

H.R. 5842

To provide for the medical use of marijuana in accordance with the laws of the various States.

A BILL

To provide for the medical use of marijuana in accordance with the laws of the various States.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the `Medical Marijuana Patient Protection Act'.

SEC. 2. CONTROLLED SUBSTANCES ACT.

(a) Schedule- Marijuana is moved from schedule I of the Controlled Substances Act to schedule II of such Act.

(b) Prescription or Recommendation-

(1) IN GENERAL- No provision of the Controlled Substances Act shall prohibit or otherwise restrict in a State in which marijuana may be prescribed or recommended by a physician for medical use under applicable State law--

(A) the prescription or recommendation of marijuana by a physician for medical use;

(B) an individual from obtaining, possessing, or transporting within their State, manufacturing or using marijuana in accordance with a prescription or recommendation of marijuana by a physician for medical use by such individual hereinafter in this section referred to as `an authorized patient';

(C) an individual authorized under State law to obtain, possess, transport within their State, or manufacture marijuana from obtaining, possessing, transporting within their State, or manufacturing marijuana on an authorized patient's behalf; or

(D) a pharmacy or other entity authorized under local or State law to distribute medical marijuana to authorized patients from obtaining, possessing or distributing marijuana to such authorized patients.

(2) PRODUCTION- No provision of the Controlled Substances Act shall prohibit or otherwise restrict an entity authorized by a State or local government, in which marijuana may be prescribed or recommended by a physician for medical use, for the purpose of producing marijuana for prescription or recommendation by a physician for medical use from producing, processing, or distributing marijuana for such purpose.

SEC. 3. FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) In General- No provision of the Federal Food, Drug, and Cosmetic Act shall prohibit or otherwise restrict in a State in which marijuana may be

prescribed or recommended by a physician for medical use under applicable State law--

(1) the prescription or recommendation of marijuana by a physician for medical use;

(2) an individual from obtaining, possessing, or transporting within their State, manufacturing, or using marijuana in accordance with a prescription or recommendation of marijuana by a physician for medical use by such individual, hereinafter in this section referred to as 'an authorized patient';

(3) an individual authorized under State law to obtain, possess, transport within their State, or manufacture marijuana from obtaining, possessing, transporting within their State, or manufacturing marijuana on an authorized patient's behalf; or

(4) a pharmacy or other entity authorized under local or State law to distribute medical marijuana to authorized patients from obtaining, possessing or distributing marijuana to such authorized patients.

(b) Production- No provision of the Federal Food, Drug, and Cosmetic Act shall prohibit or otherwise restrict an entity authorized by a State or local government, in which marijuana may be prescribed or recommended by a physician for medical use, for the purpose of producing marijuana for prescription or recommendation by a physician for medical use from producing, processing, or distributing marijuana for such purpose.

SEC. 4. RELATION OF ACT TO CERTAIN PROHIBITIONS RELATING TO SMOKING.

This Act does not affect any Federal, State, or local law regulating or prohibiting smoking in public.