

AMENDMENT TO RULES COMMITTEE PRINT
117-37
OFFERED BY MS. MACE OF SOUTH CAROLINA

Add at the end of the bill the following:

1 **SEC. 16. UNFAIR ADVERTISING PRACTICES AND 21 AGE**
2 **LIMIT.**

3 (a) IN GENERAL.—It shall be unlawful for any per-
4 son engaged in the business of importing marijuana into
5 the United States, or cultivating, producing, manufac-
6 turing, packaging, or warehousing marijuana, or pur-
7 chasing marijuana for resale at wholesale, directly or indi-
8 rectly or through an affiliate, to publish or disseminate
9 or cause to be published or disseminated by radio broad-
10 cast, or in any newspaper, periodical or other publication
11 or by any sign or outdoor advertisement or any other
12 printed or graphic matter, any advertisement of mari-
13 juana, if such advertisement is in, or is calculated to in-
14 duce sales in, interstate or foreign commerce, or is dis-
15 seminated by mail, unless such advertisement is in con-
16 formity with such regulations, to be prescribed by the Sec-
17 retary of the Treasury, or the Secretary’s delegate (re-
18 ferred to in this section as the “Secretary”), as will—

1 (1) prevent deception of the consumer with re-
2 spect to the products advertised and as will prohibit,
3 irrespective of falsity, such statements relating to
4 manufacturing processes, analyses, guaranties, and
5 scientific or irrelevant matters as the Secretary finds
6 to be likely to mislead the consumer;

7 (2) provide the consumer with adequate infor-
8 mation as to the identity and quality of the products
9 advertised, the characteristics thereof, and the per-
10 son responsible for the advertisement;

11 (3) prohibit statements that are disparaging of
12 a competitor's products or are false, misleading, ob-
13 scene, or indecent; and

14 (4) prevent statements inconsistent with any
15 statement on the labeling of the products advertised.

16 (b) NONAPPLICATION TO PUBLISHERS AND BROAD-
17 CASTERS.—The prohibitions of this section and regula-
18 tions thereunder shall not apply to the publisher of any
19 newspaper, periodical, or other publication, or radio broad-
20 caster, or provider of an interactive computer service with-
21 in the meaning of the Communications Decency Act (47
22 U.S.C. 230 et seq.), unless such publisher or radio broad-
23 caster is engaged in the business of importing marijuana
24 into the United States, or cultivating, producing, manufac-
25 turing, packaging, or warehousing marijuana, or pur-

1 chasing marijuana for resale at wholesale, directly or indi-
2 rectly or through an affiliate.

3 (c) PROTECT KIDS.—Not later than 60 days after the
4 date of enactment of this Act, the Secretary of the Treas-
5 ury shall promulgate regulations that—

6 (1) require restrictions on the advertising and
7 promotion of products related to cannabis, if the
8 Secretary determines that such regulation would be
9 appropriate for the protection of the public health,
10 taking into account—

11 (A) the risks and benefits to the popu-
12 lation of individuals age 21 and under, includ-
13 ing users and nonusers of cannabis products;

14 (B) the increased or decreased likelihood
15 that existing users of cannabis products who
16 are age 18 and under will stop using such prod-
17 ucts; and

18 (C) the increased or decreased likelihood
19 that individuals age 21 and under who do not
20 use cannabis products will start using such
21 products; and

22 (2) impose restrictions on the advertising and
23 promotion of products related to cannabis consistent
24 with and to the full extent permitted by the First

1 Amendment to the Constitution of the United
2 States.

3 (d) NATIONAL MINIMUM CANNABIS USE AGE OF
4 21.—

5 (1) ESTABLISHMENT OF FEDERAL MINIMUM
6 CANNABIS AGE.—Chapter 1 of title 23 of the United
7 States Code, is amended by adding at the end the
8 following—

9 “(a) WITHHOLDING OF FUNDS FOR NONCOMPLI-
10 ANCE.—

11 “(1) IN GENERAL.—

12 “(A) The Secretary of Transportation shall
13 withhold 8 per centum of the amount required
14 to be apportioned to any State under each of
15 sections 104(b)(1), 104(b)(3), and 104(b)(4) of
16 title 23 of the United States Code on the first
17 day of each fiscal year after the second fiscal
18 year beginning after September 30, 2019, in
19 which the purchase or public possession in such
20 State of cannabis by a person who is less than
21 twenty-one years of age is lawful.

22 “(B) EFFECT OF WITHHOLDING OF
23 FUNDS.—No funds withheld under this section
24 from apportionment to any State after Sep-

1 tember 30, 2019, shall be available for appor-
2 tionment to that State.

3 “(C) CANNABIS DEFINED.—As used in this
4 section, the term ‘cannabis’ means the same as
5 ‘marihuana’ as defined in 21 U.S.C. 802(16).

6 “(D) MEDICAL EXCEPTION.—The Sec-
7 retary shall not apply any withholding under
8 this section to States that lawfully permit the
9 use of designated State medical cannabis prod-
10 ucts, within the meaning of part J of sub-
11 chapter V of chapter 9 of title 21 of the United
12 States Code (the Federal Food, Drug, and Cos-
13 metic Act), by persons under the age of 21 on
14 the recommendation or prescription of a quali-
15 fied medical professional consistent with State
16 law.”.

