

116TH CONGRESS  
2D SESSION

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

To decriminalize and deschedule cannabis, to provide for the regulation of cannabis and cannabis products to protect public health and safety, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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

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**A BILL**

To decriminalize and deschedule cannabis, to provide for the regulation of cannabis and cannabis products to protect public health and safety, 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 “Substance Regulation  
5 and Safety Act of 2020”.

6 **SEC. 2. DECRIMINALIZATION OF CANNABIS.**

7 (a) CANNABIS REMOVED FROM SCHEDULE OF CON-  
8 TROLLED SUBSTANCES.—

1           (1) REMOVAL IN STATUTE.—Subsection (c) of  
2           schedule I of section 202(c) of the Controlled Sub-  
3           stances Act (21 U.S.C. 812(c)) is amended—

4                   (A) by striking “(10) Marihuana.”; and

5                   (B)           by           striking           “(17)  
6           Tetrahydrocannabinols,           except           for  
7           tetrahydrocannabinols in hemp (as defined  
8           under section 297A of the Agricultural Mar-  
9           keting Act of 1946).”.

10          (2) REMOVAL FROM SCHEDULE.—

11               (A) IN GENERAL.—Not later than 180  
12               days after the date of enactment of this Act,  
13               the Attorney General shall finalize a rulemaking  
14               under section 201(a)(2) of the Controlled Sub-  
15               stances Act (21 U.S.C. 811(a)(2)) removing  
16               marihuana and tetrahydrocannabinols from the  
17               schedules of controlled substances.

18               (B) DRUGS DO NOT MEET REQUIRE-  
19               MENTS.—Marihuana and tetrahydrocannabinols  
20               shall each be deemed to be a drug or other sub-  
21               stance that does not meet the requirements for  
22               inclusion in any schedule under the Controlled  
23               Substances Act (21 U.S.C. 801 et seq.).

24               (C) EFFECTIVE DATE.—The rulemaking  
25               under subparagraph (A) shall be considered to

1           have taken effect as of the date of enactment  
2           of this Act for purposes of any offense com-  
3           mitted, case pending, or conviction entered, and  
4           in the case of a juvenile, any offense committed,  
5           case pending, or adjudication of juvenile delin-  
6           quency entered, before, on, or after the date of  
7           enactment of this Act.

8           (b) CONFORMING AMENDMENTS TO CONTROLLED  
9 SUBSTANCES ACT.—The Controlled Substances Act (21  
10 U.S.C. 801 et seq.) is amended—

11           (1) in section 102(44) (21 U.S.C. 802(44)), by  
12 striking “marihuana,”;

13           (2) in section 401(b) (21 U.S.C. 841(b))—

14           (A) in paragraph (1)—

15           (i) in subparagraph (A)—

16           (I) in clause (vi), by inserting  
17 “or” after the semicolon;

18           (II) by striking clause (vii); and

19           (III) by redesignating clause  
20 (viii) as clause (vii);

21           (ii) in subparagraph (B)—

22           (I) in clause (vi), by inserting  
23 “or” after the semicolon;

24           (II) by striking clause (vii); and

1 (III) by redesignating clause  
2 (viii) as clause (vii);  
3 (iii) in subparagraph (C), in the first  
4 sentence, by striking “subparagraphs (A),  
5 (B), and (D)” and inserting “subpara-  
6 graphs (A) and (B)”;  
7 (iv) by striking subparagraph (D);  
8 (v) by redesignating subparagraph (E)  
9 as subparagraph (D); and  
10 (vi) in subparagraph (D)(i), as so re-  
11 designated, by striking “subparagraphs (C)  
12 and (D)” and inserting “subparagraph  
13 (C)”;  
14 (B) by striking paragraph (4); and  
15 (C) by redesignating paragraphs (5), (6),  
16 and (7) as paragraphs (4), (5), and (6), respec-  
17 tively;  
18 (3) in section 402(c)(2)(B) (21 U.S.C.  
19 842(c)(2)(B)), by striking “, marihuana,”;  
20 (4) in section 403(d)(1) (21 U.S.C. 843(d)(1)),  
21 by striking “, marihuana,”;  
22 (5) in section 418(a) (21 U.S.C. 859(a)), by  
23 striking the last sentence;  
24 (6) in section 419(a) (21 U.S.C. 860(a)), by  
25 striking the last sentence;

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

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

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

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

9 (c) OTHER CONFORMING AMENDMENTS.—

10 (1) NATIONAL FOREST SYSTEM DRUG CONTROL  
11 ACT OF 1986.—The National Forest System Drug  
12 Control Act of 1986 (16 U.S.C. 559b et seq.) is  
13 amended—

14 (A) in section 15002(a) (16 U.S.C.  
15 559b(a)) by striking “marijuana and other”;

16 (B) in section 15003(2) (16 U.S.C.  
17 559c(2)) by striking “marijuana and other”;  
18 and

19 (C) in section 15004(2) (16 U.S.C.  
20 559d(2)) by striking “marijuana and other”.

21 (2) INTERCEPTION OF COMMUNICATIONS.—Sec-  
22 tion 2516 of title 18, United States Code, is amend-  
23 ed—

24 (A) in subsection (1)(e), by striking “,  
25 marihuana,”; and

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

3 (d) RETROACTIVITY.—The amendments made by this  
4 section to the Controlled Substances Act (21 U.S.C. 801  
5 et seq.) are retroactive and shall apply to any offense com-  
6 mitted, case pending, or conviction entered, and, in the  
7 case of a juvenile, any offense committed, case pending,  
8 or adjudication of juvenile delinquency entered, before, on,  
9 or after the date of enactment of this Act.

10 **SEC. 3. REGULATION OF CANNABIS PRODUCTS BY THE**  
11 **FOOD AND DRUG ADMINISTRATION.**

12 (a) IN GENERAL.—The Secretary of Health and  
13 Human Services (referred to in this section as the “Sec-  
14 retary”), acting through the Commissioner of Food and  
15 Drugs, shall regulate cannabis products in the same man-  
16 ner, and to the same extent, as the Secretary regulates  
17 tobacco products under the Federal Food, Drug, and Cos-  
18 metic Act (21 U.S.C. 301 et seq.), including by applying  
19 all labeling and advertising requirements that apply to to-  
20 bacco products under such Act to cannabis products.

21 (b) MINIMUM AGE FOR PURCHASING CANNABIS.—

22 (1) IN GENERAL.—It shall be unlawful for any  
23 retailer to sell cannabis, or any cannabis-derived  
24 product, to any individual younger than 21 years of  
25 age.

1           (2) ENFORCEMENT.—The Secretary shall en-  
2           force paragraph (1) in the same manner, and to the  
3           same extent, as the Secretary enforces section  
4           906(d)(5) of the Federal Food, Drug, and Cosmetic  
5           Act (21 U.S.C. 387f(d)(5)).

6           (c) REGULATIONS.—Not later than 1 year after the  
7           date of enactment of this Act, the Secretary shall promul-  
8           gate regulations to carry out this section.

9           **SEC. 4. FEDERALLY-FUNDED RESEARCH ON CANNABIS.**

10          Part B of title IV of the Public Health Service Act  
11          (42 U.S.C. 284 et seq.) is amended by inserting after sec-  
12          tion 408 (42 U.S.C. 284c) the following:

13          **“SEC. 408A. REQUIREMENT OF APPLICATIONS FOR ASSIST-**  
14                                 **ANCE WITH RESPECT TO RESEARCH ON CAN-**  
15                                 **NABIS.**

16          “A national research institute or national center—

17                 “(1) shall evaluate and consider an application  
18                 for medical research related to cannabis or cannabis-  
19                 derived substances, and the potential for youth  
20                 abuse of cannabis or cannabis-derived substances, on  
21                 the same basis as the institute or center would  
22                 evaluate and consider any other application for med-  
23                 ical research; and

24                 “(2) shall not deny any application for assist-  
25                 ance under this title solely on the basis of the rela-

1           tion of such application to cannabis or cannabis-de-  
2           rived substances.”.

3   **SEC. 5. NATIONAL STRATEGY TO COMBAT YOUTH USE OF**  
4                           **CANNABIS.**

5           (a) IN GENERAL.—The Secretary of Health and  
6 Human Services (referred to in this section as the “Sec-  
7 retary”) shall develop a national strategy to prevent youth  
8 use and abuse of cannabis, with specific attention to youth  
9 vaping of cannabis products.

10          (b) PREVENTING RACIALLY DISPARATE IMPACTS.—

11               (1) CONSULTATION; RECOMMENDATIONS.—As  
12 part of the strategy under subsection (a), not later  
13 than 100 days after the date of enactment of this  
14 Act, the Secretary shall consult with civil rights  
15 stakeholders and the heads of other Federal agen-  
16 cies, as appropriate, to—

17                       (A) assess whether cannabis abuse preven-  
18 tion strategies and policies are likely to have ra-  
19 cially disparate impacts; and

20                       (B) obtain recommendations to prevent ra-  
21 cially disparate impacts in such strategies and  
22 policies.

23               (2) SUMMARY.—Not later than 1 year after the  
24 date of enactment of this Act, the Secretary shall



1 publish a summary of the consultation conducted  
2 under paragraph (1), including—

3 (A) a description of the process involved in  
4 such consultation;

5 (B) enumerated recommendations obtained  
6 under paragraph (1)(B); and

7 (C) enumerated explanations for why the  
8 Secretary has adopted or has not adopted each  
9 such recommendation.

10 **SEC. 6. DEPARTMENT OF AGRICULTURE REGULATIONS.**

11 (a) IN GENERAL.—Not later than 1 year after the  
12 date of enactment of this Act, the Secretary of Agriculture  
13 shall promulgate regulations, as appropriate, relating to—

14 (1) the production of cannabis with respect to  
15 health, safety, and quality; and

16 (2) quality control of cannabis intended for use  
17 in consumer cannabis products regulated under sec-  
18 tion 3 in accordance with the regulations developed  
19 by the Commissioner of Food and Drugs under sub-  
20 section (c) of such section.

21 (b) CONSULTATION.—In carrying out subsection (a),  
22 the Secretary of Agriculture shall consult, as appropriate,  
23 with the Commissioner of Food and Drugs, the Secretary  
24 of Health and Human Services, and the head of any other  
25 relevant Federal agency.

1 **SEC. 7. REGULATIONS WITH RESPECT TO IMPORTATION**  
2 **AND EXPORTATION OF CANNABIS AND CAN-**  
3 **NABIS PRODUCTS.**

4 Not later than one year after the date of the enact-  
5 ment of this Act, the Commissioner of U.S. Customs and  
6 Border Protection, in consultation (as appropriate) with  
7 the Attorney General, the Secretary of Agriculture, and  
8 the Administrator of the Environmental Protection Agen-  
9 cy, shall prescribe regulations with respect to the importa-  
10 tion and exportation of cannabis and cannabis products.

11 **SEC. 8. HIGHWAY TRAFFIC SAFETY RESEARCH AND RE-**  
12 **PORT.**

13 (a) RESEARCH.—

14 (1) IN GENERAL.—The Secretary of Transpor-  
15 tation, acting through the Administrator of the Na-  
16 tional Highway Traffic Safety Administration (re-  
17 ferred to in this section as the “Secretary”), shall  
18 conduct research to identify reliable, evidence-based  
19 methods for detecting cannabis-impaired driving.

20 (2) COORDINATION.—In conducting the re-  
21 search under paragraph (1), the Secretary shall co-  
22 ordinate with the heads of other Federal agencies, as  
23 appropriate.

24 (b) EVALUATION.—

25 (1) IN GENERAL.—The Secretary shall evaluate  
26 each method for detecting cannabis-impaired driving

1 identified pursuant to the research conducted under  
2 subsection (a) to determine whether the method is  
3 likely to contribute to racially disparate impacts in  
4 the enforcement of traffic safety laws.

5 (2) CONSULTATION.—

6 (A) CONSULTATION REQUIRED.—In evalu-  
7 ating a method for detecting cannabis-impaired  
8 driving under paragraph (1), the Secretary  
9 shall consult with—

10 (i) civil rights stakeholders; and

11 (ii) the heads of other Federal agen-  
12 cies, as appropriate.

13 (B) RECOMMENDATIONS AND BEST PRAC-  
14 TICES.—

15 (i) IN GENERAL.—The civil rights  
16 stakeholders consulted under subparagraph  
17 (A)(i) may develop recommendations and  
18 best practices designed to prevent racially  
19 disparate impacts in the enforcement of  
20 traffic safety laws with respect to the use  
21 of any method for detecting cannabis-im-  
22 paired driving.

23 (ii) CONSIDERATION OF REC-  
24 OMMENDATIONS AND BEST PRACTICES.—

25 The Secretary shall consider any rec-

1           ommendations or best practices developed  
2           under clause (i) in determining whether to  
3           adopt for purposes of any guidance issued,  
4           regulation promulgated, or grant adminis-  
5           tered by the National Highway Traffic  
6           Safety Administration a method for detect-  
7           ing cannabis-impaired driving identified  
8           pursuant to the research conducted under  
9           subsection (a).

10                   (iii) PUBLIC AVAILABILITY.—Any rec-  
11           ommendations or best practices developed  
12           under clause (i) shall be made publicly  
13           available on the website of the National  
14           Highway Traffic Safety Administration.

15           (c) REPORT.—The Secretary shall publish in the  
16           Federal Register and on the website of the National High-  
17           way Traffic Safety Administration a report describing—

18                   (1) the research conducted under subsection  
19           (a); and

20                   (2) each evaluation conducted under subsection  
21           (b), including—

22                           (A) a description of the consultation proc-  
23           ess carried out under paragraph (2) of that  
24           subsection;

1           (B) a description of each recommendation  
2 or best practice developed by civil rights stake-  
3 holders under subparagraph (B) of that para-  
4 graph; and

5           (C) an explanation of the reasons for  
6 adopting or not adopting for purposes of any  
7 guidance issued, regulation promulgated, or  
8 grant administered by the National Highway  
9 Traffic Safety Administration—

10           (i) each method for detecting can-  
11 nabis-impaired driving identified pursuant  
12 to the research conducted under subsection  
13 (a); and

14           (ii) each recommendation or best  
15 practice developed by civil rights stake-  
16 holders under subsection (b)(2)(B).