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 Legislative Clinic

**S.1764 – CARERS Act of 2017 (115th Congress)**

[**Congress.gov Link Update**](https://www.congress.gov/bill/115th-congress/senate-bill/1764?q=%7B%22search%22%3A%5B%22s.1764%22%5D%7D)

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| **Title** | The Compassionate Access, Research Expansion, and Respect States Act of 2017“To extend the principle of federalism to State drug policy, provide access to medical marijuana, and enable research into the medical properties of marijuana.” |
| **Introduced By** | Cory Booker, D-NJ |
| **Co-sponsors** | Kirsten E. Gillibrand, D-NY; Al Franken, D-MN; Tom Udall, D-NM; Mike Lee, R-UT; Lisa Murkowski, R-AK; Rand Paul, R-KY |
| **Bill History** | Introduced in 115th Congress on 9/5/2017. It was previously introduced on 3/10/2015 as S.683. The companion bill, H.R. 1538, was introduced on 3/23/2015. Both bills died in the 114th Congress. **For latest action on this bill: Click Here** |
| **Committee** | Senate Judiciary |
| **Companion Bill** | H.R. 2920- CARERS Act of 2017. Introduced on 6/15/2017[[1]](#footnote-1) |
| **Summary of Bill** | Overall the bill would make marijuana more available for medical purposes. The bill excludes the term ‘cannabidiol’[[2]](#footnote-2), from the federal definition of ‘marihuana’[[3]](#footnote-3). It allows people to grow or process cannabidiol in accordance with state law. It makes it easier for practitioners to conduct research on marijuana. It also allows Veteran Affairs (VA) physicians and other health care providers to recommend medical marijuana for veterans who reside in states with medical marijuana programs. |
| **Key Provisions** | **Section 2** amends Section 708 of the Control Substances Act (21 U.S.C. 903) by adding:1. In General-
* No provision of the subchapter shall be construed as an intent on the part of Congress to interfere with marihuana state policies/laws
1. Compliance with State Law-
* No provision of the law relating to marihuana shall apply to persons acting in compliance with state laws

**Section 3** amends Section 102 of the Controlled Substances Act (21 U.S.C. 802)Excludes the term ‘cannabidiol’ from the definition of ‘marihuana**Section 4** amends Section 201 of the Controlled Substances Act (21 U.S.C. 811) by adding:(k)- If a person grows or processes cannabidiol in accordance with state law, they shall be deemed to be in compliance with the concentration limitation under section 102(57) |
| **Section 5**1. No later than180 days after enactment of this Act- the Secretary of Health and Human Services shall terminate the Public Health Services interdisciplinary review process described in “Guidance on Procedures for the Provision of Marijuana for Medical Research”
2. No later than 1 year after enactment of this Act-the Attorney General shall issue no less than 3 licenses for marijuana research
3. Amends Section 303 (f) of the Controlled Substances Act (21 U.S.C. 823 (f)):
* No later than 180 days after enactment of this Act- The Secretary of Health and Human Services shall register practitioners to conduct research on marihuana if: 1)are authorized to dispense or conduct research of controlled substances in schedules I, III, IV and V under their state laws, 2) their research protocol has been reviewed by the Secretary, NIH or other federal agencies

**Section 6** provision adds that Veteran Affairs (VA) physicians and health care providers may recommend medical marijuana to veterans in states with marijuana programs. |
| **Related Federal Bills** | The Rohrabacher-Blumenauer Amendment [[4]](#footnote-4)- As of 09/11/2017, the House Committee has blocked the amendment.[[5]](#footnote-5) |
| **Action in States** | As of 9/4/2017, 29 states, Puerto Rico, Guam, and the District of Columbia have legalized marijuana for medical purposes.[[6]](#footnote-6) Additionally, 18 states allow the use of "low THC, high cannabidiol (CBD)" products for medical purposes or as part of a legal defense.[[7]](#footnote-7) |
| **Related Partner Reports (with hyperlinks)** | The Drug Policy Alliance (Action Item)[[8]](#footnote-8)[End the War on Medical Marijuana](https://engage.drugpolicy.org/secure/end-war-on-medical-marijuana)Marijuana Policy Project (Summary of Bill and List of Endorsers) [MPP The CARERS Act](https://www.mpp.org/federal/the-carers-act/)  |
| **For Actions on criminal justice reform: [Link TBA]** |

1. For Latest Action: Click Here [↑](#footnote-ref-1)
2. A cannabis compound that has significant medical benefits. https://medlineplus.gov/druginfo/natural/1439.html [↑](#footnote-ref-2)
3. The federal definition of marijuana is spelled ‘marihuana.’ Throughout the bill, marijuana is either spelled

‘marijuana’ or ‘marihuana [↑](#footnote-ref-3)
4. The amendment stops the Department of Justice from using federal funds to penalize states that have legalized medical marijuana *See* <https://www.huffingtonpost.com/entry/jeff-sessions-state-marijuana-laws_us_59077dcde4b0bb2d087023df>. [↑](#footnote-ref-4)
5. https://blumenauer.house.gov/media-center/press-releases/blumenauer-and-rohrabacher-statement-extension- critical-medical. [↑](#footnote-ref-5)
6. http://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx. [↑](#footnote-ref-6)
7. *Id.* [↑](#footnote-ref-7)
8. [↑](#footnote-ref-8)