
























# THE MEDICAL CANNABIS & CANNABINOID ACT

## A National Framework for Safe Access & Regulatory Control

Americans for Safe Access

# Americans for Safe Access

## THE MISSION OF AMERICANS FOR SAFE ACCESS (ASA) IS TO ENSURE SAFE AND LEGAL ACCESS TO CANNABIS FOR THERAPEUTIC USE & RESEARCH.

**With over 150,000 active supporters in all 50 states, ASA is the largest national member-based organization of patients, medical professionals, scientists, & concerned citizens working to overcome political, social, & legal barriers to improve access to medical cannabis for patients & researchers through legislation, education, litigation, grassroots empowerment, advocacy & services for patients, governments, medical professionals, & medical cannabis providers.**

# THE MEDICAL CANNABIS & CANNABINOID ACT

Despite growing recognition of its medical benefits, the regulation of cannabis remains fragmented across the United States, leading to significant disparities in **access, transparency, and safety.** Recent developments, including a change in the classification of cannabis by the United Nations to recognize its medical use and steps taken recently by the U.S. Department of Health and Human Services (HHS) and the Department of Justice (DOJ), underscore **the need for the United States to modernize cannabis policies to reflect global, medical and scientific perspectives.**

**The Medical Cannabis and Cannabinoid Act (MCCA)** creates a national medical cannabis program through a new Schedule category for cannabis and cannabinoids, designated as **Schedule VI**, and the establishment of the **Office of Medical Cannabis and Cannabinoid Control (OMC)** within the Department of Health and Human Services (HHS). The OMC would be entrusted with crafting and implementing regulations to facilitate the integration of cannabis treatments into national healthcare systems.

The OMC will possess the authority and resources necessary to coordinate federal agencies, harmonize product safety protocols, develop a centralized licensing and registration authority for the supply chain of all cannabis and cannabinoid products, including synthetic and isolates, and issue classification guidelines for over-the-counter (Schedule VI (A) and controlled-access products (Schedule VI). Additionally, the OMC will issue product and system guidelines for “prescriptions” and the framework for full-spectrum cannabis-based products to achieve evidence-based health claims.

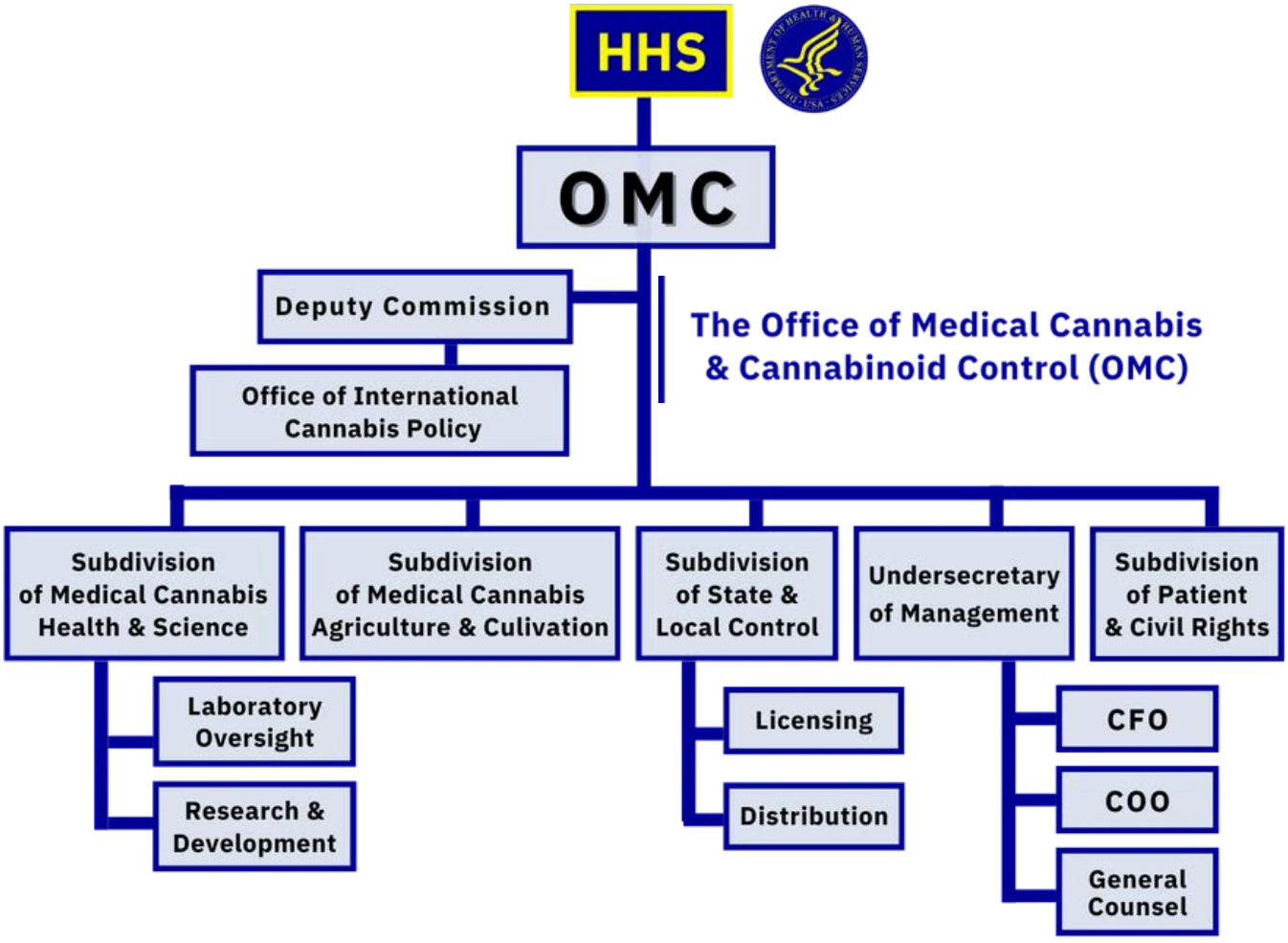
## A National Framework for Safe Access & Regulatory Control

**Product Approval & Monitoring:** Establishing rigorous safety evaluations and testing requirements for all cannabis products to ensure they are free from contaminants and meet therapeutic standards.

**Access & Distribution:** Creating a system that allows for equitable access to medical cannabis, especially for patients whom state programs have historically underserved.

**Research & Development:** Facilitating and funding research to further understand the medical properties of cannabis and its potential uses in treatment.

**TITLE I -** Establishes the **Office of Medical Cannabis and Cannabinoid Control (OMC)** as a central agency under the Department of Health and Human Services. It defines the OMC's legislative mission to regulate and oversee the medical cannabis supply chain, outlines the roles and duties of the Commissioner and other officers, and sets forth responsibilities, including regulatory oversight, public health protection, and enforcement of standards. This structure ensures that all aspects of medical cannabis are centrally managed and consistently regulated across the nation **(pages 14-17)**.




**TITLE II - "SUBDIVISION OF MEDICAL CANNABIS SCIENCE & HEALTH"** creates a subdivision dedicated to the scientific research and health implications of medical cannabis, led by an Under Secretary. This subdivision oversees federally funded research and development centers, conducting comprehensive research, development, testing, and evaluation of medical cannabis. Its mission is to advance the understanding of cannabis's medical benefits and its integration into healthcare practices, ensuring that policy development is informed by rigorous scientific evidence **(pages 18-22).**

**TITLE III - "SUBDIVISION OF CANNABIS AGRICULTURE & CULTIVATION"** defines a subdivision focusing on the agriculture and cultivation aspects of cannabis, headed by an Under Secretary. It details responsibilities such as developing sustainable cultivation practices, overseeing federally funded subsidies and crop insurance programs, and ensuring that state and tribal cannabis production plans align with federal standards. This subdivision is essential for managing the agricultural lifecycle of cannabis and supporting farmers through regulatory guidance and financial aid **(pages 22-27).**

**TITLE IV - "MANAGEMENT"** outlines the infrastructure of the Office of Medical Cannabis and Cannabinoid Control, detailing the roles of key managerial positions, including the Under Secretary for Management, Chief Financial Officer, Chief Information Officer, and an Officer for Patient and Civil Rights. These roles are critical for the efficient administration of the OMC, ensuring effective financial management, information security, and the protection of patient and civil rights within the medical cannabis framework **(pages 28-29).**

**TITLE V - "COORDINATION WITH NON-FEDERAL ENTITIES"** emphasizes the importance of coordination between the OMC and state, local, and international bodies. It sets up a subdivision for state and local government coordination, addresses the role of advisory committees, and delineates the office's involvement in military and international cannabis policies. This title ensures that federal cannabis policies are harmonized with non-federal entities, facilitating a cohesive approach to cannabis regulation and policy across different levels of government and international borders **(pages 30-32).**

**TITLE VI - "TRANSITION"** deals with the provisions necessary for implementing the Act. It defines key terms, outlines the notification process for affected agencies, describes the reorganization plan, and ensures the continuity of care during the transition period. This title is crucial for the smooth transition of functions and responsibilities to the new regulatory framework established by the Act **(pages 32-42).**

**TITLE VII - "IMPLEMENTATION"** specifies the practical steps for implementing the Act, including the issuance of general and specialty licenses, guidelines for distribution, prescription protocols, and forming advisory committees **(pages 42-45).**

**TITLE VIII - "ESTABLISH SCHEDULE VI & SCHEDULE VI (A) UNDER THE CONTROLLED SUBSTANCE ACT"** amends the Controlled Substances Act to establish Schedule VI and Schedule VI (A), creating a new classification for cannabis and cannabinoid products that acknowledges their medicinal use and regulates them under a framework designed for their unique properties. This section amends the Hemp Authorization Act and transfers functions to align with the new regulations, ensuring a comprehensive approach to the nationwide management and oversight of medical cannabis and cannabinoid products. It also amends the Criminal Code and Sentencing Guidelines to align with these changes, ensuring that the legal framework reflects the updated understanding of cannabis's role in medical treatment **(pages 45-47).**


# MCCA 2024

## An Act

To establish the Office of Medical Cannabis and Cannabinoid Control, Create a new Schedule for Cannabis, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

## Table of Contents

**The table of contents for this Act is as follows:**

## TITLE IV - MANAGEMENT

Sec. 401 - Under Secretary for Management
Sec. 402 - Chief Financial Officer
Sec. 403 - Chief Information Officer
Sec. 404 - Establishment of Officer for Patient and Civil Rights

## TITLE V- COORDINATION WITH NON-FEDERAL ENTITIES

**Subtitle A -** Coordination with Non-Federal Entities
Sec. 501 - Subdivision for State and Local Government Coordination
**Subtitle B -** Miscellaneous Provisions
Sec. 502 - Advisory Committees
Sec. 503 - Military Activities
Sec. 504 - Office of International Cannabis Policies

## TITLE VI– TRANSITION

Sec. 601 - Definitions
Sec. 602 - Notification to Agencies
Sec. 603 - Reorganization Plan
Sec. 604 - Continuity of Care

## TITLE VII- IMPLEMENTATION

Sec. 701 - Licensing; General
Sec. 702 - Specialty licensing
Sec. 703 - Distribution, Guidelines
Sec. 704 - Prescription Protocols
Sec. 705 - Advisory Committee
Sec. 706 - Amend Hemp Authorization Act
Sec. 707 - Transfer of Functions

## TITLE VIII- ESTABLISH SCHEDULE VI UNDER THE CONTROLLED SUBSTANCE ACT

Sec. 801 - Amend Controlled Substance Act
Sec. 802 - Amend Hemp Authorization Act
Sec. 802 - Amend Criminal Code
Sec. 803 - Amend Sentencing Guidelines
Sec. 804 - Amend mention of CSA

## Section 1.
## SHORT TITLE

This Act may be cited as **"The Medical Cannabis and Cannabinoid Act of 2024**" or the "**Act.**"

## Section 2.
## SENSE OF CONGRESS

Expressing the sense of Congress that a new federal agency, the Office of Medical Cannabis and Cannabinoid Control, would be beneficial to public and individual health, and a new Schedule for cannabis under the Control Substance Act would better reflect the current regulation of cannabis and cannabinoids in the US.

**WHEREAS** there are over six million patients legally using medical cannabis under state law in the United States;

**WHEREAS** forty-one states, the District of Columbia, and four of five U.S. territories have medical cannabis distribution laws, with an additional seven states having laws permitting cannabidiol (CBD);

**WHEREAS** oversight authority of medical cannabis has been handled on the state and local level rather than through the federal government, putting the United States at odds with the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, which requires a singular medical cannabis oversight body under Article 28;

**WHEREAS** in 2020, the United Nations reclassified cannabis recognizing its medical benefits;

**WHEREAS** the United States and its territories have created a patchwork of licensing, regulation, and enforcement laws that lack uniformity;

**WHEREAS** local-level oversight of medical cannabis has led to vastly differing regulations on product safety, laboratory operations, pesticide use, civil protections, and other areas where federal guidance exists in other marketplaces;

**WHEREAS** since 2014, Congress has passed the Medical Cannabis Amendment to the Commerce-Justice-Science (CJS) Appropriations bill restricting the Department of Justice (DOJ) and the Drug Enforcement Administration (DEA) from spending funds on enforcing federal cannabis laws if individuals are following state medical cannabis laws with no additional guidance from Congress;

**WHEREAS** the Hemp Authorization of the 2018 Farm Bill has created an unregulated class of cannabinoid products;

**WHEREAS** on January 26, 2023, the Food and Drug Administration (FDA) concluded that current frameworks will not work for regulating Cannabidiol (CBD) and has called on Congress to create a new framework;

**WHEREAS** Schedule I researchers who do obtain the proper license are forced to import cannabis from other countries or obtain cannabis that does not mirror what is otherwise available in state markets to patients;

**WHEREAS** administrators of most federal agencies have called on Congress to resolve the conflict between state and federal laws; and

**WHEREAS** The Department of Health and Human Services (HHS) has recognized Cannabis' accepted medical use in the United States;

Now, therefore, be it resolved by the United States Congress that it is the sense of Congress that a new federal agency for the regulation of medical cannabis and cannabinoids and the creation of a new schedule (Schedule VI) under the CSA for cannabis, would be beneficial to public and individual health.

## Section 3. DEFINITIONS

**In this Act, the following definitions shall apply:**

**(a)** The term "appropriate congressional committee" means any committee of the House of Representatives or the Senate having legislative or oversight jurisdiction under the Rules of the House of Representatives or the Senate, respectively, over the matter concerned.

**(b)** The term “assets” includes contracts, facilities, property, records, unobligated or unexpended balances of appropriations, and other funds or resources (other than personnel).

**(c)** The term “cannabis” means marihuana as defined in Title 21, United States Code, §802 (16).

**(d)** The term “Cannabis Headquarters Laboratory” means a federal laboratory created in consultation with the National Academies of Sciences, appropriate federal agencies, and other experts that serves as the national model for cannabis laboratory testing. The laboratory may provide functions of testing and development of cannabis and cannabis products.

**(e)** The term “cannabis products” means products derived from the cannabis plant, including but not limited to products made from the extraction of one or more cannabinoids.

**(f)** The term “Commissioner” means the head of the Office of Medical Cannabis and Cannabinoid Control as defined in Sec. 102.

**(g)** The term “Departments” means other executive and legislative agencies as defined under Title 5, United States Code.

**(h)** The term ‘‘executive agency’’ means an executive agency and a military department, as defined, respectively, in sections 105 and 102 of title 5, United States Code.

(**i)** The term ‘‘functions’’ includes authorities, powers, rights, privileges, immunities, programs, projects, activities, duties, and responsibilities.

**(j)** The term ‘‘key resources’’ means publicly or privately controlled resources essential to the minimal operations of the economy and government.

**(k)** The term ‘‘local government’’ means—a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;

**(1)** an Indian tribe or authorized tribal organization, or in Alaska, a Native village or Alaska Regional Native Corporation; and

**(2)** a rural community, unincorporated town or village, or other public entity.

**(l)** The term “Office” means the Office of Medical Cannabis and Cannabinoid Control,” a centralized federal oversight agency for cannabis and cannabinoids, as described in this chapter.

**(m)** The term ‘‘personnel’’ means officers and employees.

**(n)** The term “private sector” means businesses, associations, nonprofits, or other entities organized under Federal, State, or Local laws for a non-governmental purpose.

**(o)** The term “Non-Federal Agencies” means state and local departments of health, state, and local cannabis oversight authorities, and other entities not organized under Federal law

## Section 3. continued
## DEFINITIONS

**(p)** The term “Schedule VI” means a newly created Schedule under the Controlled Substance Act as defined by Title VIII of this legislation.

**(q)** The term Schedule VI (A) means a sub-classification of a newly created Schedule VI under the Controlled Substance Act as defined by Title VIII of this legislation.

**(r)** The term “Schedule VI Permit” is a permit granted by the Office to businesses, institutions or organizations that handle, transport, or store Schedule VI products in the course of providing services for Schedule VI Licensees but are not involved cultivation, manufacturing or sales of Schedule VI products such as laboratories, transporters, packaging companies, and research institutions.

**(s)** The term “Schedule VI License” is a license granted by the Office to businesses, institutions or organizations that cultivate and/or manufacture or sell Schedule VI products.

**(t)** The term “Schedule VI (A) License” is a license granted by the Office to businesses, institutions or organizations that cultivate and/or manufacture Schedule VI (A) products.

**(u)** The term “Secretary” means the Secretary of the Department of Health and Human Services.

**(v)** The term ‘‘State’’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States

**(w)** The term “state-license” is a cultivation, manufacturing, or dispensary/retail business with a state or tribal issued medical cannabis license in good standing.

**(x)** The term ‘‘United States,’’ when used in a geographic sense, means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any possession of the United States, and any waters within the jurisdiction of the United States.

## Section 4. Construction; Severability

Any provision of this Act held to be invalid or unenforceable by its terms, as applied to any person or circumstance, shall be construed as to give it maximum effect permitted by law unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this Act and shall not affect the remainder thereof, or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

## Section 5. Effective Date

This Act shall take effect sixty (60) days after the date of enactment.

# TITLE I- OFFICE OF MEDICAL CANNABIS & CANNABINOID CONTROL

## Section 101. LEGISLATIVE AGENCY, MISSION

**(a)** There is established an Office of Medical Cannabis and Cannabinoid Control as a legislative agency of the United States within the meaning of Title 5, United States Code.

**(b) MISSION:**

**(1) IN GENERAL:** the primary mission of the Office is to facilitate access to medical cannabis and cannabinoid products for therapeutic use and research, regulate the production of medical cannabis and cannabinoids products for human consumption, and oversee the new Schedule VI. Including the following activities:

**(i)** Provide licensing and permitting process for any/all businesses involved in the Schedule VI supply chain, including but not limited to manufacturers, cultivators, specialty and other pharmacies, laboratories, and transporters;

**(ii)** Provide licensing and permitting process Schedule VI (A) manufacturers and cultivators.

**(iii)** Coordinate with State regulators to ensure this Act does not interrupt existing access, including a process for existing medical cannabis businesses to qualify for the protections of this Act;

**(iv)** Coordinate cannabis-related issues across federal agencies in a manner that does not interrupt existing research or public health measures;

**(v)** Provide minimum standards for labeling, packaging, and product safety for cannabis, cannabis and cannabinoid products, and pesticide and agricultural guidelines for cannabis cultivation and cannabis products;

**(vi)** Assume the enforcement authority for Schedule VI & Schedule VI (A) substances;

**(vii)** Coordinate research across federal agencies and the private sector, including the creation of a research priority map;

**(viii)** Develop process for cannabis formulations and products containing cannabinoids to conduct clinical trials, including standardization guidance and pathway for health claims;

**(ix)** Assume primary oversight of "marijuana" as defined in 21 U.S.C. §802 (16); and

**(x)** Carry out the functions of all entities transferred to the Office and serve as the focal point for government functions related to medical cannabis and cannabinoids.

## Section 102. Commissioner, Duties

**(a) COMMISSIONER–**

**(1) IN GENERAL–** There is a Commissioner of Medical Cannabis Control appointed by the President with the Advice and Consent of the Senate

**(2) HEAD OF OFFICE–** The Commissioner is the head of the Office and shall have direction, authority, and control over it.

**(3) FUNCTIONS VESTED IN COMMISSIONER-** All functions of all officers, employees, and organizational units of the Office are vested in the Commissioner.

**(b) FUNCTIONS- The Commissioner–**

**(1)** Except as otherwise provided by this Act, may delegate any of the Commissioner's functions to any officer, employee, or organizational unit of the office;

**(2)** Shall have the authority to make contracts, grants, and cooperative agreements, and enter into agreements with other agencies, as may be necessary and proper to carry out the Commissioner's duties under this act or otherwise provided by laws; and

**(3)** Shall take reasonable steps to ensure that information and databases maintained by the Office are compatible with each other and with appropriate databases of other Departments.

**(c) COORDINATION WITH NON-FEDERAL AGENCIES–** With respect to cannabis, the Commissioner shall coordinate through the Office of State and Local Coordination (established under section 501) with state and local departments of health, cannabis oversight bodies, the private sector, and other relevant authorities by –

**(1)** Coordinating with state and local cannabis boards, licensing authorities, and the private sector to ensure adequate controls, databases, equipment, and training activities;

**(2)** Coordinating and, as appropriate, consolidating the Federal Government's communications and systems of communications relating to cannabis with state and local government personnel, the private sector, other entities, and the public; and

**(3)** Distributing or, as appropriate coordinating, the distribution of warnings and recall notices of cannabis or cannabis products to state and local government personnel, the private sector, other entities, and the public.

**(d) ISSUANCE OF REGULATIONS–** The issuance of regulations by the Commissioner shall be governed by the provisions of chapter 5 of Title 5, United States Code, except as explicitly provided in this Act, in laws granting regulatory authorities that are transferred by this Act, and in laws enacted after the date of enactment of this Act.

## Section 103.
## OTHER OFFICERS

**(a) DEPUTY COMMISSIONER; UNDER SECRETARIES. –** There are the following officers, appointed by the President, by and with the advice and consent of the Senate:

**(1)** Deputy Commissioner of Medical Cannabis Control, who shall be the Officer's first assistant for purposes of subchapter III of chapter 33 of title 5, United States Code,

**2)** An Under Secretary for Medical Cannabis Science and Health;

**(3)** An Under Secretary for Cannabis Agriculture and Cultivation;

**(4)** An Under Secretary for Management; and

**(5)** A General Counsel, who shall be the chief legal officer of the Office.

**(b) OTHER OFFICERS–** To assist the Commissioner in the Performance of the Commissioner's functions, there are the following officers appointed by the president:

**(1)** Chief Financial Officer;

**(2)** Chief Information Officer;

**(3)** Officer for Civil and Patient Rights;

**(4)** Officer for Health Equity;

**(5)** Director of Office of International Cannabis Policy; and

**6)** Director of Office of State and Local Control.

**(c) PERFORMANCE SPECIFIC FUNCTIONS–** Subject to the provisions of this Act, every officer of the Office shall perform the functions specified by law for the official's office or prescribed by the Commissioner.

# TITLE II- SUBDIVISION OF CANNABIS SCIENCE & HEALTH

## Section 201. ESTABLISHMENT OF SUBDIVISION, UNDER SECRETARY

**(a) ESTABLISHMENT**

**(1) IN GENERAL–** There is hereby established a subdivision of Cannabis Science and Health (hereinafter referred to as the "Subdivision").

**(2) AUTHORITY–** The subdivision shall be under the general authority of the Office but shall maintain independent discretion when making decisions about medical cannabis.

**3) UNDERSECRETARY–** The subdivision shall be headed by an undersecretary who shall be an individual appointed based on approval of the Office of Personnel Management of the executive qualifications of the individual.

## Section 202.
## Mission Of Subdivision; Duties

**(a) MISSION–** The mission of the subdivision shall be–

**(1)** To serve as the national focal point for medical cannabis, transferring authority from the National Institute on Drug Abuse, Drug Enforcement Administration, and Department of Health and Human Services;

**(2)** To create and implement prescription protocols for Schedule VI substances;

(**3)** To oversee medical cannabis research;

(**4)** To carry out educational programs for medical cannabis practitioners;

**(5)** To carry out programs that improve access to medical cannabis; and

**(6)** To develop standardization guidance and pathway for health claims for cannabis formulations and products containing cannabinoids.

**(b) DUTIES-** In carrying out its mission, the subdivision shall have the following duties,

**(1)** Provide recommendations and advice about cannabis and cannabis medicines to the Commissioner of the Food and Drug Administration, as needed;

**(2)** Coordinate with the Department of Health and Human Services, the National Institute on Drug Abuse, and the Food and Drug Administration on policy matters and implementation as needed;

**(3)** To establish and maintain advisory groups to assess the scientific needs of Federal, State, and Local cannabis research facilities;

**(4)** To establish minimum laboratory research standards in accordance with ISO 17025 and test and evaluate research processes that may be used by federal, state, local, and private researchers and laboratories;

**(5)** To establish a program that certifies, validates, or otherwise approves research study designs that explore the potential of cannabis as a medicine;

**(6)** To coordinate with other federal agencies and the Executive Office of the President to establish a coordinated Federal approach to researching medical cannabis;

**(7)** To carry out research, development, testing, evaluation, and cost-benefit analyses in fields that improve the safety and effectiveness of cannabis medicines, including but not limited to:

**(i)** Cannabis as a replacement for opioid therapies;

**(ii)** Cannabis as a treatment for PTSD;

**(iii)** Potency of medicine treating a variety of conditions;

**(iv)** Development of an accurate biological or observational test to assess impairment;

**(v)** Cannabis a treatment option for cancer; and

**(vi)** Cannabis as a treatment option for veterans.

**(8)** To develop and disseminate to State and Local Departments of Health training materials for regulators, law enforcement, and prosecutors; and

**(9)** To support research fellowships in support of its mission.

**(c) COMPETITION REQUIRED–** Except as otherwise expressly provided by law, all research and development carried out by or through the Subdivision shall be carried out on a competitive basis.

**(d) TRANSFER OF FUNDS–** The Subdivision may transfer funds to other federal agencies or provide funding to non-Federal entities through grants, cooperative agreements, or contracts to carry out its duties under this section.

## Section 203. Transfer of Functions

**(a) AUTHORITY TO TRANSFER FUNCTIONS**– The Attorney General, and other Secretaries as appropriate, shall transfer to the Subdivision any program or activity of another government agency that is consistent with the mission of the Office.

**(b) TRANSFER OF PERSONNEL AND ASSETS–** With respect to any function, power, duty, or any program or activity that is established in the Office, those employees and assets of another government agency may be transferred to the Office.

## Section 204. Federally Funded Research & Development Centers

The Commissioner, acting through the Under Secretary of Medical Cannabis Science and Health, shall have the authority to establish or contract with one (1) or more federally funded research and development centers to provide independent analysis of cannabis issues, the use of medical cannabis, production of medical cannabis and cannabis medicines, or to carry out other responsibilities under this Act.

## Section 205. Conduct of Research, Development, Demonstration, Testing, & Evaluation

**(a) IN GENERAL–** The Commissioner, acting through the Under Secretary for Cannabis Science and Health, shall carry out the responsibilities described in Section 202(b) through both extramural and intramural programs.

**(b) EXTRAMURAL PROGRAMS**

**(1) IN GENERAL–** The Commissioner, acting through the Under Secretary for Cannabis Science and Health, shall operate extramural research, development, demonstration testing, and evaluation programs so as to:

**(i)** Ensure that colleges, universities, private research institutes, and companies from as many areas of the United States with different climates for cannabis as practicable participate;

**(ii)** Ensure that the research funded is of high quality; and

**(iii)** Distribute funds through grants, cooperative agreements, and contracts.

**(2) UNIVERSITY-BASED CENTERS FOR CANNABIS RESEARCH**

**(i) ESTABLISHMENT–** The Commissioner, acting through the Under Secretary of Cannabis Science and Health, shall establish within (one) 1 year of the date of enactment a university-based center or centers for cannabis research. The purpose of this center or centers is to enhance public health understanding of cannabis medicines.

**(ii) CRITERIA FOR SELECTION–** In selecting colleges or universities as centers for cannabis research, the Commissioner shall consider the following criteria:

(A) Demonstrated expertise in agriculture and cultivation practices, particularly with cannabis;

(B) Demonstrated expertise in developing controlled trials;

(C) Demonstrated expertise in providing medical services;

(D) Strong affiliations with animal and plant diagnostic laboratories;

(E) Demonstrated expertise in food safety;

(F) Demonstrated expertise in water and waste-water operations;

(G) Affiliation with Department of Agriculture Laboratories or training centers; and

(H) Demonstrated expertise in interdisciplinary public policy research and communication outreach regarding science and public policy.

**(iii) AUTHORIZATION OF APPROPRIATIONS–** There are authorized to be appropriated such sums as may be necessary to carry out this section.

**(3) INTRAMURAL PROGRAMS CONSULTATION–** In carrying out the duties under section 202, the Commissioner, acting through the Under Secretary of Medical Cannabis Science and Health, may draw upon the expertise of any laboratory of the federal government or private entity.

**(c) LABORATORIES–** The Commissioner, acting through the Under Secretary of Medical Cannabis Science and Health, may establish a headquarters laboratory for the Office at any site and may establish additional laboratory units at other laboratories or sites to carry out duties including but limited to overseeing national proficiency testing programs, developing standardized methods, developing new tools for testing cannabinoids, contaminates and adulterants and to assist the Secretary with program oversight as needed.

**(1) CRITERIA FOR CANNABIS HEADQUARTERS LABORATORY–** If the Commissioner chooses to establish a headquarters laboratory pursuant to paragraph (2), then the Commissioner shall do the following:

### Section 206. Miscellaneous Provisions

**(a) CLASSIFICATION–** Notwithstanding privacy protections under the Health Insurance Portability and Accountability Act (Pub. L. 104-191) and other privacy statutes, to the greatest extent practicable, research conducted by the office shall be available to the public.

**(b) REGULATIONS–** The Commissioner, acting through the Under Secretary of Medical Cannabis Science and Health, may issue necessary regulations with respect to research, development, testing, medical products, and evaluation activities of the Subdivision, including the conducting, funding, and reviewing of such activities.

## TITLE III- Subdivision of Cannabis Agriculture & Cultivation

### Section 301. Establishment of Subdivision, Under Secretary

**(a) ESTABLISHMENT**

**(1) IN GENERAL–** There is hereby established an Office of Cannabis Agriculture and Cultivation (hereinafter referred to as the "Subdivision").

**(2) AUTHORITY–** The Subdivision shall be under the general authority of the assistant secretary of the Department of Agriculture and Office of Medical Cannabis but shall maintain independent discretion when making decisions about Schedule VI and Schedule VI (A) cultivation and production.

**(b) UNDER SECRETARY–** The Subdivision shall be headed by an Under Secretary, who shall be an individual appointed based on approval of the Office of Personnel Management of the executive qualifications of the individual.

## Section 302. Mission of Subdivision; Duties

**(a) MISSION–** The mission of the Subdivision shall be:

**(1)** To serve as the national focal point for the production of medical cannabis and products containing cannabinoids for human or animal consumption, removing authority from the National Institute on Drug Abuse and DEA;

**(2)** To oversee the cultivation and production of cannabis in the United States;

**(3)** To carry out educational programs for cannabis cultivators, including distribution of best practices;

**(4)** To ensure sufficient supply for product development, manufacturing, distribution, and research needs; and

**(5)** To provide guidance on sustainable farming and cultivation processes for cannabis.

**(b) DUTIES–** In carrying out its mission, the Subdivision shall have the following duties:

**(1)** Provide recommendations and advice about cannabis and cannabis cultivation to the Secretary of the United States Department of Agriculture;

**(2)** Coordinate with the Department of Agriculture and Environmental Protection Agency on policy matters and implementation as needed;

**(3)** Establish and maintain advisory groups to assess the needs of Federal, State, and Local cannabis cultivators and producers;

**(4)** Establish minimum standards for approved and banned pesticides and good manufacturing practices that shall be used by federal, state, local, and private cultivators and cultivation facilities;

**(5)** Establish a program that certifies, validates, or otherwise approves cultivators or cultivation facilities as organic;

**(6)** Coordinate across agencies to create a seed registry;

**(7)** Train inspectors:

**(8)** Create research and marketing orders;

**(9)** Coordinate with other federal agencies and the executive office of the president to establish a coordinated Federal approach to provide farming subsidies to those who cultivate cannabis to be used for medical purposes; and

(**10)** Support research fellowships in support of its mission.

**(c) TRANSFER OF FUNDS–** The Subdivision may transfer funds to other federal agencies or provide funding to non-Federal entities through grants, cooperative agreements, or contracts to carry out its duties under this section.

## Section 303
## TRANSFER OF FUNCTIONS

**(a) AUTHORITY TO TRANSFER FUNCTIONS–** The Attorney General, and other Secretaries as appropriate, shall transfer to the Subdivision any program or activity of another government agency that is consistent with the mission of the Subdivision.

**(b) TRANSFER OF PERSONNEL AND ASSETS-** With respect to any function, power, duty, or any program or activity established in the office, those employees and assets of another government agency may be transferred to the Subdivision.

## Section 304. Federally Funded Subsidies; Crop Insurance

**(a) SUBSIDIZATION PLANS–** The Commissioner, acting through the Under Secretary of Cannabis Agriculture and Cultivation, shall have the authority to develop subsidization programs for cannabis cultivators who submit a production plan pursuant to Section 305.

**(b) CROP INSURANCE–** Cannabis Cultivators who present the Under Secretary with an approved plan are eligible to receive crop insurance as defined in Pub. L. 115-334, tit. XI and 7 U.S.C. § 508 et. seq.

## Section 305 Cannabis Production; State & Tribal Plans

**(a) SUBMISSION OF PLANS–**

**(1) IN GENERAL–** A State, Indian Tribe, or locality desiring to have regulatory authority over the cultivation and production of cannabis shall submit to the Under Secretary, through consultation with a state department of agriculture or tribal government, a plan under which the State or Indian tribe monitors and regulates that production as described in paragraph (ii)

**(2) CONTENTS–** A State, Indian Tribe, or Locality plan referred to in paragraph (i) Shall only be required to include:

**(i)** A practice to maintain relevant information regarding land on which cannabis is produced in the State or Territory, including a legal description of the land;

**(ii)** A procedure for testing, using post-decarboxylation or other reliable methods, levels of delta-9 tetrahydrocannabinol, cannabidiol, and other cannabinoids to determine concentration levels of cannabis produced in the State or Territory;

**(iii)** A procedure for conducting annual inspections of, at minimum, a random sample of cannabis producers to ensure that cannabis is produced according to at least the minimum standards provided by this subchapter;

**(iv)** A certification that the State, Indian Tribe, or locality has the resources and personnel to carry out procedures described in clauses (a) to (d); and

**(v)** May include any other practice or procedure established by State or Indian tribe, as applicable to the extent this practice or procedure is consistent with this subtitle.

**(3) RELATION TO STATE AND TRIBAL LAW**

**(i) NO PREEMPTION–** Nothing in this subsection preempts or limits any law of a State or Indian Tribe that –

**(A)** Regulates the cultivation and production of cannabis; and

**(B)** Is more stringent than this subtitle.

**(ii) REFERENCES IN PLANS –** A State, Tribal, or Local plan may refer to a state or local law or regulation regarding the production of cannabis, provided that it is consistent with this subtitle.

**(b) APPROVAL**

**(1) IN GENERAL–** Not later than 60 days after receipt of the plan, the Under Secretary shall

**(i)** Approve of the plan; or

**(ii)** Send the plan back for amendment with suggestions as to how to improve the cultivation plan with best practices.

**(2) AMENDED PLANS-** If the Under Secretary returns a plan without approval for amendment, the State and Local or locality shall submit an amended plan incorporating the suggestions of the Under Secretary within 60 days of receipt of notice from the Under Secretary.

**(c) AUDIT OF COMPLIANCE–**

**(1) IN GENERAL–** The Under Secretary may conduct an audit of a State, Locality, or Tribe to ensure that the jurisdiction is providing a sufficient supply of cannabis to the patient population and the cannabis being produced is free of substances that would endanger individual or public health.

**(2) NONCOMPLIANCE–** If the Under Secretary determines through an audit conducted under paragraph (i) that a jurisdiction is not materially in compliance with a state or tribal plan approved under (b)(i)-(ii)

**(3)** The Under Secretary shall collaborate with the jurisdiction to develop a corrective action plan in the first instance of noncompliance; and

**(4)** The Under Secretary may revoke approval of a state, Tribal, or local plan in case of the second or further event of noncompliance.

**(d) PENALTIES–** The Under Secretary shall set penalties for noncompliance and production of cannabis deemed harmful to individual or public health.

## Section 306. Miscellaneous Provisions

**(a) REGULATIONS–** The Commissioner, acting through the Under Secretary for Cannabis Agriculture and Cultivation, may issue necessary regulations with respect to research, development, testing, track and trace, and evaluation activities of the Office, including the conducting, funding, and reviewing of such activities.

**(b) PERSONAL CULTIVATION–** Nothing in this section shall prohibit an individual from cultivating cannabis for personal use; if legal in the State, individual cultivators may take advantage of the provisions of this Act.

**(c) EFFECT ON INDUSTRIAL HEMP–**

**(1)** Nothing in this chapter supersedes or preempts Pub. L. No. 115-334 (“The 2018 Farm Bill”) with regard to non-cannabinoid containing products: industrial applications such as hempcrete, textiles, fiber, bioremediation, paper, plastics, fabric, and non-cannabinoid hemp products fit for human and animal consumption applications such as hemp seeds, hulls, hearts, terpenes, non-cannabinoid-hemp seed oil, animal feed, microgreens, leaf juicing, cosmetics, and fragrances.

**(2)** All hemp cultivation and manufacturing intended for cannabinoid-containing finished products will require Schedule VI (A) permits.

# TITLE IV- MANAGEMENT

## Section 401. UNDER SECRETARY FOR MANAGEMENT

**(a) IN GENERAL–** The Commissioner, acting through the Undersecretary for Management, shall be responsible for the management and administration of the office, including the following:

**(1)** The budget, appropriations, expenditures of funds, processing licenses and permit fees, accounting and finance;

**(2)** Procurement;

**(3)** Human resources and personnel;

**(4)** Information Technology and communications systems;

**(5)** Facilities, property, equipment, and other material resources; and

**(6)** Any other duties the Commissioner may designate.

**(b) TRANSFER OF FUNCTIONS–** There shall be transferred to the Undersecretary for Management all functions performed immediately before such transfer occurs with respect to the following programs:

**(1)** Cannabis cultivation and manufacturing licenses provided by the Drug Enforcement Administration

**(2)** The Domestic Cannabis Eradication Program

**(3)** All adjudications performed by the Drug Enforcement Administration

## Section 402. CHIEF FINANCIAL OFFICER

The Chief Financial Officer shall report to the Commissioner or to another official of the office as the Commissioner may designate.

## Section 403. Chief Information Officer

The Chief Information Officer shall report to the Commissioner or to another official of the office as the Commissioner may designate.

## Section 404. Establishment of Officer for Patient & Civil Rights

**(a) IN GENERAL–** Recognizing that medical cannabis users have long been discriminated against, and the vestiges of this discrimination still exist, the Commissioner shall appoint in the Office an Officer for Patient and Civil Rights who shall:

**(1)** Review and assess information alleging abuses of patient rights, civil liberties, and policies that previously had a disparate racial impact, including but not limited to evictions for medical cannabis use in federally subsidized housing, denial of firearm sales to medical cannabis patients, disparities in arrest rates, denial of employment or any other forms of discrimination as defined in the American Disabilities Act.

**(2)** Coordinate with the Office of State and Local Coordination to determine if state-based discrimination occurred in situations including employment, medical care, and custody determinations and determine remedy;

**(3)** Coordinate with Federal Agencies to ensure this Act has been implemented and meeting its mission; and

**(4)** Make public through the internet, radio, television, or other media, the responsibilities, functions, and contact information of the Officer.

**(b) REPORT–** The Commissioner shall submit to the President of the Senate, the Speaker of the House of Representatives, and the appropriate committees and subcommittees of Congress on an annual basis a report on the implementation of this section, including the use of funds appropriated to carry out this section, and detailing any allegations of abuses described under subsection (a)(1) and any actions taken by the Office in response to such allegations.

# TITLE V- COORDINATION WITH NON-FEDERAL ENTITIES; GENERAL PROVISIONS
## SUBTITLE A- COORDINATION WITH NON-FEDERAL ENTITIES

### Section 501. SUBDIVISION FOR STATE & LOCAL GOVERNMENT COORDINATION

**(a) ESTABLISHMENT**– Recognizing that State and Local governments have already put substantial thought into policies regarding the regulation of medical cannabis, there is established within the Office of the Commissioner the Subdivision for State and Local Government Coordination to oversee and coordinate departmental programs for, and relationships with, State and Local governments, including determining the awarding of licenses for cultivation and manufacturing businesses as well as the licensing of specialty pharmacies and any other Schedule VI permits.

**(b) RESPONSIBILITIES–** The Subdivision established under this subsection shall:

**(1)** Set minimum product and worker safety standards for states regarding the regulation of cannabis cultivation and production and cannabis distribution and access. States may establish more stringent policies, but may not allow policies below the federal threshold;

**(2)** Coordinate the activities of the Subdivision related to State and Local government;

**(3)** Assess, and advocate for, the resources needed by State and Local governments to implement a national strategy for improving access to medical cannabis;

**(4)** Create protocols for interstate sales and transportation;

**(5)** Create vendor/licensee database;

**(6)** Implement federal track and trace program;

**(7)** Develop adverse event reporting system with recall protocols;

**(8)** Provide State, Local, tribal governments with regular information, research, and support to assist efforts in ensuring safe and legal access to medical cannabis and medical cannabis products; and

**(9)** Develop a process for receiving meaningful input from State and Local governments to assist in the development of the national strategy for improving access to medical cannabis.

## SUBTITLE B- MISCELLANEOUS PROVISIONS

### Section 502 ADVISORY COMMITTEES

**(a) IN GENERAL–** The Commissioner may establish, appoint members to, and use the services of advisory committees as the Commissioner may deem necessary. The Commissioner may appoint members of Federal or State governments or individuals from the public or nonprofit sector.

**(b) TERMINATION–** Any advisory committee established by the Commissioner shall terminate two (2) years after the date of its establishment unless the Commissioner makes a written determination to extend the advisory committee to a specified date, which shall not be more than two (2) years after the date on which a determination is made.

### Section 503. MILITARY ACTIVITIES

Nothing in this authority should be deemed to affect the ability of the Department of Defense or the Department of Veterans Affairs to conduct medical cannabis research.

### Section 504. SUBDIVISION OF INTERNATIONAL CANNABIS POLICY

**(a) ESTABLISHMENT–** There is established within the Office of the Commissioner a Subdivision of International Cannabis Policy. The Subdivision shall be headed by a Director, who shall be a senior official appointed by the Commissioner.

**(b) DUTIES OF THE DIRECTOR–** The Director shall have the following duties:

**(1)** Liaise with the World Health Organization for international decisions related to the medical use of cannabis;

**(2)** Promote information and education exchanges with nations that have developed medical cannabis programs, including the sharing of best practices;

**(3)** Coordinate with US Customs to create clear guidance for the importation and exportation of Schedule VI and Schedule VI (A) products;

**(4)** Provide the Department of Justice data needed for an annual report on cannabis to the International Narcotics Control Board; and

**(5)** Plan and undertake international conferences, exchange programs, and training activities.

# TITLE VI- TRANSITION

## Section 601. DEFINITIONS

For the purposes of this title:

**(a)** The term “agency” includes any entity, organizational unit, program, or function:

**(b)** The term “transition period” means the 12-month period beginning on the effective date of this Act.

# SUBTITLE A- COORDINATION WITH AGENCIES

## Section 602. NOTIFICATIONS TO AGENCIES

**(a)** Upon the passage of this Act, the following notices will apply to the mentioned agencies:

**(1) ALL FEDERAL AGENCIES-**Cannabis is no longer a Schedule I substance and its current or past use shall not a factor in hiring, continuity of employment, or promotions, or determining the security clearance eligibility or any suitability determination pursuant to part 731 of title 5, Code of Federal Regulations for an officer or employee of a Federal agency, a member of the Army, Navy, Air Force, or Marine Corps who is on active duty or is in an active status; or an officer or employee of a contractor of a Federal agency as described in section 3002 of the Intelligence Reform and Terrorism Prevention Act of 2004 50 U.S.C. 3343 and Drug-free Federal Workplace-51 FR 32889, 3 CFR, 1986.

**(2) OFFICE OF PERSONAL MANAGEMENT-**Upon the enactment of this Act, the Office of Personal Management shall update hiring and employment practices pursuant to 50 U.S.C. 3343 and 51 FR 32889, 3 CFR, 1986 to remove cannabis and not more than 60 days after the enactment of this act, shall issue a memorandum to all Federal Agencies with a process to reinstate or appeal actions taken against employees, officers, military members or contactor under 50 U.S.C. 3343 and 51 FR 32889, 3 CFR, 1986.

**(3) DEPARTMENT OF VETERAN AFFAIRS-**Upon the enactment of this Act, the Department of Veteran Affairs shall update policies to allow agency Veteran Affairs physicians to complete state medical cannabis recommendation paperwork for their patients, remove or amend any policies that impact benefits due to cannabis use, add cannabis to intake forms and questions when inquiring about current patient medications and train physicians and other relevant staff on proper intake for medical cannabis patients.

**(4) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-** Upon the enactment of this Act, the Department of Housing and Development shall issue a memorandum to all Public Housing Agencies that it is unlawful to discriminate, retaliate, or take adverse action against an individual using or possessing cannabis for medical purposes in accordance with the laws that govern the state where housing assistance is provided or with a valid letter from their licensed medical professional and that all leasing determination criteria, enforcement action criteria, and other policies be updated to exempt the medical use of cannabis from drug-free housing policies and tax credits.

**(5) INTERNAL REVENUE SERVICE-**Upon the enactment of this Act, the Internal Revenue Service shall issue a memorandum to all agents and auditors that medical cannabis businesses with Schedule VI and Schedule VI (A) permits or licenses issued by the OMC are legally operating businesses and are eligible for any and all applicable business expense deductions and credits, tax incentives and deductions, and tax rebates. Not more than 120 days after the enactment of this act, the IRS Director shall issue a memorandum with instructions for businesses with Schedule VI permits or licenses and outstanding tax debt the opportunity to refile past annual tax returns with deductions to lower or eliminate tax debt. No tax refunds for these businesses shall be available.

**(6) BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES-**Upon the enactment of this Act, the Bureau of Alcohol, Tobacco, Firearms and Explosives shall remove the following warning from Form 4473 – “The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.”

**(7) DEPARTMENT OF THE TREASURY-**Upon the enactment of this Act, the Department of Treasury shall issue a memo to financial institutions regarding the provision of services to businesses with Schedule VI licenses and permits, including allowances for banking services, loans, and any other financial services.

**(8) DEPARTMENT OF HEALTH AND HUMAN SERVICES-**Upon the enactment of this Act, the Department of Health and Human Services shall issue a memorandum for hospitals, health clinics, rehabilitation centers, hospice services providers, their medical professionals, or any other patient service provider will not be in jeopardy of losing HHS funding or accreditation for participating in medical cannabis programs or allowing clients/patients in their care to lawfully possess and/or consume cannabis products in their care and instruction on adding cannabis to intake forms and questions when inquiring about current patient medications and training physicians and other relevant staff on proper intake for medical cannabis patients.

**(9) FOOD & DRUG ADMINISTRATION-**Upon the enactment of this Act, the Food & Drug Administration will issue a memorandum detailing fines for U.S. retailers that sell products containing cannabinoids that do not include the following on the label: 1) source of the cannabinoid 2) The safety of this product has not been evaluated FDA 3) This product has not been tested for contaminates or QR code to Certificate of Analysis 4) Batch number effective 60 days after the issuance of the memo and will stay in effect until the Office issues other guidelines for these products.

**(10) STATE DEPARTMENT-**Upon the enactment of this Act, the State Department shall instruct staff and officers that work visa eligibility shall include employment with any businesses with a Schedule VI or Schedule VI (A) permit or license.

**(11) TRANSPORTATION SECURITY ADMINISTRATION-**Upon the enactment of this Act, the Transportation Security Administration shall instruct all officers and agents that possession of cannabis does not need to be confiscated or reported to local, state, or federal authorities.

**(12) DEPARTMENT OF AGRICULTURE-**Upon the enactment of this Act, the Agriculture Marketing Services of Department of Agriculture shall issue instructions to all USDA licensed hemp producers and state partners that they will be required to notify the department within 60 days if their crops are intended to produce cannabinoid-containing products for human or animal consumption.

**(13) SMALL BUSINESS ADMINISTRATION-**Upon the enactment of this Act, the Small Business Administration shall notify all development centers and program administrators that all services and support granted under the Small Business Act (15 U.S.C. 632) shall apply to qualifying businesses with a Schedule VI or Schedule VI (A) permits or licenses.

**(14) INDIAN HEALTH SERVICES-**Upon the enactment of this Act, the Director of the Indian Health Service shall update all applicable regulations, guidance, memoranda, and policies of the Indian Health Service to authorize health care providers (as defined in section 805(a) of the Indian Health Care Improvement Act (25 U.S.C. 1675(a))) to provide recommendations and opinions to patients relating to the participation of those patients in State or Tribal cannabis programs authorized under Federal or State law and to complete forms reflecting those recommendations and opinions.

**(15) DEPARTMENT OF JUSTICE-**Upon the enactment of this Act, the Department of Justice shall review and formalize cannabis enforcement guidelines contained in the DOJ Cole Memo dated 2013 for the enforcement of federal drug laws in states where cannabis or medical cannabis is legal.

Not later than 1 year after the date of the enactment of this Act, each Federal district shall conduct a comprehensive review and issue an order expunging each conviction or adjudication of juvenile delinquency for a non-violent Federal cannabis offense entered by each Federal court in the district before the date of enactment of this Act and on or after May 1, 1971. Each Federal court shall also issue an order expunging any arrests associated with each expunged conviction or adjudication of juvenile delinquency.

**(i) EXPUNGEMENT ORDER-** Each court shall–

**(A)** expunge each conviction or adjudication of juvenile delinquency for a non-violent Federal cannabis offense entered by the court before the date of enactment of this Act and any associated arrest;

**(B)** vacate the existing sentence or disposition of juvenile delinquency and, if applicable, impose any remaining sentence or disposition of juvenile delinquency on the individual as if this Act and the amendments made by this Act were in effect at the time the offense was committed; and

**(C)** order that all records related to a conviction or adjudication of juvenile delinquency that has been expunged or a sentence or disposition of juvenile delinquency that has been vacated under this Act be sealed and only be made available by further order of the court.

**(ii) NOTIFICATION –** To the extent practicable, each Federal district shall notify each individual whose arrest, conviction, or adjudication of delinquency has been expunged pursuant to this subsection that their arrest, conviction, or adjudication of juvenile delinquency has been expunged and the effect of such expungement.

**(iii) RIGHT TO PETITION COURT FOR EXPUNGEMENT–** At any point after the date of enactment of this Act, any individual with a prior conviction or adjudication of juvenile delinquency for a non-violent Federal cannabis offense, who is not under a criminal justice sentence, may file a motion for expungement. If the expungement of such a conviction or adjudication of juvenile delinquency is required pursuant to this Act, the court shall expunge the conviction or adjudication, and any associated arrests. If the individual is indigent, counsel shall be appointed to represent the individual in any proceedings under this subsection (A) and only be made available by further order of the court.

**(iv) EFFECT OF EXPUNGEMENT–** An individual who has had an arrest, a conviction, or juvenile delinquency adjudication expunged under this section–

**(A)** may treat the arrest, conviction, or adjudication as if it never occurred; and

**(B)** shall be immune from any civil or criminal penalties related to perjury, false swearing, or false statements for a failure to disclose such arrest, conviction, or adjudication.

**(b)** Unless otherwise provided in this Act, not later than 1 year after the date of enactment of this Act, all federal agencies shall issue or amend any rules, standard operating procedures, and other legal or policy guidance necessary to carry out the implementation of this Act. After the 1-year period, any publicly issued sub regulatory guidance, including any compliance guides, manuals, advisories, and notices, may only be issued with 60-day notice to appropriate congressional committees. Notice shall include a description and justification for additional guidance.

## Section 603. Reorganization Plan

**(a) SUBMISSION OF PLAN–** Not later than sixty (60) days after the enactment of this Act, the President shall transmit to the appropriate Congressional committees a reorganization plan regarding the following:

**(1)** The transfer of functions, personnel, assets, and obligations from agencies including, but not limited to, the DEA, NIDA, DOJ, HHS, and ONDCP to the Office pursuant to this Act; and

**(2)** Any consolidation, reorganization, or streamlining of agencies transferred to the Office pursuant to this Act.

**(b) PLAN ELEMENTS–** The plan transmitted under subsection (a) shall contain, consistent with this Act, such elements as the President deems appropriate, including any of the following:

**(1)** Identification of any cannabis-related agency functions transferred to the Office;

**(2)** Specification of which steps should be taken by the Commissioner to organize the Office, including delegation or assignment of functions transferred to the Office among officers of the Office in order to permit the Office to carry out the functions transferred under the plan;

**(3)** Specification of funds available to each agency that will be transferred to the Office as a result of transfers under the plan; and

**(4)** Specifications of proposed allocations within the Office of unexpended funds transferred in connection with transfers under the plan.

**(5)** Specification of any proposed disposition of property, facilities, contracts, records, and other assets and obligations of agencies transferred under the plan.

**(c) MODIFICATION OF PLAN–** The President may, on the basis of consultations with the appropriate Congressional committees, modify or revise any part of the plan until that plan becomes effective in accordance with subsection (d).

**(d) EFFECTIVE DATE—**

**(1) IN GENERAL—** The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (d), shall become effective for an agency on the earlier of—

**(i)** the date specified in the plan (or the plan as modified pursuant to subsection (d)), except that such date may not be earlier than 90 days after the date the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a); or

**(ii)** the end of the transition period.

**(2) STATUTORY CONSTRUCTION—** Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balances of appropriations, or other assets of an agency on a single date.

## Section 604. Continuity of Care

**(a) IN GENERAL-**The Office of Medical Cannabis and Cannabinoid Control should prioritize continuity of care in states where patients rely on cannabis for medicinal reasons, including ensuring businesses remain in operation and ensuring patients have access to medical cannabis while the Agency formalizes rules and guidelines.

**(b) PROVISIONAL LICENSES**

**(1)** The Office of Medical Cannabis and Cannabinoid Control shall automatically award provisional licenses for state-legal medical cannabis business operations that hold a valid state license to do business in the state where the business is located.

**(2)** Provisional licenses shall permit medical cannabis operators to continue operating in the usual manner.

**(3)** Provisional licenses shall remain valid until 120 days after the Agency formalizes licensing rules and notifies state regulatory entities.

**(4)** Businesses with provisional licenses shall receive priority consideration by the Agency when assigning formal licenses so as not to disrupt medical supply.

**(c) PHYSICIAN RECOMMENDATIONS**

**(1)** Valid physician recommendations for medical cannabis in states where it is permitted shall remain valid through the expiration date on such recommendation or registration.

**(2)** Current state-legal practices for physician recommendations and patient registry renewals shall remain in operation until 120 days after the Office of Medical Cannabis formalizes licensing and prescription rules.

## Section 605. Joint Interagency Task Force

**(a) ESTABLISHMENT—** The Commissioner may establish and operate a permanent Joint Interagency Task Force composed of representatives from agencies of the United States Government for the purposes of implementing the mandate of the Office.

## SUBTITLE B- Transition

## Section 606. Transitional Authorities

**(a) PROVISION OF ASSISTANCE BY OFFICIALS—** Until the transfer of an agency's functions to the Office, any official having authority over the functions immediately before the effective date of this Act shall provide to the Secretary such assistance, including the use of personnel and assets, as the Secretary may request in preparing for the transfer and integration into the Office.

**(b) SERVICES AND PERSONNEL—** During the transition period, upon the request of the Secretary, the head of any executive agency may, on a reimbursable basis, provide services or detail personnel to assist with the transition.

**(c) ACTING OFFICIALS—**

**(1)** During the transition period, pending the advice and consent of the Senate to the appointment of an officer required by this Act to be appointed by and with such advice and consent, the Secretary of HHS shall with advice of the President designate any officer whose appointment was required to be made by and with such advice and consent and who was such an officer immediately before the effective date of this Act (and who continues in office) or immediately before such designation, to act in such office until the same is filled as provided in this Act. While so acting, such officers shall receive compensation at the higher of—

**(i)** the rates provided by this Act for the respective offices in which they act; or

**(ii)** the rates provided for the offices held at the time of designation.

**(2)** Nothing in this Act shall be understood to require the advice and consent of the Senate to the appointment by the President to a position in the Office of any officer whose function is transferred to the Office pursuant to this Act and whose duties following such transfer are germane to those performed before such transfer.

**(d) TRANSFER OF PERSONNEL, ASSETS, OBLIGATIONS, AND FUNCTIONS—**

Upon any transfer to the Office—

**(1)** the personnel, assets, and obligations held by or available in connection with the agency shall be transferred to the Commissioner for appropriate allocation, subject to the approval of the Director of the Office of Management and Budget and in accordance with the provisions of section 1531(a)(2) of title 31, United States Code; and

**(2)** the Commissioner shall have all functions relating to the agency that any other official could by law exercise in relation to the agency immediately before such transfer, and shall have in addition all functions vested in the Commissioner by this Act or other law.

## Section 607. Incidental Transfers

The Director of the Office of Management and Budget, in consultation with the Commissioner, is authorized and directed to make such additional incidental dispositions of personnel, assets, and liabilities held, used, arising from, available, or to be made available, in connection with the functions transferred by this Act, as the Director may determine necessary to accomplish the purposes of this Act.

## Section 608. Reference

With respect to any function transferred by or under this Act (including under a reorganization plan that becomes effective under section 603) and exercised on or after the effective date of this Act, reference in any other Federal law to any department, commission, or agency or any officer or office the functions of which are so transferred shall be deemed to refer to the Secretary, other official, or component of the Department to which such function is so transferred.

## Section 609. Savings Provisions

**(a) COMPLETED ADMINISTRATIVE ACTIONS—**

**(1)** Completed administrative actions of an agency shall not be affected by the enactment of this Act or the transfer of such agency to the Office but shall continue in effect according to their terms until amended, modified, superseded, terminated, set aside, or revoked in accordance with law by an officer of the United States or a court of competent jurisdiction, or by operation of law.

**(2)** For purposes of paragraph (1), the term ‘‘completed administrative action’’ includes orders, determinations, rules, regulations, personnel actions, permits, agreements, grants, contracts, certificates, licenses, registrations, and privileges.

**(b) PENDING PROCEEDINGS—** Subject to the authority of the Commissioner under this Act—

**(1)** pending proceedings in an agency, including notices of proposed rulemaking, and applications for licenses, permits, certificates, grants, and financial assistance, shall continue notwithstanding the enactment of this Act or the transfer of the agency to the Office, unless discontinued or modified under the same terms and conditions and to the same extent that such discontinuance could have occurred if such enactment or transfer had not occurred; and

**(2)** orders issued in such proceedings, and appeals therefrom, and payments made pursuant to such orders, shall issue in the same manner and on the same terms as if this Act had not been enacted or the agency had not been transferred, and any such orders shall continue in effect until amended, modified, superseded, terminated, set aside, or revoked by an officer of the United States or a court of competent jurisdiction, or by operation of law.

**(c) PENDING CIVIL ACTIONS—** Subject to the authority of the Commissioner under this Act, pending civil actions shall continue notwithstanding the enactment of this Act or the transfer of an agency to the Department, and in such civil actions, proceedings shall be had, appeals taken, and judgments rendered and enforced in the same manner and with the same effect as if such enactment or transfer had not occurred.

**(d) REFERENCES—** References relating to an agency that is transferred to the Department in statutes, Executive orders, rules, regulations, directives, or delegations of authority that precede such transfer or the effective date of this Act shall be deemed to refer, as appropriate, to the Office, to its officers, employees, or agents, or to its corresponding organizational units or functions. Statutory reporting requirements that applied in relation to such an agency immediately before the effective date of this Act shall continue to apply following such transfer if they refer to the agency.

# TITLE VII- IMPLEMENTATION

## Section 701. LICENSING & PERMITS; GENERAL PROVISIONS

**(a) IN GENERAL–** The Office shall grant federal licenses for cultivation, manufacturing, or distribution to all those businesses that obtained or will obtain state medical cannabis licenses for cultivation, manufacturing, or distribution in states implementing, with respect to those businesses, at least the minimum standards for regulation, as established by the Office pursuant to SEC 501 (b) (i) of this Act. The Office shall also establish a mechanism for granting federal licenses to applicants applying directly to the Office.

**(b) LICENSING PROVISIONS–** The Office shall record the areas in which, and the plot(s) of land on which, the cultivation of cannabis for the purpose of producing or manufacturing cannabis for medical purposes is federally permitted.

**(c) ONLY LICENSED BUSINESSES PERMITTED–** Only cultivators and manufacturers federally licensed by the Office on the basis of appropriate state licenses or through its own mechanism shall be permitted to participate in the inter-state trade and international trade of medical cannabis and hemp-derived cannabinoid products.

**(d) IMPORTS, EXPORTS–** The Office in conjunction with U.S. Customs and Border Protection shall create exportation and importation protocols and requirements for Schedule VI and Schedule VI (A) substances including tariff codes, proof of origin, Certificates of Analysis and chain of custody protocols for Schedule VI products. 79 FR 10657 shall be amended accordingly.

**(e) LICENSE AND PERMIT FEES-** 31 U.S.C. § 9701, "Fees and Charges for Government Services and Things of Value." This statute authorizes the head of each agency to prescribe regulations establishing the charge for a service or thing of value provided by an agency.

**(f) LICENSE AND PERMIT SUSPENSION-** Any person whose license or permit has been suspended shall not produce, manufacture ,transport, export or sell cannabis or cannabis derived products during the period of suspension. A suspended license or permit may be restored after a waiting period of one year and after complying with a corrective action plan to fully restore their license.

**(g) LICENSE AND PERMIT REVOCATION-** A Schedule VI & and Schedule VI (A) licenses or permit shall be immediately revoked if the licensee or permit holder: (1) Made any materially false statement with regard to this part to the Office or its representatives with a culpable mental state greater than negligence; or (2) was found to be willfully participating in diversion of Schedule VI and Schedule VI (A) outside the processes set forth by the Office with a culpable mental state greater than negligence or negligently violated the provision of this part three times in five years.

## Section 702. Specialty Licensing

**(a) IN GENERAL–** The Office will issue federal specialty pharmacy licenses for dispensaries with state medical cannabis licenses that are operating on the date of the effective date of this act or will be approved for operation by the state in the future, in states implementing at least the minimum standards for the regulation of such cannabis businesses, as established by the Office pursuant to § 501 (b) (i) of this Act.

**(b) EXISTING LICENSES; SPECIALTY PHARMACIES–** If, in the opinion of the Commissioner, there are not enough licensed specialty pharmacies to adequately serve the patient population in the state, the Commissioner may either issue up to one additional federal medical cannabis specialty pharmacy license for every five (5) existing pharmacy licenses issued under state law or allow the importation by individuals of medical cannabis and medical cannabis products from other states.

**(c) ADMINISTRATIVE REVIEW–** the denial of a license by the Office is deemed a final agency action and is subject to judicial review under the Administrative Procedures Act.

## Section 703. Distribution; Guidelines

**(a) IN GENERAL–** The Office will develop a system in coordination with state regulators to grant licenses to distribute medical cannabis and will give existing distributors and distribution networks preference when it comes to the issuance of licenses.

**(b) PHARMACIES–** The Office will develop a system to ensure that pharmacies can obtain cannabis and cannabis products from licensed cultivators and manufacturers on a patient-population basis to ensure there is an uninterrupted supply of medical cannabis.

## Section 704. Prescription Protocols

**(a) IN GENERAL–** The Office shall consult with the Secretary of Health and Human Services, pharmacists, and healthcare practitioners in developing prescription protocols for the prescribing of medical cannabis and medical cannabis products.

**(b) GUIDELINES–** In consultation with the Secretary of Health and Human Services, the Office shall develop guidelines that allow the prescription of medical cannabis pursuant to existing prescription protocols.

## Section 705. Advisory Committee

**(a) IN GENERAL–** The Commissioner shall establish, appoint members of, and use the services of advisory committees as the Commissioner may deem necessary. For the licensing advisory committee, the Commissioner shall appoint directors of state-based medical cannabis offices or their designees to advise on the process of issuing licenses. All advisory committees must include a patient representative.

**(b) TERMINATION–** Any advisory committee established by the Commissioner shall terminate two (2) years after the date of its establishment unless the Commissioner makes a written determination to extend the advisory committee to a specified date, which shall not be more than two (2) years after the date on which a determination is made.

## Section 706. Transfer of Functions

**(a) AUTHORITY TO TRANSFER FUNCTIONS–** The Secretary of Health and Human Services, the Director of the National Institute on Drug Abuse, the Administrator of the Drug Enforcement Administration, and other Secretaries and officials as appropriate shall transfer to the Office any program or activity of another government agency that is consistent with the mission of the Office, including but not limited to the oversight of licensing of cannabis cultivation and manufacturing as permitted by the 1961 Single Convention on Narcotic Drugs and subsequent international treaties.

**(b) TRANSFER OF PERSONNEL AND ASSETS–** With respect to any function, power, duty, or any program or activity established in the Office, those employees and assets of another government agency may be transferred to the Office.

## Section 707. Miscellaneous Authorities

**(a) SEAL—** The Department shall have a seal, whose design is subject to the approval of the President.

**(b) REDELEGATION OF FUNCTIONS—** Unless otherwise provided in the delegation or by law, any function delegated under this Act may be redelegated to any subordinate.

# TITLE VIII- ESTABLISH SCHEDULE VI UNDER THE CONTROLLED SUBSTANCE ACT

## Section 801 AMEND CONTROLLED SUBSTANCE ACT

**Amend 21 USC 812(b)(5) to include:**

**(a) ADD SCHEDULE VI-**

**(1)** Products containing cannabis and/or cannabinoids for human and veterinary consumption (does not include industrial hemp, hemp-based nutritional or cosmetic products).

**(2)** The drug or other substance has a currently accepted medical use in treatment in the United States.

**(3)** The Office of Medical Cannabis and Cannabinoid Control shall have primary regulatory oversight for Schedule VI, including but not limited to licensing, permitting research, oversight, implementation, and national coordination.

**(b) ADD SCHEDULE VI (A)-**

**(1)** Products containing cannabis and/or cannabinoids for human and veterinary consumption that are deemed non-intoxicating and safe for distribution without medical professional oversight (include all hemp-derived products but industrial hemp, hemp-based nutritional or cosmetic products).

**(c) REMOVAL IN STATUTE.**—Schedule I of section 202 of the Controlled Substances Act (21 U.S.C. 812) is amended—

**(1)** in subsection (c)—
by striking "(10) Marihuana."; and

**(2)** in paragraph (17), by inserting "in cannabis (as defined in section 201(ss)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ss)(1))) or tetrahydrocannabinols" before "in hemp"; and

**(3)** in subsection (d)(2), by adding at the end the following new subparagraph: "(C) Such term does not include any substance made of or derived from cannabis (as defined in section 201(ss)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ss)(1)) or hemp (as defined in section 297A of the Agricultural Marketing Act of 1946 (7 U.S.C. 1639o))".

## Section 802
## AMEND HEMP AUTHORIZATION ACT

**Amend Pub. L. No. 115-334" to include:**

**(a) DEFINITION** "hemp product(s)" – non-cannabinoid containing products derived from the hemp plant, including industrial applications such as hempcrete, textiles, fiber, bioremediation, paper, plastics, fabric, and non-cannabinoid hemp products fit for human and animal consumption applications such as hemp seeds, hulls, hearts, terpenes, non-cannabinoid-hemp seed oil, animal feed, microgreens, leaf juicing, cosmetics, and fragrances.

## Section 803.
## AMEND CRIMINAL CODE TO EXEMPT SCHEDULE VI FROM CSA REFERENCE & REMOVE

## Section 803.
## AMEND SENTENCING GUIDELINES TO EXEMPT SCHEDULE VI FROM CSA REFERENCE

## Section 804.
## AMEND MENTION OF CSA TO EXEMPT SCHEDULE VI FROM CSA REFERENCE

# MCCA 2024

**MCCA** was drafted by Americans for Safe Access with input from patient organizations, regulators, researchers, and medical professionals with two primary functions: creating a new schedule for cannabis (Schedule VI), and the Office of Medical Cannabis & Cannabinoid Control (OMC) housed under HHS.

- MCCA aims to ensure equal access for all Americans.
- MCCA acknowledges the therapeutic potential of cannabis's diverse compounds, paving the way for personalized treatments.
- MCCA mandates comprehensive safety evaluations and testing for cannabis products.


Americans for Safe Access

Advancing Legal Medical Cannabis Therapeutics

**1629 K Street NW, Suite 300**
**Washington, DC 20006**
**Tel: 202.857.4272**
**AmericansForSafeAccess.org**