

118TH CONGRESS
1ST SESSION

S. 1204

To allow veterans to use, possess, or transport medical marijuana and to discuss the use of medical marijuana with a physician of the Department of Veterans Affairs as authorized by a State or Indian Tribe, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 19, 2023

Mr. SCHATZ (for himself, Mr. WYDEN, Mr. KELLY, Mr. BOOKER, Ms. ROSEN, Mr. SANDERS, Mr. PADILLA, Mr. KAINE, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To allow veterans to use, possess, or transport medical marijuana and to discuss the use of medical marijuana with a physician of the Department of Veterans Affairs as authorized by a State or Indian Tribe, 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 “Veterans Medical
5 Marijuana Safe Harbor Act.”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Chronic pain affects the veteran population,
4 with almost 60 percent of veterans returning from
5 serving in the Armed Forces in the Middle East, and
6 more than 50 percent of older veterans, who are
7 using the health care system of the Department of
8 Veterans Affairs living with some form of chronic
9 pain.

10 (2) In 2020, opioids accounted for approxi-
11 mately 75 percent of all drug overdose deaths in the
12 United States.

13 (3) Veterans are twice as likely to die from
14 opioid-related overdoses than nonveterans.

15 (4) States with recreational cannabis laws expe-
16 rienced a 7.6 percent reduction in opioid-related
17 emergency department visits during the 180-day pe-
18 riod after the implementation of such laws.

19 (5) Marijuana and its compounds show promise
20 for pain management and treating a wide-range of
21 diseases and disorders, including post-traumatic
22 stress disorder.

23 (6) Medical marijuana in States where it is
24 legal may serve as a less harmful alternative to
25 opioids in treating veterans.

1 **SEC. 3. SAFE HARBOR FOR USE BY VETERANS OF MEDICAL**
2 **MARIJUANA.**

3 (a) SAFE HARBOR.—Notwithstanding the Controlled
4 Substances Act (21 U.S.C. 801 et seq.), the Controlled
5 Substances Import and Export Act (21 U.S.C. 951 et
6 seq.), or any other Federal law, it shall not be unlawful
7 for—

8 (1) a veteran to use, possess, or transport med-
9 ical marijuana in a State or on Indian land if the
10 use, possession, or transport is authorized and in ac-
11 cordance with the law of the applicable State or In-
12 dian Tribe;

13 (2) a physician to discuss with a veteran the
14 use of medical marijuana as a treatment if the phy-
15 sician is in a State or on Indian land where the law
16 of the applicable State or Indian Tribe authorizes
17 the use, possession, distribution, dispensation, ad-
18 ministration, delivery, and transport of medical
19 marijuana; or

20 (3) a physician to recommend, complete forms
21 for, or register veterans for participation in a treat-
22 ment program involving medical marijuana that is
23 approved by the law of the applicable State or In-
24 dian Tribe.

25 (b) DEFINITIONS.—In this section:

1 (1) INDIAN LAND.—The term “Indian land”
2 means any of the Indian lands, as that term is de-
3 fined in section 824(b) of the Indian Health Care
4 Improvement Act (25 U.S.C. 1680n).

5 (2) INDIAN TRIBE.—The term “Indian Tribe”
6 has the meaning given that term in section 4 of the
7 Indian Self-Determination and Education Assistance
8 Act (25 U.S.C. 5304).

9 (3) PHYSICIAN.—The term “physician” means
10 a physician appointed by the Secretary of Veterans
11 Affairs under section 7401(1) of title 38, United
12 States Code.

13 (4) STATE.—The term “State” has the mean-
14 ing given that term in section 102 of the Controlled
15 Substances Act (21 U.S.C. 802).

16 (5) VETERAN.—The term “veteran” has the
17 meaning given that term in section 101 of title 38,
18 United States Code.

19 (c) SUNSET.—This section shall cease to have force
20 or effect on the date that is five years after the date of
21 the enactment of this Act.

22 **SEC. 4. RESEARCH ON USE OF MEDICAL MARIJUANA BY**
23 **VETERANS.**

24 (a) RESEARCH ON EFFECTS OF MEDICAL MARI-
25 JUANA ON VETERANS.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the Sec-
3 retary of Veterans Affairs shall support clinical re-
4 search on the use of medical marijuana—

5 (A) by veterans to manage pain; and

6 (B) for the treatment of veterans for dis-
7 eases and disorders such as post-traumatic
8 stress disorder.

9 (2) INTERAGENCY COORDINATION.—The Sec-
10 retary shall coordinate and collaborate with other
11 relevant Federal agencies to support and facilitate
12 clinical research under paragraph (1).

13 (3) REPORT.—Not later than two years after
14 the date of the enactment of this Act, the Secretary
15 shall submit to Congress a report on the ongoing
16 clinical research supported by the Secretary under
17 paragraph (1), which shall include such rec-
18 ommendations for legislative or administrative action
19 as the Secretary considers appropriate to continue to
20 support the management of pain and the treatment
21 of diseases and disorders of veterans.

22 (b) STUDY ON USE BY VETERANS OF STATE MED-
23 ICAL MARIJUANA PROGRAMS.—

24 (1) IN GENERAL.—Not later than two years
25 after the date of the enactment of this Act, the Sec-

1 retary shall conduct a study on the relationship be-
2 tween treatment programs involving medical mari-
3 juana that are approved by States, the access of vet-
4 erans to such programs, and a reduction in opioid
5 use and misuse among veterans.

6 (2) REPORT.—Not later than 180 days after
7 the date on which the study required under para-
8 graph (1) is completed, the Secretary shall submit to
9 Congress a report on the study, which shall include
10 such recommendations for legislative or administra-
11 tive action as the Secretary considers appropriate.

12 (c) VETERAN DEFINED.—In this section, the term
13 “veteran” has the meaning given that term in section 101
14 of title 38, United States Code.

15 (d) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to the Secretary of Vet-
17 erans Affairs such sums as may be necessary to carry out
18 this section.

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