

117TH CONGRESS
1ST SESSION

S. 1183

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 15, 2021

Mr. SCHATZ (for himself, Mr. KAINE, Mr. SANDERS, Mr. MERKLEY, Mr. WYDEN, and Ms. ROSEN) 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.”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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

8 (2) In 2018, opioids accounted for approxi-
9 mately 70 percent of all drug overdose deaths in the
10 United States.

11 (3) Veterans are twice as likely to die from
12 opioid related overdoses than nonveterans.

13 (4) States with medical cannabis laws have a
14 24.8 percent lower mean annual opioid overdose
15 mortality rate compared with States without medical
16 cannabis laws.

17 (5) Marijuana and its compounds show promise
18 for treating a wide-range of diseases and disorders,
19 including pain management.

20 (6) Medical marijuana in States where it is
21 legal may serve as a less harmful alternative to
22 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 the term “Indian tribe” in
 7 section 4 of the Indian Self-Determination and Edu-
 8 cation Assistance 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. STUDIES ON USE OF MEDICAL MARIJUANA BY VET-**
 23 **ERANS.**

24 (a) STUDY ON EFFECTS OF MEDICAL MARIJUANA ON
 25 VETERANS IN PAIN.—

1 (1) IN GENERAL.—Not later than two years
2 after the date of the enactment of this Act, the Sec-
3 retary of Veterans Affairs shall conduct a study on
4 the effects of medical marijuana on veterans in pain.

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

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

13 (1) IN GENERAL.—Not later than two years
14 after the date of the enactment of this Act, the Sec-
15 retary shall conduct a study on the relationship be-
16 tween treatment programs involving medical mari-
17 juana that are approved by States, the access of vet-
18 erans to such programs, and a reduction in opioid
19 use and abuse among veterans.

20 (2) REPORT.—Not later than 180 days after
21 the date on which the study required under para-
22 graph (1) is completed, the Secretary shall submit to
23 Congress a report on the study, which shall include
24 such recommendations for legislative or administra-
25 tive action as the Secretary considers appropriate.

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

4 (d) USE OF AMOUNTS.—For fiscal years 2022 and
5 2023, of the amounts appropriated to the Department of
6 Veterans Affairs—

7 (1) \$10,000,000 shall be used to carry out sub-
8 section (a); and

9 (2) \$5,000,000 shall be used to carry out sub-
10 section (b).

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