

115TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To decriminalize marijuana, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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\_\_\_\_\_ introduced the following bill; which was read twice  
and referred to the Committee on \_\_\_\_\_

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## **A BILL**

To decriminalize marijuana, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Marijuana Freedom  
5 and Opportunity Act”.

6 **SEC. 2. DECRIMINALIZATION OF MARIJUANA.**

7 (a) MARIHUANA REMOVED FROM SCHEDULE OF  
8 CONTROLLED SUBSTANCES.—Subsection (c) of schedule  
9 I of section 202(c) of the Controlled Substances Act (21  
10 U.S.C. 812) is amended—

11 (1) by striking “marihuana”; and

12 (2) by striking “tetrahydrocannabinols”.

1 (b) REMOVAL OF PROHIBITION ON IMPORT AND EX-  
2 PORT.—Section 1010(b) of the Controlled Substances Im-  
3 port and Export Act (21 U.S.C. 960) is amended—

4 (1) in paragraph (1)—

5 (A) in subparagraph (F), by inserting “or”  
6 after the semicolon;

7 (B) by striking subparagraph (G); and

8 (C) by redesignating subparagraph (H) as  
9 subparagraph (G);

10 (2) in paragraph (2)—

11 (A) in subparagraph (F), by inserting “or”  
12 after the semicolon;

13 (B) by striking subparagraph (G); and

14 (C) by redesignating subparagraph (H) as  
15 subparagraph (G);

16 (3) in paragraph (3), by striking “paragraphs  
17 (1), (2), and (4)” and inserting “paragraphs (1) and  
18 (2)”;

19 (4) by striking paragraph (4); and

20 (5) by redesignating paragraphs (5), (6), and  
21 (7) as paragraphs (4), (5), and (6), respectively.

22 (c) CONFORMING AMENDMENTS TO CONTROLLED  
23 SUBSTANCES ACT.—The Controlled Substances Act (21  
24 U.S.C. 801 et seq.) is amended—

1           (1) in section 102(44) (21 U.S.C. 802(44)), by  
2 striking “marihuana,”;  
3           (2) in section 401(b) (21 U.S.C. 841(b))—  
4           (A) in paragraph (1)—  
5           (i) in subparagraph (A)—  
6           (I) in clause (vi), by inserting  
7 “or” after the semicolon;  
8           (II) by striking (vii); and  
9           (III) by redesignating clause  
10 (viii) as clause (vii);  
11           (ii) in subparagraph (B)—  
12           (I) by striking clause (vii); and  
13           (II) by redesignating clause (viii)  
14 as clause (vii);  
15           (iii) in subparagraph (C), in the first  
16 sentence, by striking “subparagraphs (A),  
17 (B), and (D)” and inserting “subpara-  
18 graphs (A) and (B)”;  
19           (iv) by striking subparagraph (D);  
20           (v) by redesignating subparagraph (E)  
21 as subparagraph (D); and  
22           (vi) in subparagraph (D)(i), as so re-  
23 designated, by striking “subparagraphs (C)  
24 and (D)” and inserting “subparagraph  
25 (C)”;

1 (B) by striking paragraph (4); and

2 (C) by redesignating paragraphs (5), (6),  
3 and (7) as paragraphs (4), (5), and (6), respec-  
4 tively;

5 (3) in section 402(c)(2)(B) (21 U.S.C.  
6 842(c)(2)(B)), by striking “, marihuana,”;

7 (4) in section 403(d)(1) (21 U.S.C. 843(d)(1)),  
8 by striking “, marihuana,”;

9 (5) in section 418(a) (21 U.S.C. 859(a)), by  
10 striking the last sentence;

11 (6) in section 419(a) (21 U.S.C. 860(a)), by  
12 striking the last sentence;

13 (7) in section 422(d) (21 U.S.C. 863(d))—

14 (A) in the matter preceding paragraph (1),  
15 by striking “marijuana,”; and

16 (B) in paragraph (5), by striking “, such  
17 as a marihuana cigarette,”; and

18 (8) in section 516(d) (21 U.S.C. 886(d)), by  
19 striking “section 401(b)(6)” each place the term ap-  
20 pears and inserting “section 401(b)(5)”.

21 (d) OTHER CONFORMING AMENDMENTS.—

22 (1) NATIONAL FOREST SYSTEM DRUG CONTROL  
23 ACT OF 1986.—The National Forest System Drug  
24 Control Act of 1986 (16 U.S.C. 559b et seq.) is  
25 amended—

1 (A) in section 15002(a) (16 U.S.C.  
2 559b(a)) by striking “marijuana and other”;

3 (B) in section 15003(2) (16 U.S.C.  
4 559c(2)) by striking “marijuana and other”;  
5 and

6 (C) in section 15004(2) (16 U.S.C.  
7 559d(2)) by striking “marijuana and other”.

8 (2) INTERCEPTION OF COMMUNICATIONS.—Sec-  
9 tion 2516 of title 18, United States Code, is amend-  
10 ed—

11 (A) in subsection (1)(e), by striking “mari-  
12 huana,”; and

13 (B) in subsection (2) by striking “mari-  
14 huana,”.

15 **SEC. 3. LEVEL THE ECONOMIC PLAYING FIELD.**

16 (a) ESTIMATE.—On an annual basis, the Secretary  
17 of the Treasury shall make a reasonable estimate of total  
18 tax revenue generated by the marijuana industry for the  
19 previous 12-month period.

20 (b) TRANSFER.—The Secretary of the Treasury shall  
21 transfer from the general fund of the Treasury to the trust  
22 fund established under subsection (c) the greater of—

23 (1) an amount equal to 10 percent of the  
24 amount estimated under subsection (a); and

25 (2) \$10,000,000.

1 (c) TRUST FUND.—

2 (1) IN GENERAL.—There is established in the  
3 Treasury of the United States a trust fund to be  
4 known as the Marijuana Opportunity Trust Fund,  
5 which shall consist of amounts transferred under  
6 subsection (b).

7 (2) USE OF AMOUNTS.—Amounts in the trust  
8 fund established under paragraph (1) shall be made  
9 available to the Administrator of the Small Business  
10 Administration to provide loans under section 7(m)  
11 of the Small Business Act (15 U.S.C. 636(m)) to as-  
12 sist—

13 (A) small business concerns owned and  
14 controlled by women, as defined in section 3 of  
15 that Act (15 U.S.C. 632), that operate in the  
16 marijuana industry; and

17 (B) small business concerns owned and  
18 controlled by socially and economically dis-  
19 advantaged individuals, as defined in section  
20 8(d)(3)(C) of that Act (15 U.S.C.  
21 637(d)(3)(C)), that operate in the marijuana  
22 industry.

1 **SEC. 4. HIGHWAY SAFETY RESEARCH.**

2 (a) STUDY; DEVELOPMENT.—The Administrator of  
3 the National Highway Traffic Safety Administration (re-  
4 ferred to in this section as the “Administrator”) shall—

5 (1) carry out a study of the impact of driving  
6 under the influence of tetrahydrocannabinol on high-  
7 way safety; and

8 (2) develop enhanced strategies and procedures  
9 to reliably determine the impairment of a driver  
10 under the influence of tetrahydrocannabinol.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
12 authorized to be appropriated to the Administrator to  
13 carry out this section \$50,000,000 for each of fiscal years  
14 2019 through 2023.

15 **SEC. 5. PUBLIC HEALTH RESEARCH.**

16 (a) IN GENERAL.—The Secretary of Health and  
17 Human Services, in consultation with the Director of the  
18 National Institutes of Health and the Commissioner of  
19 Food and Drugs, shall conduct research on the impacts  
20 of marijuana, including—

21 (1) effects of tetrahydrocannabinol on the  
22 human brain;

23 (2) efficacy of medicinal marijuana as a treat-  
24 ment for specific diseases and conditions; and

25 (3) identification of additional medical benefits  
26 and uses of cannabis.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to the Secretary of  
3 Health and Human Services, \$100,000,000 for each of fis-  
4 cal years 2019 through 2023, for purposes of carrying out  
5 the activities described in subsection (a).

6 **SEC. 6. PROTECT KIDS.**

7 The Alcohol and Tobacco Tax and Trade Bureau of  
8 the Department of the Treasury shall promulgate regula-  
9 tions that—

10 (1) require restrictions on the advertising and  
11 promotion of products related to marijuana, if the  
12 Secretary determines that such regulation would be  
13 appropriate for the protection of the public health,  
14 taking into account—

15 (A) the risks and benefits to the popu-  
16 lation of individuals age 18 and under, includ-  
17 ing users and nonusers of marijuana products;

18 (B) the increased or decreased likelihood  
19 that existing users of marijuana products who  
20 are age 18 and under will stop using such prod-  
21 ucts; and

22 (C) the increased or decreased likelihood  
23 that those age 18 and under who do not use  
24 marijuana products will start using such prod-  
25 ucts; and



1           (2) impose restrictions on the advertising and  
2           promotion of products related to marijuana con-  
3           sistent with and to the full extent permitted by the  
4           First Amendment to the Constitution of the United  
5           States.

6 **SEC. 7. GRANTS FOR EXPUNGEMENT OF MARIJUANA CON-**  
7 **VICTIONS.**

8           There is authorized to be appropriated to the Attor-  
9           ney General to award grants to States and units of local  
10          government for the purpose of administering, expanding,  
11          or developing expungement or sealing programs for convic-  
12          tions of possession of marijuana \$20,000,000 for each of  
13          fiscal years 2019 through 2023 with not less than 50 per-  
14          cent of those funds being directed to cover the cost of pub-  
15          lic defenders or legal aid providers.

16 **SEC. 8. RULE OF CONSTRUCTION.**

17          Nothing in this Act, or an amendment made by this  
18          Act, may be construed to modify the authority of the Fed-  
19          eral Government to prevent marijuana trafficking from  
20          States that have legalized marijuana to those that have  
21          not.