

117TH CONGRESS  
2D SESSION

# H. R. 8825

To provide authority for small cultivators of marijuana and small manufacturers of marijuana products to ship marijuana and marijuana products using the mail, and for other purpose.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2022

Mr. HUFFMAN (for himself and Mr. BLUMENAUER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide authority for small cultivators of marijuana and small manufacturers of marijuana products to ship marijuana and marijuana products using the mail, and for other purpose.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Small and Homestead  
5 Independent Producers Act of 2022”.

1 **SEC. 2. AUTHORITY FOR SMALL CULTIVATORS AND MANU-**  
2 **FACTURERS OF MARIJUANA TO SHIP MARI-**  
3 **JUANA IN THE MAIL.**

4 A small cultivator of marijuana and a small manufac-  
5 turer of a marijuana product may ship and sell marijuana  
6 or a marijuana product to an individual located in that  
7 State or another State in which possession of marijuana  
8 or the marijuana product is lawful by that individual,  
9 using the Postal Service or any private or commercial  
10 interstate carrier.

11 **SEC. 3. PREEMPTION.**

12 This Act preempts the laws of any State to the extent  
13 that such laws are inconsistent with this Act.

14 **SEC. 4. DEFINITIONS.**

15 In this Act:

16 (1) The term “small cultivator of marijuana”  
17 means a person who cultivates one acre or less of  
18 mature flowering marijuana plant canopy using out-  
19 door cultivation, 22,000 square feet or less of mari-  
20 juana plant canopy using greenhouse cultivation, or  
21 5,000 square feet or fewer of mature flowering mari-  
22 juana plant canopy using indoor cultivation, inclu-  
23 sive of all marijuana cultivated by that person.

24 (2) The term “small manufacturer of a mari-  
25 juana product” means a person who produces a  
26 manufactured marijuana product, including a salve,

1       tincture, edible, or concentrate, with a gross annual  
2       revenue of less than \$5,000,000, inclusive of all  
3       marijuana product manufactured by that person.

4           (3) The term “person” has the meaning given  
5       such term in section 1 of title 1, United States  
6       Code.

7           (4) The term “outdoor cultivation” means the  
8       cultivation of mature cannabis without the use of ar-  
9       tificial lighting or heating in the canopy area at any  
10      point in time, and may include the use of light dep-  
11      rivation.

12          (5) The term “light deprivation” means the use  
13      of any technique to eliminate natural light in order  
14      to induce flowering.

15          (6) The term “greenhouse cultivation” means  
16      the cultivation of mature cannabis in a structure uti-  
17      lizing artificial light at a rate above zero watts per  
18      square foot, but no more than six watts per square  
19      foot.

20          (7) The term “indoor cultivation” means the  
21      cultivation of mature cannabis in a structure with  
22      the use of artificial light at a rate above six watts  
23      per square foot in the canopy area.

1           (8) The term “canopy” means the area that  
2           contains mature cannabis plants at any point in  
3           time.

4           (9) The term “mature” means, with respect to  
5           a cannabis plant, a cannabis plant that is flowering.

6   **SEC. 5. EFFECTIVE DATE.**

7           This Act shall take effect on the date on which mari-  
8   juana is removed from the list of scheduled substances  
9   under the Controlled Substances Act and Federal criminal  
10   penalties for an individual who manufactures, distributes,  
11   or possesses marijuana, are eliminated.

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