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

IN THE SENATE OF THE UNITED STATES

Ms. WARREN (for herself and Mr. GARDNER) introduced the following bill; which was read twice and referred to the Committee on

A BILL

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

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening the Tenth Amendment Through Entrusting States Act” or the “STATES Act”.

SEC. 2. RULE REGARDING APPLICATION TO MARIHUANA.

(a) IN GENERAL.—Part G of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by adding at the end the following:

“RULE REGARDING APPLICATION TO MARIHUANA

“Sec. 710. (a) Notwithstanding any other provision of law, the provisions of this title as applied to marihuana, other than the provisions described in subsection (c) and other than as provided in subsection (d), shall not apply to any person acting in compliance with State law relating to the manufacture, production, possession, distribution, dispensation, administration, or delivery of marihuana.

“(b) Notwithstanding any other provision of law, the provisions of this title related to marihuana, other than the provisions described in subsection (c) and other than as provided in subsection (d), shall not apply to any person acting in compliance with the law of a Federally recognized Indian tribe within its jurisdiction in Indian Country, as defined in section 1151 of title 18, United States Code, related to the manufacture, production, possession, distribution, dispensation, administration, or delivery of marihuana so long as such jurisdiction is located within a state that permits, respectively, manufacture, production, possession, distribution, dispensation, administration, or delivery of marihuana.

“(c) The provisions described in this subsection are—
“(1) section 401(a)(1), with respect to a violation of section 409 or 418;

“(2) section 409;

“(3) section 417; and

“(4) section 418.

“(d) Subsection (a) shall not apply to any person who—

“(1) violates the Controlled Substances Act with respect to any other controlled substance;

“(2) notwithstanding compliance with State or tribal law, knowingly or intentionally manufactures, produces, possesses, distributes, dispenses, administers, or delivers any other marihuana in violation of the laws of the State or tribe in which such manufacture, production, possession, distribution, dispensation, administration, or delivery occurs; or

“(3) employs or hires any person under 18 years of age to manufacture, produce, distribute, dispense, administer, or deliver marihuana.”.

(b) DEFINITION OF MARIHUANA.—Section 102(16) of the Controlled Substances Act (21 U.S.C. 802(16)) is amended—

(1) by striking “or the sterilized” and inserting “the sterilized”; and
(2) by striking the period at the end and inserting “, or industrial hemp (as defined in section 7606(b) of the Agricultural Act of 2014 (7 U.S.C. 5940(b))).”.

SEC. 3. TRANSPORTATION SAFETY OFFENSES.

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

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

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

(B) by striking “subsection (b)” and inser- ting “subsection (e)”;

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

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

(B) by striking “subsection (a)” and inser- ting “subsection (b)”;

(3) by adding at the end the following:

“(d) EXCEPTION.—Subsections (b) and (e) shall not apply to any person who possesses, or possesses with in-
tent to distribute marihuana in compliance with section 710.”.

SEC. 4. DISTRIBUTION TO PERSONS UNDER AGE 21.

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

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

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

(3) by adding at the end the following:

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

SEC. 5. RULE OF CONSTRUCTION.

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

(1) shall not be unlawful;

(2) shall not constitute trafficking in a controlled substance under section 401 of the Controlled Substances Act (21 U.S.C. 841) or any other provision of law; and
(3) shall not constitute the basis for forfeiture of property under section 511 of the Controlled Substances Act (21 U.S.C. 881) or section 981 of title 18, United States Code.

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