

12103198D

HOUSE JOINT RESOLUTION NO. 139

Offered January 11, 2012

Prefiled January 11, 2012

Requesting the Governor to petition the Administrator of the Drug Enforcement Administration to amend regulations governing the scheduling of drugs to move marijuana from Schedule I to Schedule II. Report.

Patron—Englin

Referred to Committee on Rules

WHEREAS, the United States Drug Enforcement Administration (DEA) is the agency authorized with enforcement of federal drug laws; and

WHEREAS, the DEA currently lists marijuana as a Schedule I drug, for which there is no known medical use; and

WHEREAS, despite the DEA's position that there is no known medical use for marijuana, many studies have shown that, when used in accordance with an approved plan of medical care, cannabis offers numerous health benefits for individuals suffering from a range of health disorders including multiple sclerosis, glaucoma, asthma, human immunodeficiency virus, neuropathic pain, wasting syndromes, and emesis resulting from cancer chemotherapy; and

WHEREAS, a long-term, prospective, federally funded cannabis clinical study jointly administered by the National Institute on Drug Abuse and the federal Food and Drug Administration and conducted over a period of 30 years has not identified any demonstrable adverse outcomes related to chronic medical cannabis use; and

WHEREAS, according to a number of studies, cannabis is far less toxic and much safer than many commonly prescribed opioid and other medications, side effects are milder than those of many substances currently listed as Schedule II drugs by the Drug Enforcement Administration, and there has never been a reported death from overdose of marijuana; and

WHEREAS, sixteen states and the District of Columbia have decriminalized cannabis for limited medical purposes in recent years; and

WHEREAS, despite action on the state level to decriminalize cannabis for limited medical purposes, federal law criminalizing the manufacture and distribution of cannabis preempts state law and continues to impose penalties for prohibited manufacture and distribution of cannabis; and

WHEREAS, as a result of federal laws, states are unable to implement effective regulatory frameworks to ensure that individuals with legitimate medical need are able to safely access cannabis while also ensuring that individuals who do not have a legitimate medical need for cannabis are prohibited from accessing cannabis; and

WHEREAS, rescheduling of marijuana from Schedule I to Schedule II would decriminalize marijuana for limited purposes related to legitimate medical needs and allow states to implement regulatory programs for the manufacture, distribution, and use of marijuana for limited medical purposes; and

WHEREAS, pursuant to 21 CFR § 1308.43, any person may petition the Administrator of the DEA to initiate proceedings for the issuance, amendment, or repeal of any rule or regulation of the U.S. Attorney General adding a drug to, transferring a drug between, or removing a drug from a schedule; and

WHEREAS, in recent months the Governors of Rhode Island and Washington have so petitioned the Administrator of the DEA to initiate proceedings to amend regulations providing for the scheduling of drugs to remove marijuana from Schedule I and add marijuana to Schedule II; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Governor be requested to petition the Administrator of the Drug Enforcement Administration to amend regulations governing the scheduling of drugs to move marijuana from Schedule I to Schedule II.

The Governor shall submit to the Division of Legislative Automated Systems an executive summary and report of his progress in meeting the request(s) of this resolution no later than the first day of the 2013 Regular Session of the General Assembly. The executive summary and report shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

INTRODUCED

HJ139