

109TH CONGRESS
1ST SESSION

H. R. 2087

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

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2005

Mr. FRANK of Massachusetts (for himself, Mr. PAUL, Mr. ROHRBACHER, Mr. FARR, Mr. SANDERS, Mr. KUCINICH, Mr. ABERCROMBIE, Mr. WEXLER, Mr. WAXMAN, Mr. HINCHEY, Mr. GEORGE MILLER of California, Mr. McDERMOTT, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. DEFAZIO, Mr. MCGOVERN, Mr. BLUMENAUER, Ms. LEE, Mr. CASE, Mr. GRIJALVA, Mr. UDALL of Colorado, Mr. STARK, Mr. CAPUANO, Ms. JACKSON-LEE of Texas, Ms. ESHOO, Mr. HONDA, Mr. OLVER, Mr. MORAN of Virginia, Mr. ANDREWS, Ms. LINDA T. SÁNCHEZ of California, and Ms. BALDWIN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

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

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 “States’ Rights to Med-
5 ical Marijuana Act”.

1 **SEC. 2. CONTROLLED SUBSTANCES ACT.**

2 (a) SCHEDULE.—Marijuana is moved from schedule
3 I of the Controlled Substances Act to schedule II of such
4 Act.

5 (b) PRESCRIPTION OR RECOMMENDATION.—

6 (1) IN GENERAL.—No provision of the Con-
7 trolled Substances Act shall prohibit or otherwise re-
8 strict—

9 (A) the prescription or recommendation of
10 marijuana by a physician for medical use,

11 (B) an individual from obtaining and using
12 marijuana from a prescription or recommenda-
13 tion of marijuana by a physician for medical
14 use by such individual, or

15 (C) a pharmacy from obtaining and hold-
16 ing marijuana for the prescription or rec-
17 ommendation of marijuana by a physician for
18 medical use under applicable State law

19 in a State in which marijuana may be prescribed or
20 recommended by a physician for medical use under
21 applicable State law.

22 (2) PRODUCTION.—No provision of the Con-
23 trolled Substances Act shall prohibit or otherwise re-
24 strict an entity established by a State, in which
25 marijuana may be prescribed or recommended by a
26 physician for medical use, for the purpose of pro-

1 ducing marijuana for prescription or recommenda-
2 tion by a physician for medical use from producing
3 and distributing marijuana for such purpose.

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

5 (a) IN GENERAL.—No provision of the Federal Food,
6 Drug, and Cosmetic Act shall prohibit or otherwise re-
7 strict—

8 (1) the prescription or recommendation of mari-
9 juana by a physician for medical use,

10 (2) an individual from obtaining and using
11 marijuana from a prescription or recommendation of
12 marijuana by a physician for medical use by such in-
13 dividual, or

14 (3) a pharmacy from obtaining and holding
15 marijuana for the prescription or recommendation of
16 marijuana by a physician for medical use,

17 in a State in which marijuana may be prescribed or rec-
18 ommended by a physician for medical use under applicable
19 State law.

20 (b) PRODUCTION.—No provision of the Federal
21 Food, Drug, and Cosmetic Act shall prohibit or otherwise
22 restrict an entity established by a State, in which mari-
23 juana may be prescribed or recommended by a physician
24 for medical use, for the purpose of producing marijuana
25 for prescription or recommendation by a physician for

1 medical use from producing and distributing marijuana
2 for such purpose.

3 **SEC. 4. RELATION OF ACT TO CERTAIN PROHIBITIONS RE-**
4 **LATING TO SMOKING.**

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

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