

116TH CONGRESS  
1ST SESSION

# H. R. 1119

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2019

Mr. BLUMENAUER introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Ways and Means, Financial Services, Natural Resources, Education and Labor, Veterans' Affairs, and Oversight and Reform, 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

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## 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”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 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.  
 Sec. 208. Principal trade negotiating objective regarding marijuana, marijuana derivatives, and marijuana products.

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.

3 **SEC. 2. DEFINITIONS.**

4 In this Act—

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

1 (A) a depository institution as defined in  
2 section 3(e) of the Federal Deposit Insurance  
3 Act (12 U.S.C. 1813(e));

4 (B) a Federal credit union as defined in  
5 section 101 of the Federal Credit Union Act  
6 (12 U.S.C. 1752); or

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

10 (2) the term “Indian country” has the meaning  
11 given the term in section 1151 of title 18, United  
12 States Code;

13 (3) the term “Indian tribe” has the meaning  
14 given the term in section 4 of the Indian Self-Deter-  
15 mination and Education Assistance Act (25 U.S.C.  
16 5304);

17 (4) the term “marijuana” has the meaning  
18 given the term in section 102 of the Controlled Sub-  
19 stances Act (21 U.S.C. 802), as amended by section  
20 401(d) of this Act;

21 (5) the term “marijuana derivative” means any  
22 marijuana product that is not a naturally grown and  
23 unadulterated marijuana flower product;

1           (6) the term “marijuana product” means any  
2 article that contains marijuana or any marijuana de-  
3 rivative;

4           (7) the term “marijuana-related business”  
5 means a manufacturer, producer, or any person  
6 that—

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

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

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

1           **TITLE I—FEDERALISM IN**  
2           **MARIJUANA POLICY**

3   **SEC. 101. ELIMINATION OF CRIMINAL PENALTIES FOR CER-**  
4           **TAIN PERSONS COMPLYING WITH STATE**  
5           **LAW.**

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

8           (1) by striking “No provision” and inserting  
9           the following:

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

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

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

20           “(1) the production, possession, distribution,  
21 dispensation, administration, laboratory testing, or  
22 delivery of marihuana; or

23           “(2) the provision of ancillary services related  
24 to the activities described in paragraph (1), such as  
25 legal representation, payment processing, adver-

1 tising, security services, scientific and safety testing,  
2 or property leasing.”.

3 **TITLE II—REMOVING BUSINESS**  
4 **AND BANKING BARRIERS**

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

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

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

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

1 **SEC. 202. MARIJUANA PRINT ADVERTISING.**

2 (a) SHORT TITLE.—This section may be cited as the  
3 “Marijuana Advertising In Legal States Act” or the  
4 “MAILS Act”.

5 (b) MARIJUANA PRINT ADVERTISING.—Section  
6 403(c)(1) of the Controlled Substances Act (21 U.S.C.  
7 843(c)(1)) is amended by adding at the end the following:  
8 “This paragraph does not apply to an advertisement to  
9 the extent that the advertisement relates to an activity,  
10 involving marihuana, that is in compliance with the law  
11 of the State or the law of the Indian tribe, as defined in  
12 section 4 of the Indian Self-Determination and Education  
13 Assistance Act (25 U.S.C. 5304), that has jurisdiction  
14 over the Indian country, as defined in section 1151 of title  
15 18, United States Code, in which that activity takes  
16 place.”.

17 **SEC. 203. SAFE HARBOR FOR MARIJUANA BROADCAST AD-**  
18 **VERTISING.**

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

22 “(m) SAFE HARBOR FOR MARIJUANA BROADCAST  
23 ADVERTISING.—

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

25 “(A) the term ‘covered activity’ means the  
26 production, possession, sale, distribution, dis-

1           pensation, administration, processing, or labora-  
2           tory testing of marijuana;

3           “(B) the term ‘Indian country’ has the  
4           meaning given the term in section 1151 of title  
5           18, United States Code;

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

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

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

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



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

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

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

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

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

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

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

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

1 other information pertaining to any aspect of a cov-  
2 ered activity if the covered activity, and the adver-  
3 tising thereof, does not violate the law of—

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

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

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

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

22 “(1) the term ‘covered activity’ means the pro-  
23 duction, possession, sale, distribution, dispensation,  
24 administration, processing, or laboratory testing of  
25 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

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

3           (b) SUSPICIOUS ACTIVITY REPORTS.—

4           (1) IN GENERAL.—A depository institution or  
5           any director, officer, employee, or agent of a depository  
6           institution shall not be required to report a suspicious  
7           transaction as prescribed by the guidance  
8           issued by the Financial Crimes Enforcement Network  
9           titled “BSA Expectations Regarding Marijuana-Related  
10          Businesses” (FIN–2014–G001; published on February  
11          14, 2014) or section 21.11(c)(4)(1) of title 12, Code of Federal  
12          Regulations, if—

13                   (A) the depository institution reasonably  
14                   believes, based on customer due diligence, that  
15                   the marijuana-related businesses to which it is  
16                   providing financial services does not implicate  
17                   one of the priorities outlined in the document  
18                   entitled “Memorandum for All United States  
19                   Attorneys: Guidance Regarding Marijuana Enforcement”  
20                   issued by James M. Cole on August  
21                   29, 2013, nor violate the laws of the State in  
22                   which marijuana-related business operates; and

23                   (B) the deposit account records of the depository  
24                   institution—  
25



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 depository  
14 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 **SEC. 208. PRINCIPAL TRADE NEGOTIATING OBJECTIVE RE-**  
12 **GARDING MARIJUANA, MARIJUANA DERIVA-**  
13 **TIVES, AND MARIJUANA PRODUCTS.**

14 The principal negotiating objectives of the United  
15 States with respect to trade shall include the removal of  
16 unjustified foreign barriers to trade in marijuana, mari-  
17 juana derivatives, and marijuana products.

18 **TITLE III—INDIVIDUAL**  
19 **PROTECTIONS**

20 **SEC. 301. EXPUNGEMENT OF CRIMINAL RECORDS FOR CER-**  
21 **TAIN MARIJUANA-RELATED OFFENSES.**

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

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

4 “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.

5 “§ 3631. **Expungement of certain criminal records in**  
 6 **limited circumstances**

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

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

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

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

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

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

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

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

10 **“§ 3632. Requirements for expungement**

11           “No individual shall be eligible for an order of  
12           expungement under this subchapter unless, before filing  
13           a petition under this subchapter, such individual fulfills  
14           all requirements of the sentence for the conviction for  
15           which expungement is sought, including completion of any  
16           term of imprisonment or period of probation, meeting all  
17           conditions of a supervised release, and paying all fines.

18 **“§ 3633. Procedure for expungement**

19           “(a) PETITION.—An individual may file a petition for  
20           expungement of a conviction in the court in which the con-  
21           viction was obtained. A copy of the petition shall be served  
22           by the court upon the United States Attorney for the judi-  
23           cial district of that court.

24           “(b) OPPORTUNITY FOR GOVERNMENT TO CONTEST  
25           PETITION.—Not later than 60 days after the date a copy

1 of a petition is served on the Government under subsection  
2 (a), the Government may, if the Government determines  
3 the facts do not support the petition, inform the court and  
4 the petitioner that the Government opposes granting  
5 expungement. If the Government does so inform the court  
6 and the petitioner, the court shall allow the Government  
7 and the petitioner an opportunity to present evidence and  
8 argument relating to the petition.

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

20 **“§ 3634. Effect of expungement**

21 “(a) IN GENERAL.—An order granting expungement  
22 under this subchapter restores the individual concerned,  
23 in the contemplation of the law, to the status that indi-  
24 vidual occupied before the arrest or the institution of

1 criminal proceedings for the offense for which expunge-  
2 ment is granted.

3 “(b) NO DISQUALIFICATION; STATEMENTS.—After  
4 an order under this subchapter granting expungement of  
5 an individual’s criminal records, that individual is not re-  
6 quired to divulge information pertaining to the expunged  
7 conviction. The fact that such individual has been con-  
8 victed of the criminal offense concerned shall not operate  
9 as a disqualification of that individual to pursue or engage  
10 in any lawful activity, occupation, or profession. Such indi-  
11 vidual is not guilty of any perjury, false answering, or  
12 making a false statement by reason of that individual’s  
13 failure to recite or acknowledge such arrest or institution  
14 of criminal proceedings, or results thereof, in response to  
15 an inquiry made of that individual for any purpose.

16 “(c) RECORDS TO BE DESTROYED.—Except as pro-  
17 vided in section 3635, upon order of expungement, all offi-  
18 cial law enforcement and court records, including all ref-  
19 erences to such person’s arrest for the offense, the institu-  
20 tion of criminal proceedings against the individual, and  
21 the results thereof, except publicly available court opinions  
22 or briefs on appeal, shall be permanently destroyed.

23 **“§ 3635. Disclosure of expunged records**

24 “(a) INDEX TO ASSIST AUTHORIZED DISCLOSURE.—  
25 The Department of Justice shall maintain a nonpublic



1 manual or computerized record of expungement under this  
 2 subchapter containing only the name of, and alphanumeric  
 3 identifiers selected by the Department of Justice that re-  
 4 late to, the persons who obtained expungement under this  
 5 subchapter, and the order of expungement.

6 “(b) AUTHORIZED DISCLOSURE TO INDIVIDUAL.—  
 7 Information in the index shall be made available only to  
 8 the individual to whose expungement it pertains or to such  
 9 individual’s designated agent.

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

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

“D. Expungement ..... 3631”.

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

1 **SEC. 302. LIMIT ON DRUG TESTING FOR APPLICANTS FOR**  
2 **FEDERAL EMPLOYMENT.**

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

6 (b) PROHIBITION.—If an applicant for a covered po-  
7 sition used marijuana in accordance with the law of a  
8 State or the law of an Indian tribe that has jurisdiction  
9 over the Indian country in which the use occurred, before,  
10 on, or after the date on which the application is submitted,  
11 no agency, establishment, or other appointing authority in  
12 the executive, legislative, or judicial branch of the Federal  
13 Government may—

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

16 (2) in determining whether to appoint the appli-  
17 cant to the covered position—

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

21 (B) use any evidence that the applicant  
22 used marijuana.

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

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

1 (b) EXCLUSION OF MISDEMEANOR MARIJUANA POS-  
2 SESSION OFFENSES FROM DRUG-RELATED OFFENSES  
3 RESULTING IN SUSPENSION OF ELIGIBILITY FOR FINAN-  
4 CIAL ASSISTANCE FOR HIGHER EDUCATION.—Section  
5 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C.  
6 1091(r)(1)) is amended by inserting after “controlled sub-  
7 stance” the following: “, but not including any mis-  
8 demeanor offense for possession of marihuana (as such  
9 term is defined in section 102 of the Controlled Sub-  
10 stances Act (21 U.S.C. 802)),”.

11 (c) APPLICABILITY; RESUMPTION OF ELIGIBILITY.—

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

17 (2) RESUMPTION OF ELIGIBILITY.—Any stu-  
18 dent whose eligibility for grants, loans, and work as-  
19 sistance under title IV of the Higher Education Act  
20 of 1965 (20 U.S.C. 1070 et seq.) was suspended  
21 under section 484(1) of such Act by reason of a con-  
22 viction, before the date of enactment of this Act, for  
23 an offense described in the matter inserted by the  
24 amendment made by subsection (a) shall, unless oth-

1 erwise ineligible for such assistance, resume eligi-  
2 bility upon such date of enactment.

3 **SEC. 304. CIVIL FORFEITURE EXEMPTION FOR MARIJUANA**  
4 **FACILITIES AUTHORIZED BY STATE LAW.**

5 Section 511(a)(7) of the Controlled Substances Act  
6 (21 U.S.C. 881(a)(7)) is amended—

7 (1) by striking “(7) All” and inserting “(7)(A)  
8 Except as provided in subparagraph (B), all”; and  
9 (2) by adding at the end the following:

10 “(B) No real property, including any right,  
11 title, and interest in the whole of any lot or tract of  
12 land and any appurtenances or improvements, shall  
13 be subject to forfeiture under subparagraph (A) due  
14 to marijuana-related conduct that is authorized by  
15 State law or the law of the Indian tribe, as defined  
16 in section 4 of the Indian Self-Determination and  
17 Education Assistance Act (25 U.S.C. 5304), that  
18 has jurisdiction over the Indian country, as defined  
19 in section 1151 of title 18, United States Code, in  
20 which the conduct occurs.”.

21 **SEC. 305. PROHIBITION ON INADMISSIBILITY OR DEPORTA-**  
22 **TION OF ALIENS WHO COMPLY WITH STATE**  
23 **LAW.**

24 (a) PROHIBITION ON INADMISSIBILITY.—Section  
25 212(a)(2)(A)(i)(II) of the Immigration and Nationality

1 Act (8 U.S.C. 1182(a)(2)(A)(i)(II)) is amended by insert-  
2 ing “other than an act involving marijuana that is per-  
3 mitted under the laws of a State or the law of an Indian  
4 tribe, as defined in section 4 of the Indian Self-Determina-  
5 tion and Education Assistance Act (25 U.S.C. 5304), that  
6 has jurisdiction over the Indian country, as defined in sec-  
7 tion 1151 of title 18, United States Code, in which the  
8 act occurs” after “802)),”.

9 (b) PROHIBITION ON DEPORTATION.—Section  
10 237(a)(2)(B)(i) of the Immigration and Nationality Act  
11 (8 U.S.C. 1227(a)(2)(B)(i)) is amended by striking “mari-  
12 juana,” and inserting “marijuana or an offense involving  
13 marijuana that is permitted under the laws of a State or  
14 the law of an Indian tribe, as defined in section 4 of the  
15 Indian Self-Determination and Education Assistance Act  
16 (25 U.S.C. 5304), that has jurisdiction over the Indian  
17 country, as defined in section 1151 of title 18, United  
18 States Code, in which the offense occurs”.

19 **SEC. 306. DRUG-RELATED CRIMINAL ACTIVITY IN FEDER-**  
20 **ALLY ASSISTED HOUSING.**

21 (a) IN GENERAL.—Section 3(b) of the United States  
22 Housing Act of 1937 (42 U.S.C. 1437a(b)) is amended—  
23 (1) by striking paragraph (9) and inserting the  
24 following:

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

3           “(A) means the illegal manufacture, sale,  
4 distribution, use, or possession with intent to  
5 manufacture, sell, distribute, or use, of a con-  
6 trolled substance (as defined in section 102 of  
7 the Controlled Substances Act (21 U.S.C.  
8 802)); and

9           “(B) does not include the manufacture,  
10 sale, distribution, use, or possession with intent  
11 to manufacture, sell, distribute, or use, of mari-  
12 juana if such activity is conducted in compli-  
13 ance with State law or the law of the Indian  
14 tribe that has jurisdiction over the Indian coun-  
15 try where the activity occurs.”; and

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

17           “(14) INDIAN COUNTRY.—The term ‘Indian  
18 country’ has the meaning given the term in section  
19 1151 of title 18, United States Code.

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

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

4           (b) TECHNICAL AND CONFORMING AMENDMENTS.—

5           (1) QUALITY HOUSING AND WORK RESPONSIBI-  
6 BILITY ACT OF 1998.—Section 576 of the Quality  
7 Housing and Work Responsibility Act of 1998 (42  
8 U.S.C. 13661) is amended by striking “(as such  
9 term is defined in section 3(b) of the United States  
10 Housing Act of 1937 (42 U.S.C. 1437a(b))”.

11           (2) UNITED STATES HOUSING ACT OF 1937.—  
12 The United States Housing Act of 1937 (42 U.S.C.  
13 1437 et seq.) is amended—

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

15           (i) by redesignating the second para-  
16 graph designated as paragraph (7) (relat-  
17 ing to violations as cause for termination  
18 of tenancy) as paragraph (8);

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

22           (iii) by striking the flush text fol-  
23 lowing paragraph (9)(B), as so redesi-  
24 gnated; and

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

- 1 (i) by striking paragraph (5); and  
2 (ii) by redesignating paragraphs (6)  
3 and (7) as paragraphs (5) and (6), respec-  
4 tively.

5 **TITLE IV—MEDICAL MARIJUANA**  
6 **RESEARCH AND ACCESS**

7 **SEC. 401. MEDICAL MARIJUANA RESEARCH ACT.**

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

10 (b) **DEFINITIONS.**—In this section—

11 (1) the term “qualified medical marijuana re-  
12 searcher” means a researcher who is registered to  
13 conduct research with marijuana under section  
14 303(f)(3) of the Controlled Substances Act (21  
15 U.S.C. 823(f)(3)), as amended by subsection (d);  
16 and

17 (2) the term “Secretary” means the Secretary  
18 of Health and Human Services.

19 (c) **PRODUCTION AND SUPPLY.**—

20 (1) **IN GENERAL.**—The Secretary—

21 (A) until the date on which the Secretary  
22 determines that manufacturers and distributors  
23 (other than the Federal Government) can en-  
24 sure a sufficient supply of marijuana for quali-  
25 fied medical marijuana researchers, shall—



1 (i) continue to produce marijuana  
2 through the National Institute on Drug  
3 Abuse Drug Supply Program; and

4 (ii) offer for sale immature marijuana  
5 plants and the seeds of marijuana—

6 (I) to all qualified medical mari-  
7 juana researchers who submit a re-  
8 quest for such plants or seeds to en-  
9 gage in research pursuant to section  
10 303(f)(3) of the Controlled Sub-  
11 stances Act (21 U.S.C. 823(f)(3)), as  
12 amended by subsection (d); and

13 (II) in quantities sufficient to  
14 produce an adequate supply of mari-  
15 juana for such research; and

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

19 (2) REQUIREMENT TO VERIFY REGISTRA-  
20 TION.—Before supplying marijuana to any person  
21 through the National Institute on Drug Abuse Drug  
22 Supply Program, the Secretary shall—

23 (A) require the person to submit docu-  
24 mentation demonstrating that the person is a  
25 qualified medical marijuana researcher seeking

1 to conduct research pursuant to the section  
2 303(f)(3) of the Controlled Substances Act (21  
3 U.S.C. 823(f)(3)), as amended by subsection  
4 (d); and

5 (B) not later than 30 days after receipt of  
6 such documentation, review such documentation  
7 and verify that the marijuana will be used for  
8 such research.

9 (3) GUIDELINES ON PRODUCTION.—The Com-  
10 missioner of Food and Drugs, in consultation with  
11 the Director of the National Institute on Drug  
12 Abuse, shall—

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

18 (B) encourage researchers and manufac-  
19 turers that are authorized to produce or manu-  
20 facture marijuana pursuant to section 303 of  
21 the Controlled Substances Act (21 U.S.C. 823),  
22 as amended by this section, to comply with such  
23 guidelines to the extent applicable.

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

4 (d) FACILITATING MARIJUANA RESEARCH.—

5           (1) IN GENERAL.—Section 303(f) of the Con-  
6 trolled Substances Act (21 U.S.C. 823(f)) is amend-  
7 ed—

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

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

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

15 “(2) Registration applications”;

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

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

22 “(4) Article 7”; and

23                   (F) by inserting before paragraph (4), as  
24 so designated, the following:

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

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

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

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

9                   “(aa) the Secretary under section  
10 505(i) of the Federal Food, Drug, and  
11 Cosmetic Act (21 U.S.C. 355(i)); or

12                   “(bb) the National Institutes of  
13 Health or another Federal agency that  
14 funds scientific research; or

15               “(II) in the case of nonhuman research  
16 that is not federally funded, has been volun-  
17 tarily submitted by the applicant to, and ap-  
18 proved by, the National Institutes of Health;  
19 and

20           “(iii) the applicant has demonstrated that there  
21 are effective procedures in place to adequately safe-  
22 guard against diversion of the marijuana from legiti-  
23 mate medical or scientific use, in accordance with  
24 subparagraph (E).

1           “(B) The Attorney General shall grant an application  
2 for registration under this paragraph unless the Attorney  
3 General determines that the issuance of the registration  
4 would be inconsistent with the public interest. In deter-  
5 mining the public interest, the following factors shall be  
6 considered:

7           “(i) The applicant’s experience in dispensing, or  
8           conducting research with respect to, controlled sub-  
9           stances.

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

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

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

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

21           “(i) allows a researcher to voluntarily submit  
22           the research protocol of the researcher for review  
23           and approval; and

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

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

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

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

15          “(ii) Except as provided in clause (i), any security  
16          measures required by the Attorney General for practi-  
17          tioners conducting research with marijuana pursuant to  
18          a registration under this paragraph shall be consistent  
19          with the security measures for practitioners conducting re-  
20          search on other controlled substances in schedule II that  
21          have a similar risk of diversion and abuse.

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

1           “(I) change the type of drug, the source of the  
2           drug, or the conditions under which the drug is  
3           stored, tracked, or administered; or

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

5           “(ii) If an applicant amends or supplements the re-  
6           search protocol or initiates research on a new research  
7           protocol under clause (i), the applicant shall, in order to  
8           renew the registration under this paragraph, provide no-  
9           tice to the Attorney General of the amended or supple-  
10          mented research protocol or any new research protocol in  
11          the applicant’s renewal materials.

12          “(iii)(I) If an applicant amends or supplements a re-  
13          search protocol and the amendment or supplement in-  
14          volves a change to the type of drug, the source of the drug,  
15          or conditions under which the drug is stored, tracked, or  
16          administered or otherwise increases the risk of diversion,  
17          the applicant shall provide notice to the Attorney General  
18          not later than 30 days before proceeding on such amended  
19          or supplemental research or new research protocol, as the  
20          case may be.

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

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

5           “(G) If marijuana or a compound of marijuana is  
6 listed on a schedule other than schedule I, the provisions  
7 of paragraphs (1), (2), and (4) that apply to research with  
8 a controlled substance in the applicable schedule shall  
9 apply to research with marijuana or that compound, as  
10 applicable, in lieu of the provisions of subparagraphs (A)  
11 through (F) of this paragraph.”.

12           (2)       CONFORMING       AMENDMENT.—Section  
13       102(16) of the Controlled Substances Act (21  
14       U.S.C. 802(16)) is amended by inserting “or ‘mari-  
15       juana’” after “The term ‘marihuana’”.

16           (e) MANUFACTURE AND DISTRIBUTION OF MARI-  
17 JUANA FOR USE IN LEGITIMATE, MEDICAL RESEARCH.—  
18 Section 303 of the Controlled Substances Act (21 U.S.C.  
19 823), as amended by subsection (d), is further amended  
20 by adding at the end the following:

21           “(k) REGISTRATION OF PERSONS TO MANUFACTURE  
22 AND DISTRIBUTE MARIJUANA FOR USE IN LEGITIMATE,  
23 MEDICAL RESEARCH.—

24           “(1) REGISTRATION OF MANUFACTURERS.—Be-  
25       ginning not later than the day that is 1 year after



1 the date of enactment of the Medical Marijuana Re-  
2 search Act of 2019, the Attorney General shall reg-  
3 ister an applicant to manufacture marijuana to the  
4 extent the marijuana will be used exclusively by  
5 qualified medical marijuana researchers for research  
6 pursuant to subsection (f)(3), unless the Attorney  
7 General determines that the issuance of such reg-  
8 istration is inconsistent with the public interest. In  
9 determining the public interest, the Attorney Gen-  
10 eral shall—

11 “(A) take into consideration—

12 “(i) maintenance of effective controls  
13 against diversion of marijuana and any  
14 controlled substance compounded there-  
15 from into other than legitimate medical,  
16 scientific, or research channels;

17 “(ii) compliance with applicable State  
18 and local law; and

19 “(iii) prior conviction record of the  
20 applicant under Federal or State laws re-  
21 lating to the manufacture, distribution, or  
22 dispensing of such substances; and

23 “(B) not take into consideration any fac-  
24 tors other than the factors listed in subpara-  
25 graph (A).

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

12                   “(A) take into consideration—

13                           “(i) maintenance of effective controls  
14                           against diversion of marijuana and any  
15                           controlled substance compounded there-  
16                           from into other than legitimate medical,  
17                           scientific, or research channels;

18                           “(ii) compliance with applicable State  
19                           and local law;

20                           “(iii) prior conviction record of the  
21                           applicant under Federal or State laws re-  
22                           lating to the manufacture, distribution, or  
23                           dispensing of such substances; and

24                           “(iv) past experience in the distribu-  
25                           tion of controlled substances, and the exist-

1                   ence in the establishment of effective con-  
2                   trols against diversion; and

3                   “(B) not take into consideration any fac-  
4                   tors other than the factors listed in subpara-  
5                   graph (A).

6                   “(3) NO LIMIT ON NUMBER OF MANUFACTUR-  
7                   ERS AND DISTRIBUTORS.—Notwithstanding any  
8                   other provision of law, the Attorney General shall  
9                   not impose or implement any limit on the number of  
10                  persons eligible to be registered to manufacture or  
11                  distribute marijuana pursuant to paragraph (1) or  
12                  (2).

13                  “(4) REQUIREMENT TO VERIFY USE FOR LE-  
14                  GITIMATE, MEDICAL RESEARCH.—As a condition on  
15                  registration under this section to manufacture or  
16                  distribute marijuana, the Attorney General shall re-  
17                  quire the registrant—

18                         “(A) to require any person to whom the  
19                         marijuana will be supplied to submit docu-  
20                         mentation demonstrating that the marijuana  
21                         will be used exclusively by qualified medical  
22                         marijuana researchers for research pursuant to  
23                         subsection (f)(3); and

24                         “(B) not later than 30 days after receipt  
25                         of such documentation, and before supplying

1 the marijuana to such person, to review such  
2 documentation and verify that the marijuana  
3 will be so used.

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

8 “(A) grant or deny the request; and

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

11 “(6) DEFINITION.—For purposes of this sub-  
12 section, the term ‘qualified medical marijuana re-  
13 searcher’ means a researcher who is registered to  
14 conduct research with marijuana under subsection  
15 (f)(3).”.

16 (f) TERMINATION OF INTERDISCIPLINARY REVIEW  
17 PROCESS FOR NON-NIH-FUNDED RESEARCHERS.—The  
18 Secretary may not—

19 (1) reinstate the Public Health Service inter-  
20 disciplinary review process described in the guidance  
21 entitled “Guidance on Procedures for the Provision  
22 of Marijuana for Medical Research” (issued on May  
23 21, 1999); or

24 (2) create an additional review of scientific pro-  
25 tocols that is only conducted for research on mari-

1       juana other than the review of research protocols  
2       performed at the request of a researcher conducting  
3       nonhuman research that is not federally funded, in  
4       accordance with section 303(f)(3)(A)(ii)(II) of the  
5       Controlled Substances Act (21 U.S.C.  
6       823(f)(3)(A)(ii)(II)), as amended by subsection (d).

7       (g) CONSIDERATION OF RESULTS OF RESEARCH.—  
8       Immediately upon the approval by the Food and Drug Ad-  
9       ministration of an application for a marijuana-based drug  
10      under section 505 of the Federal Food, Drug, and Cos-  
11      metic Act (21 U.S.C. 355), and (irrespective of whether  
12      any such approval is granted) not later than the date that  
13      is 5 years after the date of enactment of this Act, the  
14      Secretary shall—

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

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

19           (3) include in such report whether, taking into  
20           consideration the factors listed in section 201(e) of  
21           the Controlled Substances Act (21 U.S.C. 811(e)),  
22           as well as any potential for medical benefits, any  
23           gaps in research, and any impacts of Federal restric-  
24           tions and policy on research, marijuana should be

1 transferred to a schedule other than schedule I (if  
2 marijuana has not been so transferred already).

3 (h) NO PRODUCTION QUOTAS FOR MARIJUANA  
4 GROWN FOR LEGITIMATE, MEDICAL RESEARCH.—Section  
5 306 of the Controlled Substances Act (21 U.S.C. 826) is  
6 amended by adding at the end the following:

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

12 (i) ARTICLE 28 OF THE SINGLE CONVENTION ON  
13 NARCOTIC DRUGS.—Article 28 of the Single Convention  
14 on Narcotic Drugs shall not be construed to prohibit, or  
15 impose additional restrictions upon, research involving  
16 marijuana, or the manufacture, distribution, or dispensing  
17 of marijuana, that is conducted in accordance with the  
18 Controlled Substances Act (21 U.S.C. 801 et seq.), this  
19 section, and the amendments made by this section.

20 (j) NO INTERFERENCE BY DEPARTMENT OF JUS-  
21 TICE.—The Attorney General, and any officer or employee  
22 of the Department of Justice, shall not interfere with the  
23 production, distribution, and sale of marijuana in accord-  
24 ance with this section and the amendments made by this  
25 section.

1 **SEC. 402. PROVISION BY HEALTH CARE PROVIDERS OF THE**  
2 **DEPARTMENT OF VETERANS AFFAIRS OF**  
3 **RECOMMENDATIONS AND OPINIONS RE-**  
4 **GARDING VETERAN PARTICIPATION IN**  
5 **STATE MARIJUANA PROGRAMS.**

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

8 (b) **AUTHORIZATION.**—Notwithstanding any other  
9 provision of law, the Secretary of Veterans Affairs shall  
10 authorize physicians and other health care providers em-  
11 ployed by the Department of Veterans Affairs—

12 (1) to provide recommendations and opinions to  
13 veterans who are residents of States with State  
14 marijuana programs regarding the participation of  
15 veterans in such State marijuana programs; and

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

18 **SEC. 403. PROVISION BY MEDICAL PROFESSIONALS OF THE**  
19 **INDIAN HEALTH SERVICE OF RECOMMENDA-**  
20 **TIONS AND OPINIONS REGARDING PARTICI-**  
21 **PATION IN STATE MARIJUANA PROGRAMS.**

22 (1) **IN GENERAL.**—Notwithstanding any other  
23 provision of law, IHS medical professionals are au-  
24 thorized to make medical recommendations to their  
25 patients with regard to marijuana and to complete  
26 forms reflecting such recommendations.

1 (2) DEFINITIONS.—In this subsection:

2 (A) IHS MEDICAL PROFESSIONAL.—The  
3 term “IHS medical professional” means a phy-  
4 sician or other health professional furnishing  
5 services through an Indian health program (as  
6 defined in section 108(a)(2) of the Indian  
7 Health Care Improvement Act (25 U.S.C.  
8 1616a(a)(2))).

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

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