6 holder and related parties; and

7 (ii) state that—

8 (I) the account holder is engaged
9 in a marijuana-related business; and

10 (II) no additional suspicious ac-
11 tivity has been identified.

12 (2) SAFE HARBOR.—A depository institution or
13 any director, officer, employee, or agent of a deposi-
14 tory institution that reports a suspicious transaction
15 relating to a marijuana-related business shall be
16 considered to have met the requirements of the guid-
17 ance described in paragraph (1).

18 **SEC. 206. BANKRUPTCY PROTECTION.**

19 Notwithstanding any other provision of law, a mari-
20 juana-related business shall be entitled to—

21 (1) relief under chapter 7, 11, or 13 of title 11,
22 United States Code; and

23 (2) convert a case in accordance with section
24 706, 1112, or 1307 of title 11, United States Code,
25 as applicable.

1 **SEC. 207. TRIBAL MARIJUANA SOVEREIGNTY.**

2 (a) IN GENERAL.—The fact that an Indian tribe, a
3 member of an Indian tribe, or a tribal entity is producing,
4 purchasing, or in possession of marijuana in compliance
5 with the law of the Indian tribe that has jurisdiction over
6 the Indian country, as defined in section 1151 of title 18,
7 United States Code, where the conduct occurs shall not
8 be considered when—

9 (1) allocating or distributing Federal funds or
10 other Federal benefits to the Indian tribe, a member
11 of an Indian tribe, or the tribal entity;

12 (2) determining the eligibility of the Indian
13 tribe or the tribal entity for any contract, grant, or
14 other agreement with the United States, or the re-
15 newal or modification thereof, where the legal pro-
16 duction, purchase, or possession of marijuana by the
17 Indian tribe or a member of an Indian tribe would
18 otherwise disqualify the Indian tribe from eligibility;

19 (3) evaluating the ongoing compliance of the
20 Indian tribe or the tribal entity with any contract,
21 grant, or other agreement with the United States
22 where the legal production, purchase, or possession
23 of marijuana by the Indian tribe or a member of an
24 Indian tribe would otherwise result in the Indian
25 tribe or tribal entity being out of compliance; and

1 (4) determining if the Indian tribe or a member
2 of an Indian tribe is eligible for Federal benefits for
3 which the Indian tribe or a member of an Indian
4 tribe would otherwise be eligible.

5 (b) CLARIFICATION.—This subsection shall not pro-
6 hibit consideration of income from the legal production,
7 purchase, or possession of marijuana to the same extent
8 that the other legal income would be considered when allo-
9 cating or distributing Federal funds or determining eligi-
10 bility for Federal benefits.

11 (c) DEFINITIONS.—For purposes of this subsection:

12 (1) TRIBAL ENTITY.—The term “tribal entity”
13 means—

14 (A) tribal organizations as defined in sec-
15 tion 4(l) of the Indian Self-Determination and
16 Education Assistance Act of 1975 (25 U.S.C.
17 5304(l));

18 (B) tribally designated housing entities as
19 defined in section 4(22) of the Native American
20 Housing Assistance and Self-Determination Act
21 of 1996 (25 U.S.C. 4103(22)); or

22 (C) Indian-owned businesses and tribal en-
23 terprises as defined in paragraphs (5) and (8)
24 of section 3 of the Native American Business

1 Development, Trade Promotion, and Tourism
 2 Act of 2000 (25 U.S.C. 4302).

3 (2) LEGALLY AUTHORIZED.—The term “legally
 4 authorized” means permitted under the laws of—

5 (A) the United States;

6 (B) the State where the lands held in fee
 7 by an Indian tribe or held in trust by the
 8 United States for the benefit on behalf of that
 9 Indian tribe are located; or

10 (C) an Indian tribe.

11 **TITLE III—INDIVIDUAL** 12 **PROTECTIONS**

13 **SEC. 301. EXPUNGEMENT OF CRIMINAL RECORDS FOR CER-** 14 **TAIN MARIJUANA-RELATED OFFENSES.**

15 (a) SHORT TITLE.—This section may be cited as the
 16 “Clean Slate for Marijuana Offenses Act of 2019”.

17 (b) EXPUNGEMENT.—Chapter 229 of title 18, United
 18 States Code, is amended by inserting after subchapter C
 19 the following:

20 **“SUBCHAPTER D—EXPUNGEMENT**

“Sec.

“3631. Expungement of certain criminal records in limited circumstances.

“3632. Requirements for expungement.

“3633. Procedure for expungement.

“3634. Effect of expungement.

“3635. Disclosure of expunged records.

1 **“§ 3631. Expungement of certain criminal records in**
 2 **limited circumstances**

3 “(a) IN GENERAL.—Any individual convicted of a
 4 qualifying marijuana-related offense who fulfills the re-
 5 quirements of section 3632 may, upon petition for
 6 expungement made in accordance with this subchapter,
 7 obtain an order granting expungement under this sub-
 8 chapter.

9 “(b) DEFINITION OF QUALIFYING MARIJUANA-RE-
 10 LATED OFFENSE.—In this subchapter, the term ‘quali-
 11 fying marijuana-related offense’ means an offense against
 12 the United States in which the conduct constituting the
 13 offense—

14 “(1) was legal under the State law or the law
 15 of the Indian tribe at the time of the offense; or

16 “(2) was the possession of marijuana in a quan-
 17 tity not greater than 1 ounce.

18 “(c) DEFINITIONS.—In this subchapter—

19 “(1) the term ‘Indian country’ has the meaning
 20 given the term in section 1151;

21 “(2) the term ‘Indian tribe’ has the meaning
 22 given the term in section 4 of the Indian Self-Deter-
 23 mination and Education Assistance Act (25 U.S.C.
 24 5304); and

1 “(3) the term ‘State’ includes the District of
2 Columbia, Puerto Rico, and any other territory or
3 possession of the United States.

4 **“§ 3632. Requirements for expungement**

5 “No individual shall be eligible for an order of
6 expungement under this subchapter unless, before filing
7 a petition under this subchapter, such individual fulfills
8 all requirements of the sentence for the conviction for
9 which expungement is sought, including completion of any
10 term of imprisonment or period of probation, meeting all
11 conditions of a supervised release, and paying all fines.

12 **“§ 3633. Procedure for expungement**

13 “(a) PETITION.—An individual may file a petition for
14 expungement of a conviction in the court in which the con-
15 viction was obtained. A copy of the petition shall be served
16 by the court upon the United States Attorney for the judi-
17 cial district of that court.

18 “(b) OPPORTUNITY FOR GOVERNMENT TO CONTEST
19 PETITION.—Not later than 60 days after the date a copy
20 of a petition is served on the Government under subsection
21 (a), the Government may, if the Government determines
22 the facts do not support the petition, inform the court and
23 the petitioner that the Government opposes granting
24 expungement. If the Government does so inform the court
25 and the petitioner, the court shall allow the Government

1 and the petitioner an opportunity to present evidence and
 2 argument relating to the petition.

3 “(c) COURT-ORDERED EXPUNGEMENT.—If, after the
 4 passage of the 60-day period described in subsection (a)
 5 or earlier, if the Government informs the court it will not
 6 oppose granting expungement or if proceedings related to
 7 that opposition have been completed, the court determines
 8 the preponderance of the evidence before the court sup-
 9 ports the granting of expungement under this subchapter,
 10 the court shall issue an order granting that expungement.
 11 If the court determines the petition is not supported by
 12 the preponderance of the evidence before the court, the
 13 court shall deny the petition.

14 **“§ 3634. Effect of expungement**

15 “(a) IN GENERAL.—An order granting expungement
 16 under this subchapter restores the individual concerned,
 17 in the contemplation of the law, to the status that indi-
 18 vidual occupied before the arrest or the institution of
 19 criminal proceedings for the offense for which
 20 expungement is granted.

21 “(b) NO DISQUALIFICATION; STATEMENTS.—After
 22 an order under this subchapter granting expungement of
 23 an individual’s criminal records, that individual is not re-
 24 quired to divulge information pertaining to the expunged
 25 conviction. The fact that such individual has been con-

1 victed of the criminal offense concerned shall not operate
 2 as a disqualification of that individual to pursue or engage
 3 in any lawful activity, occupation, or profession. Such indi-
 4 vidual is not guilty of any perjury, false answering, or
 5 making a false statement by reason of that individual's
 6 failure to recite or acknowledge such arrest or institution
 7 of criminal proceedings, or results thereof, in response to
 8 an inquiry made of that individual for any purpose.

9 “(c) RECORDS TO BE DESTROYED.—Except as pro-
 10 vided in section 3635, upon order of expungement, all offi-
 11 cial law enforcement and court records, including all ref-
 12 erences to such person's arrest for the offense, the institu-
 13 tion of criminal proceedings against the individual, and
 14 the results thereof, except publicly available court opinions
 15 or briefs on appeal, shall be permanently destroyed.

16 **“§ 3635. Disclosure of expunged records**

17 “(a) INDEX TO ASSIST AUTHORIZED DISCLOSURE.—
 18 The Department of Justice shall maintain a nonpublic
 19 manual or computerized record of expungement under this
 20 subchapter containing only the name of, and alphanumeric
 21 identifiers selected by the Department of Justice that re-
 22 late to, the persons who obtained expungement under this
 23 subchapter, and the order of expungement.

24 “(b) AUTHORIZED DISCLOSURE TO INDIVIDUAL.—
 25 Information in the index shall be made available only to

1 the individual to whose expungement it pertains or to such
 2 individual's designated agent.

3 “(c) PUNISHMENT FOR IMPROPER DISCLOSURE.—
 4 Whoever knowingly discloses information relating to an
 5 expunged conviction other than as authorized in this sub-
 6 chapter shall be fined under this title or imprisoned not
 7 more than one year, or both.”.

8 (c) CLERICAL AMENDMENT.—The table of sub-
 9 chapters at the beginning of chapter 229 of title 18,
 10 United States Code, is amended by adding at the end the
 11 following item:

“D. Expungement 3631”.

12 (d) EFFECTIVE DATE.—The amendments made by
 13 this section apply to individuals convicted of an offense
 14 before, on, or after the date of enactment of this Act.

15 **SEC. 302. LIMIT ON DRUG TESTING FOR APPLICANTS FOR**
 16 **FEDERAL EMPLOYMENT.**

17 (a) DEFINITION.—In this section, the term “covered
 18 position” means a position in the civil service (as defined
 19 in section 2101 of title 5, United States Code).

20 (b) PROHIBITION.—If an applicant for a covered po-
 21 sition used marijuana in accordance with the law of a
 22 State or the law of an Indian tribe that has jurisdiction
 23 over the Indian country in which the use occurred, before,
 24 on, or after the date on which the application is submitted,
 25 no agency, establishment, or other appointing authority in

1 the executive, legislative, or judicial branch of the Federal
 2 Government may—

3 (1) require the applicant to submit to a test
 4 that screens for the use of marijuana; or

5 (2) in determining whether to appoint the appli-
 6 cant to the covered position—

7 (A) use the results of a test indicating that
 8 an applicant for a covered position used mari-
 9 juana, in whole or in part; or

10 (B) use any evidence that the applicant
 11 used marijuana.

12 **SEC. 303. FAIR ACCESS TO EDUCATION.**

13 (a) **SHORT TITLE.**—This section may be cited as the
 14 “Fair Access to Education Act of 2019”.

15 (b) **EXCLUSION OF MISDEMEANOR MARIJUANA POS-**
 16 **SESSION OFFENSES FROM DRUG-RELATED OFFENSES**
 17 **RESULTING IN SUSPENSION OF ELIGIBILITY FOR FINAN-**
 18 **CIAL ASSISTANCE FOR HIGHER EDUCATION.**—Section
 19 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C.
 20 1091(r)(1)) is amended by inserting after “controlled sub-
 21 stance” the following: “, but not including any mis-
 22 demeanor offense for possession of marihuana (as such
 23 term is defined in section 102 of the Controlled Sub-
 24 stances Act (21 U.S.C. 802)),”.

25 (c) **APPLICABILITY; RESUMPTION OF ELIGIBILITY.**—

1 (1) APPLICABILITY.—The amendment made by
 2 subsection (a) shall apply to convictions for offenses
 3 described in the matter inserted by such amendment
 4 occurring before, on, and after the date of enact-
 5 ment of this Act.

6 (2) RESUMPTION OF ELIGIBILITY.—Any stu-
 7 dent whose eligibility for grants, loans, and work as-
 8 sistance under title IV of the Higher Education Act
 9 of 1965 (20 U.S.C. 1070 et seq.) was suspended
 10 under section 484(1) of such Act by reason of a con-
 11 viction, before the date of enactment of this Act, for
 12 an offense described in the matter inserted by the
 13 amendment made by subsection (a) shall, unless oth-
 14 erwise ineligible for such assistance, resume eligi-
 15 bility upon such date of enactment.

16 **SEC. 304. CIVIL FORFEITURE EXEMPTION FOR MARIJUANA**
 17 **FACILITIES AUTHORIZED BY STATE LAW.**

18 Section 511(a)(7) of the Controlled Substances Act
 19 (21 U.S.C. 881(a)(7)) is amended—

20 (1) by striking “(7) All” and inserting “(7)(A)
 21 Except as provided in subparagraph (B), all”; and

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

23 “(B) No real property, including any right,
 24 title, and interest in the whole of any lot or tract of
 25 land and any appurtenances or improvements, shall

1 be subject to forfeiture under subparagraph (A) due
 2 to marijuana-related conduct that is authorized by
 3 State law or the law of the Indian tribe, as defined
 4 in section 4 of the Indian Self-Determination and
 5 Education Assistance Act (25 U.S.C. 5304), that
 6 has jurisdiction over the Indian country, as defined
 7 in section 1151 of title 18, United States Code, in
 8 which the conduct occurs.”.

9 **SEC. 305. PROHIBITION ON INADMISSIBILITY OR DEPORTA-**
 10 **TION OF ALIENS WHO COMPLY WITH STATE**
 11 **LAW.**

12 (a) PROHIBITION ON INADMISSIBILITY.—Section
 13 212(a)(2)(A)(i)(II) of the Immigration and Nationality
 14 Act (8 U.S.C. 1182(a)(2)(A)(i)(II)) is amended by insert-
 15 ing “other than an act involving marijuana that is per-
 16 mitted under the laws of a State or the law of an Indian
 17 tribe, as defined in section 4 of the Indian Self-Determina-
 18 tion and Education Assistance Act (25 U.S.C. 5304), that
 19 has jurisdiction over the Indian country, as defined in sec-
 20 tion 1151 of title 18, United States Code, in which the
 21 act occurs” after “(802)),”.

22 (b) PROHIBITION ON DEPORTATION.—Section
 23 237(a)(2)(B)(i) of the Immigration and Nationality Act
 24 (8 U.S.C. 1227(a)(2)(B)(i)) is amended by striking “mari-
 25 juana,” and inserting “marijuana or an offense involving

1 marijuana that is permitted under the laws of a State or
 2 the law of an Indian tribe, as defined in section 4 of the
 3 Indian Self-Determination and Education Assistance Act
 4 (25 U.S.C. 5304), that has jurisdiction over the Indian
 5 country, as defined in section 1151 of title 18, United
 6 States Code, in which the offense occurs”.

7 **SEC. 306. DRUG-RELATED CRIMINAL ACTIVITY IN FEDER-**
 8 **ALLY ASSISTED HOUSING.**

9 (a) IN GENERAL.—Section 3(b) of the United States
 10 Housing Act of 1937 (42 U.S.C. 1437a(b)) is amended—

11 (1) by striking paragraph (9) and inserting the
 12 following:

13 “(9) DRUG-RELATED CRIMINAL ACTIVITY.—The
 14 term ‘drug-related criminal activity’—

15 “(A) means the illegal manufacture, sale,
 16 distribution, use, or possession with intent to
 17 manufacture, sell, distribute, or use, of a con-
 18 trolled substance (as defined in section 102 of
 19 the Controlled Substances Act (21 U.S.C.
 20 802)); and

21 “(B) does not include the manufacture,
 22 sale, distribution, use, or possession with intent
 23 to manufacture, sell, distribute, or use, of mari-
 24 juana if such activity is conducted in compli-
 25 ance with State law or the law of the Indian

1 tribe that has jurisdiction over the Indian coun-
 2 try where the activity occurs.”; and

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

4 “(14) INDIAN COUNTRY.—The term ‘Indian
 5 country’ has the meaning given the term in section
 6 1151 of title 18, United States Code.

7 “(15) INDIAN TRIBE.—The term ‘Indian tribe’
 8 has the meaning given the term in section 4 of the
 9 Indian Self-Determination and Education Assistance
 10 Act (25 U.S.C. 5304).

11 “(16) MARIJUANA.—The term ‘marijuana’ has
 12 the meaning given the term in section 102 of the
 13 Controlled Substances Act (21 U.S.C. 802).”.

14 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

15 (1) QUALITY HOUSING AND WORK RESPONSI-
 16 BILITY ACT OF 1998.—Section 576 of the Quality
 17 Housing and Work Responsibility Act of 1998 (42
 18 U.S.C. 13661) is amended by striking “(as such
 19 term is defined in section 3(b) of the United States
 20 Housing Act of 1937 (42 U.S.C. 1437a(b))”.

21 (2) UNITED STATES HOUSING ACT OF 1937.—
 22 The United States Housing Act of 1937 (42 U.S.C.
 23 1437 et seq.) is amended—

24 (A) in section 6(l) (42 U.S.C. 1437d(l))—

(i) by redesignating the second paragraph designated as paragraph (7) (relating to violations as cause for termination of tenancy) as paragraph (8);

(ii) in paragraph (9), by redesignating paragraph (2) as subparagraph (B), and adjusting the margins accordingly; and

(iii) by striking the flush text following paragraph (9)(B), as so redesignated; and

(B) in section 8(f) (42 U.S.C. 1437f(f))—

(i) by striking paragraph (5); and

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

TITLE IV—MEDICAL MARIJUANA RESEARCH AND ACCESS

SEC. 401. MEDICAL MARIJUANA RESEARCH ACT.

(a) **SHORT TITLE.**—This section may be cited as the “Medical Marijuana Research Act of 2019”.

(b) **DEFINITIONS.**—In this section—

(1) the term “qualified medical marijuana researcher” means a researcher who is registered to conduct research with marijuana under section 303(f)(3) of the Controlled Substances Act (21

1 U.S.C. 823(f)(3)), as amended by subsection (d);
2 and

3 (2) the term “Secretary” means the Secretary
4 of Health and Human Services.

5 (c) PRODUCTION AND SUPPLY.—

6 (1) IN GENERAL.—The Secretary—

7 (A) until the date on which the Secretary
8 determines that manufacturers and distributors
9 (other than the Federal Government) can en-
10 sure a sufficient supply of marijuana for quali-
11 fied medical marijuana researchers, shall—

12 (i) continue to produce marijuana
13 through the National Institute on Drug
14 Abuse Drug Supply Program; and

15 (ii) offer for sale immature marijuana
16 plants and the seeds of marijuana—

17 (I) to all qualified medical mari-
18 juana researchers who submit a re-
19 quest for such plants or seeds to en-
20 gage in research pursuant to section
21 303(f)(3) of the Controlled Sub-
22 stances Act (21 U.S.C. 823(f)(3)), as
23 amended by subsection (d); and

1 (II) in quantities sufficient to
2 produce an adequate supply of mari-
3 juana for such research; and

4 (B) beyond the date specified in subpara-
5 graph (A), may, at the Secretary's discretion,
6 continue to so produce and supply marijuana.

7 (2) REQUIREMENT TO VERIFY REGISTRA-
8 TION.—Before supplying marijuana to any person
9 through the National Institute on Drug Abuse Drug
10 Supply Program, the Secretary shall—

11 (A) require the person to submit docu-
12 mentation demonstrating that the person is a
13 qualified medical marijuana researcher seeking
14 to conduct research pursuant to the section
15 303(f)(3) of the Controlled Substances Act (21
16 U.S.C. 823(f)(3)), as amended by subsection
17 (d); and

18 (B) not later than 30 days after receipt of
19 such documentation, review such documentation
20 and verify that the marijuana will be used for
21 such research.

22 (3) GUIDELINES ON PRODUCTION.—The Com-
23 missioner of Food and Drugs, in consultation with
24 the Director of the National Institute on Drug
25 Abuse, shall—

(A) not later than 180 days after the date of enactment of this Act, issue guidelines on the production of marijuana by qualified medical marijuana researchers pursuant to paragraph (1)(A)(ii); and

(B) encourage researchers and manufacturers that are authorized to produce or manufacture marijuana pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823), as amended by this section, to comply with such guidelines to the extent applicable.

(4) DEFINITION.—In this subsection, the term “immature marijuana plant” means a marijuana plant with no observable flowers or buds.

(d) FACILITATING MARIJUANA RESEARCH.—

(1) IN GENERAL.—Section 303(f) of the Controlled Substances Act (21 U.S.C. 823(f)) is amended—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(B) by striking “(f) The Attorney General” and inserting “(f)(1) The Attorney General”;

(C) by striking “Registration applications” and inserting the following:

1 “(2) Registration applications”;

2 (D) in paragraph (2), as so designated, by
3 striking “schedule I” each place that term ap-
4 pears and inserting “schedule I, except mari-
5 juana,”;

6 (E) by striking “Article 7” and inserting
7 the following:

8 “(4) Article 7”; and

9 (F) by inserting before paragraph (4), as
10 so designated, the following:

11 “(3)(A) The Attorney General shall register a practi-
12 tioner to conduct research with marijuana if—

13 “(i) the applicant is authorized to dispense, or
14 conduct research with respect to, controlled sub-
15 stances in schedules II, III, IV, and V under the
16 laws of the State in which the applicant practices;

17 “(ii) the applicant’s research protocol—

18 “(I) has been reviewed and allowed by—

19 “(aa) the Secretary under section
20 505(i) of the Federal Food, Drug, and
21 Cosmetic Act (21 U.S.C. 355(i)); or

22 “(bb) the National Institutes of
23 Health or another Federal agency that
24 funds scientific research; or

1 “(II) in the case of nonhuman research
2 that is not federally funded, has been volun-
3 tarily submitted by the applicant to, and ap-
4 proved by, the National Institutes of Health;
5 and

6 “(iii) the applicant has demonstrated that there
7 are effective procedures in place to adequately safe-
8 guard against diversion of the marijuana from legiti-
9 mate medical or scientific use, in accordance with
10 subparagraph (E).

11 “(B) The Attorney General shall grant an application
12 for registration under this paragraph unless the Attorney
13 General determines that the issuance of the registration
14 would be inconsistent with the public interest. In deter-
15 mining the public interest, the following factors shall be
16 considered:

17 “(i) The applicant’s experience in dispensing, or
18 conducting research with respect to, controlled sub-
19 stances.

20 “(ii) The applicant’s conviction record under
21 Federal or State laws relating to the manufacture,
22 distribution, or dispensing of controlled substances.

23 “(iii) Compliance with applicable State, Fed-
24 eral, or local laws relating to controlled substances.

1 “(iv) Such other conduct by the applicant that
2 may threaten the public health and safety.

3 “(C) Not later than 90 days after the date of enact-
4 ment of the Medical Marijuana Research Act of 2019, for
5 purposes of subparagraph (A)(ii)(II), the National Insti-
6 tutes of Health shall establish a process that—

7 “(i) allows a researcher to voluntarily submit
8 the research protocol of the researcher for review
9 and approval; and

10 “(ii) provides a researcher described in clause
11 (i) with a decision not less than 30 days after the
12 date on which the research protocol is submitted.

13 “(D)(i) Not later than 60 days after the date on
14 which the Attorney General receives a complete applica-
15 tion for registration under this paragraph, the Attorney
16 General shall approve or deny the application.

17 “(ii) For purposes of clause (i), an application shall
18 be deemed complete when the applicant has submitted
19 documentation showing that the requirements under sub-
20 paragraph (A) are satisfied.

21 “(E)(i) A researcher registered under this paragraph
22 shall store marijuana to be used in research in a securely
23 locked, substantially constructed cabinet.

24 “(ii) Except as provided in clause (i), any security
25 measures required by the Attorney General for practi-

1 tioners conducting research with marijuana pursuant to
 2 a registration under this paragraph shall be consistent
 3 with the security measures for practitioners conducting re-
 4 search on other controlled substances in schedule II that
 5 have a similar risk of diversion and abuse.

6 “(F)(i) If the Attorney General grants an application
 7 for registration under this paragraph, the applicant may
 8 amend or supplement the research protocol without re-
 9 applying if the applicant does not—

10 “(I) change the type of drug, the source of the
 11 drug, or the conditions under which the drug is
 12 stored, tracked, or administered; or

13 “(II) otherwise increase the risk of diversion.

14 “(ii) If an applicant amends or supplements the re-
 15 search protocol or initiates research on a new research
 16 protocol under clause (i), the applicant shall, in order to
 17 renew the registration under this paragraph, provide no-
 18 tice to the Attorney General of the amended or supple-
 19 mented research protocol or any new research protocol in
 20 the applicant’s renewal materials.

21 “(iii)(I) If an applicant amends or supplements a re-
 22 search protocol and the amendment or supplement in-
 23 volves a change to the type of drug, the source of the drug,
 24 or conditions under which the drug is stored, tracked, or
 25 administered or otherwise increases the risk of diversion,

1 the applicant shall provide notice to the Attorney General
 2 not later than 30 days before proceeding on such amended
 3 or supplemental research or new research protocol, as the
 4 case may be.

5 “(II) If the Attorney General does not object during
 6 the 30-day period following a notification under subclause
 7 (I), the applicant may proceed with the amended or sup-
 8 plemental research or new research protocol.

9 “(iv) The Attorney General may object to an amend-
 10 ed or supplemental protocol or a new research protocol
 11 under clause (i) or (iii) only if additional security meas-
 12 ures are needed to safeguard against diversion or abuse.

13 “(G) If marijuana or a compound of marijuana is
 14 listed on a schedule other than schedule I, the provisions
 15 of paragraphs (1), (2), and (4) that apply to research with
 16 a controlled substance in the applicable schedule shall
 17 apply to research with marijuana or that compound, as
 18 applicable, in lieu of the provisions of subparagraphs (A)
 19 through (F) of this paragraph.”.

20 (2) CONFORMING AMENDMENT.—Section
 21 102(16) of the Controlled Substances Act (21
 22 U.S.C. 802(16)) is amended by inserting “or ‘mari-
 23 juana’” after “The term ‘marihuana’”.

24 (e) MANUFACTURE AND DISTRIBUTION OF MARI-
 25 JUANA FOR USE IN LEGITIMATE, MEDICAL RESEARCH.—

1 Section 303 of the Controlled Substances Act (21 U.S.C.
2 823), as amended by subsection (d), is further amended
3 by adding at the end the following:

4 “(k) REGISTRATION OF PERSONS TO MANUFACTURE
5 AND DISTRIBUTE MARIJUANA FOR USE IN LEGITIMATE,
6 MEDICAL RESEARCH.—

7 “(1) REGISTRATION OF MANUFACTURERS.—Be-
8 ginning not later than the day that is 1 year after
9 the date of enactment of the Medical Marijuana Re-
10 search Act of 2019, the Attorney General shall reg-
11 ister an applicant to manufacture marijuana to the
12 extent the marijuana will be used exclusively by
13 qualified medical marijuana researchers for research
14 pursuant to subsection (f)(3), unless the Attorney
15 General determines that the issuance of such reg-
16 istration is inconsistent with the public interest. In
17 determining the public interest, the Attorney Gen-
18 eral shall—

19 “(A) take into consideration—

20 “(i) maintenance of effective controls
21 against diversion of marijuana and any
22 controlled substance compounded there-
23 from into other than legitimate medical,
24 scientific, or research channels;

1 “(ii) compliance with applicable State
2 and local law; and

3 “(iii) prior conviction record of the
4 applicant under Federal or State laws re-
5 lating to the manufacture, distribution, or
6 dispensing of such substances; and

7 “(B) not take into consideration any fac-
8 tors other than the factors listed in subpara-
9 graph (A).

10 “(2) REGISTRATION OF DISTRIBUTORS.—Begin-
11 ning not later than the day that is 1 year after the
12 date of enactment of the Medical Marijuana Re-
13 search Act of 2019, the Attorney General shall reg-
14 ister an applicant to distribute marijuana that is in-
15 tended to be used exclusively by qualified medical
16 marijuana researchers for research pursuant to sub-
17 section (f)(3), unless the Attorney General deter-
18 mines that the issuance of such registration is incon-
19 sistent with the public interest. In determining the
20 public interest, the Attorney General shall—

21 “(A) take into consideration—

22 “(i) maintenance of effective controls
23 against diversion of marijuana and any
24 controlled substance compounded there-

1 from into other than legitimate medical,
2 scientific, or research channels;

3 “(ii) compliance with applicable State
4 and local law;

5 “(iii) prior conviction record of the
6 applicant under Federal or State laws re-
7 lating to the manufacture, distribution, or
8 dispensing of such substances; and

9 “(iv) past experience in the distribu-
10 tion of controlled substances, and the exist-
11 ence in the establishment of effective con-
12 trols against diversion; and

13 “(B) not take into consideration any fac-
14 tors other than the factors listed in subpara-
15 graph (A).

16 “(3) NO LIMIT ON NUMBER OF MANUFACTUR-
17 ERS AND DISTRIBUTORS.—Notwithstanding any
18 other provision of law, the Attorney General shall
19 not impose or implement any limit on the number of
20 persons eligible to be registered to manufacture or
21 distribute marijuana pursuant to paragraph (1) or
22 (2).

23 “(4) REQUIREMENT TO VERIFY USE FOR LE-
24 GITIMATE, MEDICAL RESEARCH.—As a condition on
25 registration under this section to manufacture or

1 distribute marijuana, the Attorney General shall re-
2 quire the registrant—

3 “(A) to require any person to whom the
4 marijuana will be supplied to submit docu-
5 mentation demonstrating that the marijuana
6 will be used exclusively by qualified medical
7 marijuana researchers for research pursuant to
8 subsection (f)(3); and

9 “(B) not later than 30 days after receipt
10 of such documentation, and before supplying
11 the marijuana to such person, to review such
12 documentation and verify that the marijuana
13 will be so used.

14 “(5) TIMING.—Not later than 30 days after re-
15 ceipt of a request for registration under this sub-
16 section to manufacture or distribute marijuana, the
17 Attorney General shall—

18 “(A) grant or deny the request; and

19 “(B) in the case of a denial, provide a
20 written explanation of the basis for the denial.

21 “(6) DEFINITION.—For purposes of this sub-
22 section, the term ‘qualified medical marijuana re-
23 searcher’ means a researcher who is registered to
24 conduct research with marijuana under subsection
25 (f)(3).’.

1 (f) TERMINATION OF INTERDISCIPLINARY REVIEW
2 PROCESS FOR NON-NIH-FUNDED RESEARCHERS.—The
3 Secretary may not—

4 (1) reinstate the Public Health Service inter-
5 disciplinary review process described in the guidance
6 entitled “Guidance on Procedures for the Provision
7 of Marijuana for Medical Research” (issued on May
8 21, 1999); or

9 (2) create an additional review of scientific pro-
10 tocols that is only conducted for research on mari-
11 juana other than the review of research protocols
12 performed at the request of a researcher conducting
13 nonhuman research that is not federally funded, in
14 accordance with section 303(f)(3)(A)(ii)(II) of the
15 Controlled Substances Act (21 U.S.C.
16 823(f)(3)(A)(ii)(II)), as amended by subsection (d).

17 (g) CONSIDERATION OF RESULTS OF RESEARCH.—
18 Immediately upon the approval by the Food and Drug Ad-
19 ministration of an application for a marijuana-based drug
20 under section 505 of the Federal Food, Drug, and Cos-
21 metic Act (21 U.S.C. 355), and (irrespective of whether
22 any such approval is granted) not later than the date that
23 is 5 years after the date of enactment of this Act, the
24 Secretary shall—

1 (1) conduct a review of existing medical and
2 other research with respect to marijuana;

3 (2) submit a report to the Congress on the re-
4 sults of such review; and

5 (3) include in such report whether, taking into
6 consideration the factors listed in section 201(c) of
7 the Controlled Substances Act (21 U.S.C. 811(c)),
8 as well as any potential for medical benefits, any
9 gaps in research, and any impacts of Federal restric-
10 tions and policy on research, marijuana should be
11 transferred to a schedule other than schedule I (if
12 marijuana has not been so transferred already).

13 (h) NO PRODUCTION QUOTAS FOR MARIJUANA
14 GROWN FOR LEGITIMATE, MEDICAL RESEARCH.—Section
15 306 of the Controlled Substances Act (21 U.S.C. 826) is
16 amended by adding at the end the following:

17 “(i) The Attorney General may only establish a quota
18 for production of marijuana that is manufactured and dis-
19 tributed in accordance with the Medical Marijuana Re-
20 search Act of 2019 that meets the changing medical, sci-
21 entific, and industrial needs for marijuana.”.

22 (i) ARTICLE 28 OF THE SINGLE CONVENTION ON
23 NARCOTIC DRUGS.—Article 28 of the Single Convention
24 on Narcotic Drugs shall not be construed to prohibit, or
25 impose additional restrictions upon, research involving

1 marijuana, or the manufacture, distribution, or dispensing
 2 of marijuana, that is conducted in accordance with the
 3 Controlled Substances Act (21 U.S.C. 801 et seq.), this
 4 section, and the amendments made by this section.

5 (j) NO INTERFERENCE BY DEPARTMENT OF JUSTICE.—The Attorney General, and any officer or employee
 6 of the Department of Justice, shall not interfere with the
 7 production, distribution, and sale of marijuana in accordance with this section and the amendments made by this
 8 section.
 9
 10

11 **SEC. 402. PROVISION BY HEALTH CARE PROVIDERS OF THE**
 12 **DEPARTMENT OF VETERANS AFFAIRS OF**
 13 **RECOMMENDATIONS AND OPINIONS REGARDING VETERAN PARTICIPATION IN**
 14 **STATE MARIJUANA PROGRAMS.**
 15

16 (a) SHORT TITLE.—This section may be cited as the
 17 “Veterans Equal Access Act of 2019”.

18 (b) AUTHORIZATION.—Notwithstanding any other
 19 provision of law, the Secretary of Veterans Affairs shall
 20 authorize physicians and other health care providers employed by the Department of Veterans Affairs—

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

1 (2) to complete forms reflecting such rec-
 2 ommendations and opinions.

3 **SEC. 403. PROVISION BY MEDICAL PROFESSIONALS OF THE**
 4 **INDIAN HEALTH SERVICE OF RECOMMENDA-**
 5 **TIONS AND OPINIONS REGARDING PARTICI-**
 6 **PATION IN STATE MARIJUANA PROGRAMS.**

7 (1) IN GENERAL.—Notwithstanding any other
 8 provision of law, IHS medical professionals are au-
 9 thorized to make medical recommendations to their
 10 patients with regard to marijuana and to complete
 11 forms reflecting such recommendations.

12 (2) DEFINITIONS.—In this subsection:

13 (A) IHS MEDICAL PROFESSIONAL.—The
 14 term “IHS medical professional” means a phy-
 15 sician or other health professional furnishing
 16 services through an Indian health program (as
 17 defined in section 108(a)(2) of the Indian
 18 Health Care Improvement Act (25 U.S.C.
 19 1616a(a)(2))).

20 (B) RECOMMENDATIONS.—The term “rec-
 21 ommendations” does not include dispensing (as
 22 defined in section 102 of the Controlled Sub-
 23 stances Act (21 U.S.C. 802)).

○