

112TH CONGRESS  
1ST SESSION

# H. R. 2306

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2011

Mr. FRANK of Massachusetts (for himself, Mr. PAUL, Mr. CONYERS, Ms. LEE of California, Mr. POLIS, and Mr. COHEN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To limit the application of Federal laws to the distribution and consumption of marihuana, 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 “Ending Federal Mari-  
5 juana Prohibition Act of 2011”.

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

3 Part A of the Controlled Substances Act (21 U.S.C.  
4 801 et seq.) is amended by adding at the end the fol-  
5 lowing:

6 **“SEC. 103. APPLICATION OF THIS ACT TO MARIHUANA.**

7 “(a) PROHIBITION ON CERTAIN SHIPPING OR  
8 TRANSPORTATION.—This Act shall not apply to mari-  
9 huana, except that it shall be unlawful only to ship or  
10 transport, in any manner or by any means whatsoever,  
11 marihuana, from one State, Territory, or District of the  
12 United States, or place noncontiguous to but subject to  
13 the jurisdiction thereof, into any other State, Territory,  
14 or District of the United States, or place noncontiguous  
15 to but subject to the jurisdiction thereof, or from any for-  
16 eign country into any State, Territory, or District of the  
17 United States, or place noncontiguous to but subject to  
18 the jurisdiction thereof, when such marihuana is intended,  
19 by any person interested therein, to be received, possessed,  
20 sold, or in any manner used, either in the original package  
21 or otherwise, in violation of any law of such State, Terri-  
22 tory, or District of the United States, or place noncontig-  
23 uous to but subject to the jurisdiction thereof.

24 “(b) PENALTY.—Whoever knowingly violates sub-  
25 section (a) shall be fined under title 18, United States  
26 Code, or imprisoned not more than one year, or both.”.

1 **SEC. 3. DEREGULATION OF MARIHUANA.**

2 (a) REMOVED FROM SCHEDULE OF CONTROLLED  
3 SUBSTANCES.—Schedule I(c) of section 202(c) of the Con-  
4 trolled Substances Act (21 U.S.C. 812(c)) is amended—

5 (1) by striking “marihuana”; and

6 (2) by striking “tetrahydrocannabinols”.

7 (b) REMOVAL OF PROHIBITION ON IMPORT AND EX-  
8 PORT.—Section 1010 of the Controlled Substances Import  
9 and Export Act (21 U.S.C. 960) is amended—

10 (1) by striking subparagraph (G) of subsection

11 (b)(1);

12 (2) by striking subparagraph (G) of subsection

13 (b)(2); and

14 (3) by striking paragraph (4) of subsection (b).

15 **SEC. 4. CONFORMING AMENDMENTS TO CONTROLLED SUB-**  
16 **STANCES ACT.**

17 (a) Section 102(44) of the Controlled Substances Act  
18 (21 U.S.C. 802(44)) is amended by striking “marihuana”.

19 (b) Part D of the Controlled Substances Act (21  
20 U.S.C. 841 et seq.) is amended as follows:

21 (1) In section 401—

22 (A) by striking subsection (b)(1)(A)(vii);

23 (B) by striking subsection (b)(1)(B)(vii);

24 (C) by striking subsection (b)(1)(D); and

25 (D) by striking subsection (b)(4).

1           (2) In section 402(e)(2)(B), by striking “mari-  
2           huana”.

3           (3) In section 403(d)(1), by striking “mari-  
4           huana”.

5           (4) In section 418(a), by striking the last sen-  
6           tence.

7           (5) In section 419(a), by striking the last sen-  
8           tence.

9           (6) In section 422(d), in the matter preceding  
10          paragraph (1), by striking “marijuana”.

11          (7) In section 422(d)(5), by striking “, such as  
12          a marihuana cigarette,”.

13   **SEC. 5. CONSTRUCTION.**

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

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