

**118<sup>th</sup> CONGRESS**  
**2<sup>nd</sup> Session**

**H. R. XXXX**

**IN THE HOUSE OF REPRESENTATIVES**

*[Date]*

Mr./Ms. [Name of the Representative] introduced the following bill; which was referred to the Committee on [Committee Name].

**A BILL**

To decriminalize the usage, possession, and sale of marijuana at the federal level, and to establish regulations on the commercial sale of marijuana products, ensuring consistency with public health and safety standards similar to those applied to alcohol and tobacco, while respecting state autonomy and promoting fiscal responsibility.

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

**SECTION 1. SHORT TITLE**

This Act may be cited as the “**Marijuana Decriminalization and Regulation Act of 2024**”.

**SECTION 2. FINDINGS**

Congress finds that:

1. An increasing number of states have legalized the medical and recreational use of marijuana, reflecting the will of their citizens.

2. The current federal prohibition on marijuana creates legal conflicts between state and federal law, leading to confusion and inefficiencies.
3. The enforcement of federal marijuana laws disproportionately impacts marginalized communities, contributing to social and economic disparities.
4. Decriminalizing marijuana at the federal level will reduce the burden on the criminal justice system and redirect resources to more pressing law enforcement priorities.
5. Regulating marijuana similarly to alcohol and tobacco will allow for safer use, generate tax revenue, and create economic opportunities.
6. Public safety and the fight against illegal drug trafficking are critical priorities that will be enhanced by redirecting resources toward combating more dangerous crimes.
7. State autonomy in the regulation of marijuana is paramount, and states should have the authority to implement or opt-out of federal regulations as they see fit.
8. The principle of subsidiarity should guide the implementation of this Act, ensuring that responsibilities are handled at the most local level possible.

## SECTION 3. DEFINITIONS

For the purposes of this Act:

(a) **“Marijuana”**. Refers to all parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin.

(b) **“Adult”**. Refers to an individual who is 21 years of age or older.

(c) **“Possession”**. Refers to having physical control over marijuana, whether it is on one’s person, in a vehicle, or in one’s home.

(d) **“Sale”**. Refers to the act of exchanging marijuana for money, goods, services, or other consideration.

(e) **“Regulated market”**. Refers to a commercial system where marijuana is sold under controlled conditions consistent with public health and safety regulations.

## **SECTION 4. DECRIMINALIZATION**

**(a) Repeal of Federal Prohibitions:.** Sections of the Controlled Substances Act (21 U.S.C. 801 et seq.) that list marijuana as a Schedule I drug are hereby repealed. All federal criminal penalties for the possession, use, and sale of marijuana by adults are removed.

**(b) Expungement of Records:.**

1. All federal criminal records of individuals convicted of marijuana-related offenses that are now decriminalized under this Act shall be expunged.
2. The Attorney General shall establish a process by which individuals may apply for the expungement of their records, and federal courts shall grant such expungements promptly.

## **SECTION 5. REGULATION**

**(a) Commercial Restrictions:.**

1. Marijuana shall be regulated in a manner similar to alcohol and tobacco, including restrictions on sales to minors, public consumption, and advertising.
2. Sales to individuals under 21 years of age are prohibited.
3. Public consumption of marijuana shall be restricted in the same manner as public alcohol consumption, including designated non-smoking areas.
4. Increased penalties will be imposed for the illegal sale of marijuana to minors and other violations of public safety standards.

**(b) Labeling and Packaging:.**

1. All marijuana products must include clear labeling indicating potency, ingredients, and health warnings.
2. Packaging must comply with federal standards to prevent appeal to minors and ensure child-resistant closures.

**(c) Licensing and Compliance:.**

1. Any person or entity engaged in the production, distribution, or sale of marijuana must obtain a federal license, issued by the Department of the Treasury.
2. Licensees must comply with health and safety standards as established by the Food and Drug Administration (FDA).
3. Fees collected from licensing shall be used to fully cover the costs associated with Regulatory Compliance and Licensing, ensuring that all commercial operations meet federal health and safety standards.

**(d) Subsidiarity Clause:.**

1. Any duties, responsibilities, or tasks necessary for the implementation of this Act shall, whenever feasible, be executed by private individuals or entities. Should these duties, responsibilities, or tasks be beyond the capacity of private individuals or entities, they shall be undertaken by the local government. If the local government is unable to fulfill these duties, responsibilities, or tasks, they shall be undertaken by the state government. Only when these duties, responsibilities, or tasks cannot be fulfilled by private individuals, entities, local government, or state government shall they be executed by the federal government.
2. States capable of executing provisions of this Act shall receive the corresponding revenues from federal marijuana taxes to fund these responsibilities.

## **SECTION 6. TAXATION**

**(a) Federal Marijuana Tax:.**

1. A federal excise tax shall be imposed on the sale of marijuana products at a rate determined by the Secretary of the Treasury.
2. The revenue generated by this tax shall be allocated as follows:
  - i. **Public Health Initiatives and Monitoring:** 25% of the tax revenue shall be allocated to public health initiatives aimed at preventing substance abuse, educational campaigns about the health risks and responsible use of marijuana, and ongoing public health monitoring related to marijuana use.
  - ii. **Law Enforcement and Border Security:** 20% of the tax revenue shall be directed to law enforcement agencies for training, resources related to the regulation of marijuana, and anti-trafficking and border security efforts.

- iii. **Department of Justice (DOJ) Administration and Expungement Process:** 15% of the tax revenue shall be allocated to the DOJ to cover the costs associated with administering the expungement process and other responsibilities arising from this Act.
- iv. **Veterans' Access and Support:** 15% of the tax revenue shall be allocated to the Department of Veterans Affairs (VA) to fund veterans' access to medical marijuana, research into therapeutic benefits, and other related support programs.
- v. **Research and Development:** 15% of the tax revenue shall be allocated to the National Institutes of Health (NIH) for research on the effects of marijuana use, including its medical benefits, public health implications, and best practices for regulation and harm reduction.
- vi. **Reentry Support:** 10% of the tax revenue shall be allocated to reentry support programs for individuals released under this Act, including job training, employment assistance, and housing support.

**(b) Fees and Licensing:.**

- 1. Fees collected from licensing marijuana production, distribution, and sales shall be used to fully cover the costs associated with Regulatory Compliance and Licensing, ensuring that all commercial operations meet federal health and safety standards.
- 2. Additional fees may be imposed to fund state-specific initiatives if states choose to implement their own marijuana programs in compliance with or in addition to federal regulations.

**(c) Revenue Sharing with States:.**

- 1. States that opt to implement and enforce this Act's provisions will receive the appropriate share of tax revenues, supporting their efforts to regulate marijuana and enforce related laws. This includes funding for any state-level public health initiatives, law enforcement efforts, and regulatory compliance.

## **SECTION 7. STATE AUTHORITY**

**(a) Preservation of State Laws:.**

- 1. Nothing in this Act shall be construed to prevent a state from enacting or enforcing its own laws related to the possession, use, or sale of marijuana.
- 2. States may opt out of federal regulations established by this Act if they choose to implement stricter controls on marijuana within their borders.

**(b) State Customization:.**

1. States are encouraged to customize their regulatory frameworks to best align with their unique needs, values, and economic conditions.

## **SECTION 8. FEDERAL AGENCIES AND ENFORCEMENT**

**(a) Redirection of Enforcement Resources:.**

1. Federal resources previously dedicated to enforcing marijuana prohibition shall be redirected to other law enforcement priorities, such as combating violent crime and illegal drug trafficking.
2. The Department of Justice shall issue guidance on the reallocation of these resources to ensure a smooth transition.

## **SECTION 9. RESEARCH AND PUBLIC HEALTH**

**(a) Support for Research:.**

1. The National Institutes of Health (NIH) shall allocate funds for research on the effects of marijuana use, including its medical benefits and public health implications.
2. The Department of Health and Human Services (HHS) shall encourage studies on best practices for regulation, public safety, and harm reduction related to marijuana.
3. Ongoing research on the public health impacts of marijuana legalization shall be mandated, with periodic reports to Congress.

**(b) Public Education Campaigns:.**

1. The Department of Education, in collaboration with HHS, shall fund and implement public health campaigns to educate the public on the risks and benefits of marijuana use, with a focus on preventing use among minors.

## **SECTION 10. WORKPLACE PROTECTIONS AND EMPLOYERS' RIGHTS**

**(a) Protections for Employers:.**

1. Employers retain the right to enforce drug-free workplace policies and to conduct drug testing, particularly in industries where safety is a critical concern.
2. Employers are granted the authority to set their own policies regarding marijuana use, including the right to take disciplinary action based on marijuana use if it affects job performance or workplace safety.

## **SECTION 11. VETERANS' ACCESS AND SUPPORT**

### **(a) Veterans' Medical Marijuana Access:.**

1. Veterans shall have access to medical marijuana through the Department of Veterans Affairs (VA) as part of their treatment plans.
2. The VA shall conduct research into the therapeutic benefits of marijuana for treating conditions common among veterans, such as PTSD and chronic pain.

## **SECTION 12. IMPLEMENTATION TIMELINE**

### **(a) Effective Date:.**

1. This Act shall take effect 180 days after its enactment to allow for the necessary regulatory adjustments and public awareness campaigns.

### **(b) Transition Period:.**

1. Federal agencies shall be given a period of 180 days from the effective date to transition from the enforcement of federal marijuana prohibition to the regulation and taxation framework established by this Act.

## **SECTION 13. REPORTING AND REVIEW**

### **(a) Periodic Review:.**

1. The Secretary of Health and Human Services shall conduct a review of the effects of this Act on public health, safety, and the economy every five years.
2. A report of these findings shall be submitted to Congress, including recommendations for any necessary amendments or adjustments to the law.

**(b) Adjustments and Amendments:.**

1. Based on the outcomes of the periodic reviews, Congress may make necessary adjustments or amendments to ensure the law remains effective and aligned with public health and safety goals.

**SECTION 14. RELEASE AND RESENTENCING OF INCARCERATED INDIVIDUALS**

**(a) Review and Release of Incarcerated Individuals:.**

1. The Department of Justice (DOJ) shall review the cases of all individuals currently incarcerated for marijuana-related offenses that would be decriminalized under this Act. Individuals incarcerated solely for possession, use, or sale of marijuana (not involving other concurrent offenses such as violent crimes) shall be eligible for immediate release. The Bureau of Prisons shall facilitate the swift release of these individuals within 60 days of the effective date of this Act.

**(b) Resentencing for Combined Offenses:.**

1. For individuals incarcerated for marijuana-related offenses in conjunction with other criminal offenses, the DOJ shall review their sentences. Courts shall be required to resentence these individuals, adjusting their sentences to reflect the decriminalization of marijuana offenses. These cases shall be prioritized to ensure timely resentencing.

**(c) Expungement of Records:.**

1. Upon release, the criminal records of these individuals shall be expunged of marijuana-related offenses as stipulated in Section 4(b) of this Act. The expungement process shall occur simultaneously with their release to ensure their reintegration into society without the burden of a criminal record for these offenses.

**(d) Reentry Support:.**

1. The Department of Labor, in collaboration with the DOJ, shall establish reentry programs for individuals released under this Act, providing support for job training, employment, and housing. Special consideration shall be given to ensure that these individuals have access to resources that facilitate their transition back into society.