

HR 2306:

Ending Federal Marijuana Prohibition Act of 2011

H. R. 2306

A BILL

To limit the application of Federal laws to the distribution and consumption of marihuana, and for other purposes.

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 “Ending Federal Marijuana Prohibition Act of 2011”

SEC. 2. APPLICATION OF THE CONTROLLED SUBSTANCES ACT TO MARIHUANA.

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

SEC. 103. APPLICATION OF THIS ACT TO MARIHUANA.

1. PROHIBITION ON CERTAIN SHIPPING OR TRANSPORTATION. -This Act shall not apply to marihuana, except that it shall be unlawful only to ship or transport, in any manner or by any means whatsoever, marihuana, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, when such marihuana is intended, by any person interested therein, to be received, possessed, sold, or in any manner used, either in the original package or otherwise, in violation of any law of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof.”
2. PENALTY. -Whoever knowingly violates sub-section (a) shall be fined under title 18, United States 26 Code, or imprisoned not more than one year, or both.”

SEC. 3. DEREGULATION OF MARIHUANA.

1. REMOVED FROM SCHEDULE OF CONTROLLED SUBSTANCES. -Schedule I of section 202 of the Controlled Substances Act (21 U.S.C. 812(c)) is amended—
 1. by striking “marihuana”; and
 2. by striking “tetrahydrocannabinols”.
2. REMOVAL OF PROHIBITION ON IMPORT AND EXPORT. -Section 1010 of the Controlled Substances Importand Export Act (21 U.S.C. 960) is amended—
 1. by striking subparagraph (G) of subsection(b)(1);

2. by striking subparagraph (G) of subsection(b)(2); and
3. by striking paragraph (4) of subsection (b).

SEC. 4. CONFORMING AMENDMENTS TO CONTROLLED SUBSTANCES ACT.

1. Section 102(44) of the Controlled Substances Act (21 U.S.C. 802(44)) is amended by striking “marihuana”.
2. Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended as follows:
 1. In section 401—
 1. by striking subsection (b)(1)(A)(vii);
 2. by striking subsection (b)(1)(B)(vii);
 3. by striking subsection (b)(1)(D); and
 4. by striking subsection (b)(4).
 2. In section 402(c)(2)(B), by striking “marihuana”
 3. In section 403(d)(1), by striking “marihuana”
 4. In section 418(a), by striking the last sentence
 5. In section 419(a), by striking the last sentence
 6. In section 422(d), in the matter preceding paragraph (1), by striking “marijuana”.
 7. In section 422(d)(5), by striking “, such as a marihuana cigarette,”

SEC. 5. CONSTRUCTION.

No provision of this Act shall be construed to affect Federal drug testing policies, and each Federal agency shall conduct a review of its drug testing policies not later than 30 days after the date of enactment of this Act to ensure that the language of any such policy is in accordance with this section.