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# ### OVERVIEW OF CANNABIS IN THE UNITED STATES ###

The use, sale, and possession of [cannabis](https://en.wikipedia.org/wiki/Cannabis_(drug)) containing over 0.3% [THC](https://en.wikipedia.org/wiki/Tetrahydrocannabinol) by dry weight in the [United States](https://en.wikipedia.org/wiki/United_States), despite laws in many states permitting it under various circumstances, is illegal under [federal law](https://en.wikipedia.org/wiki/Federalism_in_the_United_States).[[5]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-ClarkeMerlin2013a-5) As a Schedule I drug under the federal [Controlled Substances Act](https://en.wikipedia.org/wiki/Controlled_Substances_Act) (CSA) of 1970, cannabis containing over 0.3% THC by dry weight (legal term [marijuana](https://en.wikipedia.org/wiki/Marijuana_(word))) is considered to have "no accepted medical use" and a high potential for abuse and physical or psychological dependence.[[6]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-6) Cannabis use is illegal for any reason, with the exception of [FDA](https://en.wikipedia.org/wiki/FDA)-approved research programs.[[7]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-McKinseyBurke2014-7) However, [individual states](https://en.wikipedia.org/wiki/Legality_of_cannabis_by_U.S._jurisdiction) have enacted legislation permitting exemptions for various uses, including [medical](https://en.wikipedia.org/wiki/Medical_cannabis), [industrial](https://en.wikipedia.org/wiki/Hemp), and [recreational](https://en.wikipedia.org/wiki/Recreational_cannabis) use.[[8]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-8)[[9]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-ncsl_medical-9)

Cannabis for industrial uses (hemp) was made illegal to grow without a permit under the CSA because of its relation to cannabis as a drug, and any imported products must adhere to a [zero tolerance](https://en.wikipedia.org/wiki/Zero_tolerance_(food_policy)) policy.[[10]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-House2006-10)[[11]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-White2013-11) The [Agricultural Act of 2014](https://en.wikipedia.org/wiki/Agricultural_Act_of_2014) allows for universities and state-level departments of agriculture to cultivate cannabis for research into its industrial potential.[[12]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-CaulkinsKilmer2016-12) In December 2018, hemp was permitted to be grown in the U.S. under federal law after the Hemp Farming Act was included in the passed [2018 Farm Bill](https://en.wikipedia.org/wiki/2018_United_States_farm_bill).[[13]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-:0-13)

As a [psychoactive drug](https://en.wikipedia.org/wiki/Psychoactive_drug), cannabis continues to find extensive favor among recreational and medical users in the U.S.[[14]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-Lowinson2005-14)[[15]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-15) As of 2023, twenty-four states, three [U.S. territories](https://en.wikipedia.org/wiki/Territories_of_the_United_States), and the [District of Columbia](https://en.wikipedia.org/wiki/District_of_Columbia) have legalized recreational use of cannabis. Thirty-eight states, four U.S. territories, and D.C. have legalized medical use of the drug. Multiple efforts to [reschedule cannabis](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act) under the CSA have failed, and the [U.S. Supreme Court](https://en.wikipedia.org/wiki/U.S._Supreme_Court) has ruled in [*United States v. Oakland Cannabis Buyers' Cooperative*](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative) (2001) and [*Gonzales v. Raich*](https://en.wikipedia.org/wiki/Gonzales_v._Raich) (2005) that the federal government has a right to regulate and criminalize cannabis, whether medical or recreational. As a result, [cannabis dispensaries](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States) are licensed by each state;[[16]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-NeubauerMeinhold2013-16) these businesses sell cannabis products that have not been approved by the U.S. [Food and Drug Administration](https://en.wikipedia.org/wiki/Food_and_Drug_Administration),[[17]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-17) nor are they legally registered with the federal government to sell controlled substances.[[18]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-ThomasElSohly2015-18) Although cannabis has not been approved, the FDA recognizes the potential benefits and has approved two drugs that contain components of marijuana.[[19]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-19)

The ability of states to implement cannabis legalization policies was weakened after U.S. Attorney General [Jeff Sessions](https://en.wikipedia.org/wiki/Jeff_Sessions) rescinded the [Cole Memorandum](https://en.wikipedia.org/wiki/Cole_Memorandum) on January 4, 2018, and issued a new memo instructing [U.S. attorneys](https://en.wikipedia.org/wiki/U.S._attorneys) to enforce federal law related to marijuana.[[20]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-20) The Cole memo, issued by former Deputy Attorney General James Cole in 2013, urged federal prosecutors to refrain from targeting state-legal marijuana operations.[[21]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-21) Regarding the medical use of cannabis, the [Rohrabacher–Farr amendment](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment) still remains in effect to protect state-legal medical cannabis activities from enforcement of federal law.[[22]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-22)[[23]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-:1-23) On May 1, 2024, the [Associated Press](https://en.wikipedia.org/wiki/Associated_Press) reported on federal plans to change marijuana to a [Schedule III drug](https://en.wikipedia.org/wiki/List_of_Schedule_III_controlled_substances_(U.S.)).[[24]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-To_be_rescheduled-24)

**Historic overview**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_in_the_United_States&action=edit&section=1)]

The [Marihuana Tax Act of 1937](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937) was one of the first measures to tax cannabis nationwide.[[25]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-25) This act was overturned in 1969 in [*Leary v. United States*](https://en.wikipedia.org/wiki/Leary_v._United_States), and was repealed and replaced with the Controlled Substances Act (CSA) by Congress the next year.[[26]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-26) Under the CSA cannabis was assigned a Schedule I classification, deemed to have a high potential for abuse and no accepted medical use – thereby prohibiting even medical use of the drug. The classification has remained since the CSA was first signed into law, despite multiple efforts to reschedule.[[27]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-DPA_decades-27)[[28]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-brookings_report-28) In direct response, the U.S. [Libertarian Party](https://en.wikipedia.org/wiki/Libertarian_Party_(United_States)) was one of the first major parties to endorse cannabis legalization in their first platform in 1972 which stated, "We favor the repeal of all laws creating "crimes without victims" now incorporated in Federal, state and local laws—such as laws on voluntary sexual relations, drug use, gambling, and attempted suicide."[[29]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-29) As cannabis prohibition continued into the 21st Century, the [U.S. Marijuana Party](https://en.wikipedia.org/wiki/U.S._Marijuana_Party) was formed in 2002 as a single-issue party to end the [war on drugs](https://en.wikipedia.org/wiki/War_on_drugs) and to legalize cannabis.[[30]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-30) States have also begun to engage in the process of [nullification](https://en.wikipedia.org/wiki/Nullification_(U.S._Constitution)) to override federal laws pertaining to cannabis. California started the trend by legalizing medicinal cannabis in 1996.[[31]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-31) Now, cannabis has been fully legalized for recreational use in 24 states, three U.S. territories and Washington D.C., with most states having some sort of state nullification of federal cannabis laws.[[32]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-32) In 1969, Gallup conducted a poll asking Americans whether "the use of marijuana should be legal" with only 12% at the time saying yes.[[33]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-33) In 1977, it rose to 28% and experienced a period of gradual increase thereafter. According to the latest poll, two-thirds of Americans think marijuana use should be legal.[[34]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-34) In addition, a report by Business Insider indicates that in 2022 alone, Americans spent an estimated $30 billion on legal marijuana products. The report further predicts that legal pot sales could surpass $33 billion in the current year, surpassing combined sales of chocolate and craft beer.[[35]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-35)

**Usage**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_in_the_United_States&action=edit&section=2)]



A large cannabis flower bud, Alaska

Roger Roffman, a professor of social work at the [University of Washington](https://en.wikipedia.org/wiki/University_of_Washington), asserted in July 2013 that "approximately 3.6 million Americans are daily or near daily users."[[36]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-NYTimes_2009-07-19-36) Peter Reuter, a professor at the School of Public Policy and the Department of Criminology at the [University of Maryland, College Park](https://en.wikipedia.org/wiki/University_of_Maryland,_College_Park), said that "experimenting with marijuana has long been a normal part of growing up in the U.S.; about half of the population born since 1960 has tried the drug by age 21."[[36]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-NYTimes_2009-07-19-36) A [World Health Organization](https://en.wikipedia.org/wiki/World_Health_Organization) survey found that the U.S. is the world's leading per capita marijuana consumer.[[37]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-37) The 2007 National Survey on Drug Use & Health prepared by the U.S. Department of Health and Human Services indicated that 14.4 million U.S. citizens over the age of 12 had used marijuana within a month.[[38]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-SAMHSA_2009-07-27-38) The 2008 survey found that 35 million Americans[[39]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-oas.samhsa.gov-39) were willing to tell government representatives[[40]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-40) that they had used marijuana in the past year.[[39]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-oas.samhsa.gov-39)

According to the 2001 *National Survey on Drug Use and Health* by the [Substance Abuse and Mental Health Services Administration](https://en.wikipedia.org/wiki/Substance_Abuse_and_Mental_Health_Services_Administration), a branch of the U.S. Department of Health and Human Services, 41.9% (more than 2 in 5) of all Americans 12 or older have used cannabis at some point in their lives, while 11.5% (about 1 in 9) reported using it "this year."[[41]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-41) According to a 2022 Gallup survey, 16% of Americans reported being marijuana smokers (up from 7% in 2013) and 48% reported trying marijuana at some point in their lifetimes (up from 4% in 1969).[[42]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-42)

Medical use is a common reason people buy cannabis online. According to the National Institute on Drug Abuse, "Medical marijuana refers to using the whole unprocessed marijuana plant or its basic extracts to treat a disease or symptom." While some report symptom relief from [buy cannabis online](https://smokegashouse420.com/), scientific evidence on its effectiveness remains inconsistent. More research is needed to confirm its benefits and evaluate potential risks. However, the U.S. Food and Drug Administration (FDA) has not officially approved [marijuana as a medicine](https://en.wikipedia.org/wiki/Medicinal_cannabis).[[43]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-43)

**Legality**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_in_the_United_States&action=edit&section=3)]

*Main articles:* [*Legality of cannabis by U.S. jurisdiction*](https://en.wikipedia.org/wiki/Legality_of_cannabis_by_U.S._jurisdiction) *and* [*Legal history of cannabis in the United States*](https://en.wikipedia.org/wiki/Legal_history_of_cannabis_in_the_United_States)

*See also:* [*Medical cannabis in the United States*](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States) *and* [*Legalization of non-medical cannabis in the United States*](https://en.wikipedia.org/wiki/Legalization_of_non-medical_cannabis_in_the_United_States)

**Federal**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_in_the_United_States&action=edit&section=4)]

Since the [Controlled Substances Act of 1970](https://en.wikipedia.org/wiki/Comprehensive_Drug_Abuse_Prevention_and_Control_Act_of_1970) classified marijuana as a [Schedule I drug](https://en.wikipedia.org/wiki/Controlled_Substances_Act#Schedule_I_controlled_substances), until the passage of the [2018 United States farm bill](https://en.wikipedia.org/wiki/2018_United_States_farm_bill), under federal law it was illegal to possess, use, buy, sell, or cultivate cannabis in all U.S. jurisdictions. As a Schedule I substance, the highest restriction of five different schedules of controlled substances, it is claimed cannabis has a high potential for abuse and has no acceptable medical use. Despite this federal prohibition, some state and local governments established laws attempting to decriminalize cannabis, which has reduced the number of "simple possession" offenders sent to jail, since federal law enforcement rarely targets individuals directly for such relatively minor offenses. Other state and local governments ask law enforcement agencies to limit enforcement of drug laws with respect to cannabis. However, under the [Supremacy Clause](https://en.wikipedia.org/wiki/Supremacy_Clause) of the [U.S. Constitution](https://en.wikipedia.org/wiki/U.S._Constitution), federal law preempts conflicting state and local laws. In most cases, the absence of a state law does not present a preemption conflict with a federal law.[[23]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-:1-23)

The federal government criminalized marijuana under the [Interstate Commerce Clause](https://en.wikipedia.org/wiki/Interstate_Commerce_Clause), and the application of these laws to intrastate commerce were addressed squarely by the [U.S. Supreme Court](https://en.wikipedia.org/wiki/U.S._Supreme_Court) in [*Gonzales v. Raich*](https://en.wikipedia.org/wiki/Gonzales_v._Raich), 545 U.S. 1, in 2005.

In January 2009, President [Barack Obama](https://en.wikipedia.org/wiki/Barack_Obama)'s transition team organized a poll to clarify some of the top issues the American public wants to have his administration look into, and two of the top ten ideas were to legalize the use of cannabis.[[44]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-44) In July 2009, [Gil Kerlikowske](https://en.wikipedia.org/wiki/Gil_Kerlikowske), Director of the [Office of National Drug Control Policy](https://en.wikipedia.org/wiki/Office_of_National_Drug_Control_Policy), clarified the federal government's position when he stated that "marijuana is dangerous and has no medicinal benefit" and that "legalization is not in the president's vocabulary, and it's not in mine."[[45]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-komonews-45) However, a January 2010 settlement between the U.S. [Drug Enforcement Administration](https://en.wikipedia.org/wiki/Drug_Enforcement_Administration) and the [Wo/Men's Alliance for Medical Marijuana](https://en.wikipedia.org/wiki/Wo/Men%27s_Alliance_for_Medical_Marijuana) (WAMM) provided an example confirming the administration policy as communicated by Attorney General [Eric Holder](https://en.wikipedia.org/wiki/Eric_Holder), as WAMM reached an agreement that allowed them to re-open after being shut down by the federal government in 2002.[[46]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-mercurynews-46)[[47]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-insidebayarea-47)

Following the 2012 presidential election, the Office of National Drug Control Policy under the [Obama administration](https://en.wikipedia.org/wiki/Obama_administration) stated that it "steadfastly opposes legalization of marijuana and other drugs because legalization would increase the availability and use of illicit drugs, and pose significant health and safety risks".[[48]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-president-48) In February 2014, the administration issued guidelines to banks for conducting transactions with legal marijuana sellers so these new businesses can stash away savings, make payroll, and pay taxes like any other enterprise.[[49]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-49) However, marijuana businesses still lack access to banks and credit unions due to [Federal Reserve](https://en.wikipedia.org/wiki/Federal_Reserve_System) regulations.[[50]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-50)

On August 29, 2013, the Justice Department adopted a new policy (known as the [Cole memo](https://en.wikipedia.org/wiki/Cole_Memorandum)) regarding the enforcement of federal law in states that have legalized non-medical cannabis. The policy specified that commercial distribution of cannabis would be generally tolerated, except in certain circumstances, such as if violence or firearms are involved, the proceeds go to gangs and cartels, or if the cannabis is distributed to states where it is illegal.[[51]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-51)

On December 11, 2014, the Department of Justice told U.S. attorneys to allow Native American tribes on reservations to grow and sell marijuana, even in states where it is illegal. The policy will be implemented on a case-by-case basis and tribes must still follow federal guidelines.[[52]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-52)

On May 30, 2014, the [U.S. House of Representatives](https://en.wikipedia.org/wiki/U.S._House_of_Representatives) passed the [Rohrabacher–Farr amendment](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment), prohibiting the Justice Department from spending funds to interfere with the implementation of state medical marijuana laws. The amendment became law in December 2014, and must be renewed each year in order to remain in effect.[[53]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-53)

On March 10, 2015, U.S. Senators [Rand Paul](https://en.wikipedia.org/wiki/Rand_Paul), [Kirsten Gillibrand](https://en.wikipedia.org/wiki/Kirsten_Gillibrand), and [Cory Booker](https://en.wikipedia.org/wiki/Cory_Booker) introduced the Compassionate Access, Research Expansion and Respect States Act or CARERS Act. The bipartisan bill would move cannabis from Schedule I to Schedule II of the [Controlled Substances Act](https://en.wikipedia.org/wiki/Controlled_Substances_Act). This would allow states with [medical cannabis](https://en.wikipedia.org/wiki/Medical_cannabis) laws to legally prescribe it, and allow for much easier research into its medical efficacy. The bill would also allow grow sites besides the University of Mississippi, which has long been the sole supplier of cannabis for academic research, to supply cannabis for study.[[54]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-54)

The Food and Drug Administration has approved two synthetic cannabis drugs for treating cancer and other medical issues.[[55]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-55) The federal government of the U.S. continues to argue that smoked cannabis has no recognized medical purpose (pointing to a definition of "medical purpose" published by the DEA, not the Food and Drug Administration, the [National Institutes of Health](https://en.wikipedia.org/wiki/National_Institutes_of_Health), the [Centers for Disease Control](https://en.wikipedia.org/wiki/Centers_for_Disease_Control), or the office of the [U.S. Surgeon General](https://en.wikipedia.org/wiki/U.S._Surgeon_General) and the [U.S. Public Health Service](https://en.wikipedia.org/wiki/U.S._Public_Health_Service)). Many officials point to the difficulty of regulating dosage of cannabis (a problem for treatment as well as research), despite the availability (in [Canada](https://en.wikipedia.org/wiki/Cannabis_in_Canada) and the [United Kingdom](https://en.wikipedia.org/wiki/Cannabis_in_the_United_Kingdom)) of dosage-controlled Sativex. The U.S. has also pressured other governments (especially Canada and [Mexico](https://en.wikipedia.org/wiki/Cannabis_in_Mexico), with which it shares borders) to retain restrictions on marijuana.

On January 4, 2018, the [Cole memo](https://en.wikipedia.org/wiki/Cole_Memorandum) was rescinded by Attorney General [Jeff Sessions](https://en.wikipedia.org/wiki/Jeff_Sessions), restoring the ability of US Attorneys to enforce federal law in states that have legalized non-medical cannabis.[[56]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-56)

On December 20, 2018, President [Donald Trump](https://en.wikipedia.org/wiki/Donald_Trump) signed the farm bill which descheduled hemp, making cannabis under 0.3% THC legal once again.[[57]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-57) The law may have inadvertently allowed cultivation of hemp plants with high levels of [delta-8-THC](https://en.wikipedia.org/wiki/Delta-8-THC), which is also psychoactive and has since become more popular recreationally across the U.S.[[58]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-58)

In February 2019, three researchers used [MedMen](https://en.wikipedia.org/wiki/MedMen) as a case study to illustrate their concerns with marijuana companies' marketing practices.[[59]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-59) The authors criticized MedMen's use of health claims without health warnings and their appeals to youth. They called for federal regulators to investigate the marketing practices of MedMen and other US-based marijuana companies.

In June 2021, Supreme Court justice [Clarence Thomas](https://en.wikipedia.org/wiki/Clarence_Thomas) stated that "A prohibition on interstate use or cultivation of marijuana may no longer be necessary or proper to support the federal government's piecemeal approach," criticizing "[t]he federal government's ... half-in, half-out regime that simultaneously tolerates and forbids local use of marijuana."[[60]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-60)

In 2022, President Joe Biden released a budget proposal that did not extend protections for states violating federal laws around marijuana. It also did not give the District of Columbia permission to legalize, which drew mild surprise among political observers given the Democratic Party's support of D.C. autonomy.[[61]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-61)

In July 2022, [Cannabis Administration and Opportunity Act "CAOA"](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act) [(see Text of S.4591)](https://www.congress.gov/bill/117th-congress/senate-bill/4591)' was introduced by Senators [Cory Booker](https://en.wikipedia.org/wiki/Cory_Booker) (D-NJ), [Chuck Schumer](https://en.wikipedia.org/wiki/Chuck_Schumer)) (D-NY), and [Ron Wyden](https://en.wikipedia.org/wiki/Ron_Wyden) (D-OR) with the aim of decriminalizing cannabis on the federal level and officially acknowledging states' own marijuana laws.[[62]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-62) Even though the bill includes both [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) and [Republican](https://en.wikipedia.org/wiki/Republican_Party_(United_States)) priorities, it appears unlikely to pass.[[63]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-63)

[President Biden](https://en.wikipedia.org/wiki/President_Biden) discusses rescheduling of cannabis.

While marijuana has been decriminalized throughout many states in the US, it remains a Schedule I drug as of October 2024. However, on January 12, 2024, the FDA announced its recommendation that marijuana be moved to a [Schedule III drug](https://en.wikipedia.org/wiki/Controlled_Substances_Act#Schedules_of_controlled_substances), which is a much less strictly-regulated category and would acknowledge its potential for medical use.[[64]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-64) If marijuana is rescheduled according to these recommendations, it would no longer be placed alongside drugs such as [heroin](https://en.wikipedia.org/wiki/Heroin) and, instead, be placed alongside drugs such as [ketamine](https://en.wikipedia.org/wiki/Ketamine).

This process is very lengthy, and first required a two month period for public comment, from May 21 to July 22.[[65]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-65) There were nearly 43,000 comments in total, about 69% of whom stated the government should instead decriminalize marijuana entirely, with 23% supporting the move and 8% wanting marijuana to remain a schedule I drug.[[66]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-66) Since then, a public hearing has been scheduled for December 2, and reclassification will not occur until after then.[[67]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-67)

A 2024 report from the [National Academies of Sciences](https://en.wikipedia.org/wiki/National_Academy_of_Sciences) highlights the inconsistent legal framework surrounding cannabis legalization, which prioritizes sales revenue and taxes over public health.[[68]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-68) The report calls for a more unified approach to cannabis regulation, including a federal campaign to educate the public about the risks of increasingly potent cannabis products.[[69]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-69) It also advocates for lifting restrictions on cannabis research to better understand its health impacts. The [CDC](https://en.wikipedia.org/wiki/Centers_for_Disease_Control_and_Prevention) is urged to take a more active role in shaping cannabis policy, but additional funding would be required to implement these recommendations.[[70]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-70)

**State**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_in_the_United_States&action=edit&section=5)]

*See also:* [*Legalization of non-medical cannabis in the United States*](https://en.wikipedia.org/wiki/Legalization_of_non-medical_cannabis_in_the_United_States) *and* [*Medical cannabis in the United States*](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States)

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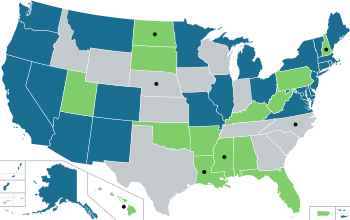
Retail store, [Homer, Alaska](https://en.wikipedia.org/wiki/Homer,_Alaska)

In 1973 [Oregon](https://en.wikipedia.org/wiki/Cannabis_in_Oregon) became the first state to decriminalize cannabis, and in 2012 [Colorado](https://en.wikipedia.org/wiki/Cannabis_in_Colorado) and [Washington](https://en.wikipedia.org/wiki/Cannabis_in_Washington_(state)) became the first states to legalize [recreational use](https://en.wikipedia.org/wiki/Recreational_drug_use).[[71]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-nyt_timeline-71) As of November 2023, twenty-four states (Alaska, Arizona, California, Colorado, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, Ohio, Oregon, Rhode Island, Vermont, Virginia, and Washington), Guam, the Northern Mariana Islands, the U.S. Virgin Islands, and the District of Columbia have legalized recreational use of cannabis, with all but Virginia and D.C. having legalized its commercial sale.[[72]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-ncsl_decrim-72) Another 7 states are considered to have [decriminalization](https://en.wikipedia.org/wiki/Decriminalization) policies in effect.[[72]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-ncsl_decrim-72)

In 1996, California became the first state to legalize the medical use of cannabis when voters approved [Proposition 215](https://en.wikipedia.org/wiki/Proposition_215).[[71]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-nyt_timeline-71) As of March 2023, thirty-eight states, four out of five permanently inhabited [U.S. territories](https://en.wikipedia.org/wiki/Territories_of_the_United_States), and the District of Columbia have legalized medical cannabis.[[9]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-ncsl_medical-9) Ten other states have more restrictive laws limiting THC content, for the purpose of allowing access to products that are rich in [cannabidiol](https://en.wikipedia.org/wiki/Cannabidiol) (CBD), a non-psychoactive component of cannabis.[[9]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-ncsl_medical-9)

**State and territory laws**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_in_the_United_States&action=edit&section=6)]

*Main article:* [*Legality of cannabis by U.S. jurisdiction*](https://en.wikipedia.org/wiki/Legality_of_cannabis_by_U.S._jurisdiction)

**

**Legality of cannabis in the United States**

Legal for recreational use

Legal for medical use

No comprehensive medical program

● Decriminalized

Notes:

**·** Reflects laws of states and territories, including laws which have not yet gone into effect. Does not reflect federal, tribal, or local laws.

**·** Map does not show state legality of [hemp](https://en.wikipedia.org/wiki/Hemp)-derived [cannabinoids](https://en.wikipedia.org/wiki/Cannabinoids) such as [CBD](https://en.wikipedia.org/wiki/Cannabidiol) or [delta-8-THC](https://en.wikipedia.org/wiki/%CE%94-8-Tetrahydrocannabinol), which have been legal at federal level since enactment of the [2018 Farm Bill](https://en.wikipedia.org/wiki/2018_United_States_farm_bill).

* [v](https://en.wikipedia.org/wiki/Template:Legality_of_cannabis_by_US_state)
* [t](https://en.wikipedia.org/wiki/Template_talk:Legality_of_cannabis_by_US_state)
* [e](https://en.wikipedia.org/wiki/Special:EditPage/Template:Legality_of_cannabis_by_US_state)
* [Alabama](https://en.wikipedia.org/wiki/Cannabis_in_Alabama)
* [Alaska](https://en.wikipedia.org/wiki/Cannabis_in_Alaska)
* [Arizona](https://en.wikipedia.org/wiki/Cannabis_in_Arizona)
* [Arkansas](https://en.wikipedia.org/wiki/Cannabis_in_Arkansas)
* [California](https://en.wikipedia.org/wiki/Cannabis_in_California)
* [Colorado](https://en.wikipedia.org/wiki/Cannabis_in_Colorado)
* [Connecticut](https://en.wikipedia.org/wiki/Cannabis_in_Connecticut)
* [Delaware](https://en.wikipedia.org/wiki/Cannabis_in_Delaware)
* [Florida](https://en.wikipedia.org/wiki/Cannabis_in_Florida)
* [Georgia](https://en.wikipedia.org/wiki/Cannabis_in_Georgia_(U.S._state))
* [Hawaii](https://en.wikipedia.org/wiki/Cannabis_in_Hawaii)
* [Idaho](https://en.wikipedia.org/wiki/Cannabis_in_Idaho)
* [Illinois](https://en.wikipedia.org/wiki/Cannabis_in_Illinois)
* [Indiana](https://en.wikipedia.org/wiki/Cannabis_in_Indiana)
* [Iowa](https://en.wikipedia.org/wiki/Cannabis_in_Iowa)
* [Kansas](https://en.wikipedia.org/wiki/Cannabis_in_Kansas)
* [Kentucky](https://en.wikipedia.org/wiki/Cannabis_in_Kentucky)
* [Louisiana](https://en.wikipedia.org/wiki/Cannabis_in_Louisiana)
* [Maine](https://en.wikipedia.org/wiki/Cannabis_in_Maine)
* [Maryland](https://en.wikipedia.org/wiki/Cannabis_in_Maryland)
* [Massachusetts](https://en.wikipedia.org/wiki/Cannabis_in_Massachusetts)
* [Michigan](https://en.wikipedia.org/wiki/Cannabis_in_Michigan)
* [Minnesota](https://en.wikipedia.org/wiki/Cannabis_in_Minnesota)
* [Mississippi](https://en.wikipedia.org/wiki/Cannabis_in_Mississippi)
* [Missouri](https://en.wikipedia.org/wiki/Cannabis_in_Missouri)
* [Montana](https://en.wikipedia.org/wiki/Cannabis_in_Montana)
* [Nebraska](https://en.wikipedia.org/wiki/Cannabis_in_Nebraska)
* [Nevada](https://en.wikipedia.org/wiki/Cannabis_in_Nevada)
* [New Hampshire](https://en.wikipedia.org/wiki/Cannabis_in_New_Hampshire)
* [New Jersey](https://en.wikipedia.org/wiki/Cannabis_in_New_Jersey)
* [New Mexico](https://en.wikipedia.org/wiki/Cannabis_in_New_Mexico)
* [New York](https://en.wikipedia.org/wiki/Cannabis_in_New_York)
* [North Carolina](https://en.wikipedia.org/wiki/Cannabis_in_North_Carolina)
* [North Dakota](https://en.wikipedia.org/wiki/Cannabis_in_North_Dakota)
* [Ohio](https://en.wikipedia.org/wiki/Cannabis_in_Ohio)
* [Oklahoma](https://en.wikipedia.org/wiki/Cannabis_in_Oklahoma)
* [Oregon](https://en.wikipedia.org/wiki/Cannabis_in_Oregon)
* [Pennsylvania](https://en.wikipedia.org/wiki/Cannabis_in_Pennsylvania)
* [Rhode Island](https://en.wikipedia.org/wiki/Cannabis_in_Rhode_Island)
* [South Carolina](https://en.wikipedia.org/wiki/Cannabis_in_South_Carolina)
* [South Dakota](https://en.wikipedia.org/wiki/Cannabis_in_South_Dakota)
* [Tennessee](https://en.wikipedia.org/wiki/Cannabis_in_Tennessee)
* [Texas](https://en.wikipedia.org/wiki/Cannabis_in_Texas)
* [Utah](https://en.wikipedia.org/wiki/Cannabis_in_Utah)
* [Vermont](https://en.wikipedia.org/wiki/Cannabis_in_Vermont)
* [Virginia](https://en.wikipedia.org/wiki/Cannabis_in_Virginia)
* [Washington](https://en.wikipedia.org/wiki/Cannabis_in_Washington_(state))
* [West Virginia](https://en.wikipedia.org/wiki/Cannabis_in_West_Virginia)
* [Wisconsin](https://en.wikipedia.org/wiki/Cannabis_in_Wisconsin)
* [Wyoming](https://en.wikipedia.org/wiki/Cannabis_in_Wyoming)
* [American Indian Nations](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations)
* [American Samoa](https://en.wikipedia.org/wiki/Cannabis_in_American_Samoa)
* [District of Columbia](https://en.wikipedia.org/wiki/Cannabis_in_the_District_of_Columbia)
* [Guam](https://en.wikipedia.org/wiki/Cannabis_in_Guam)
* [Northern Mariana Islands](https://en.wikipedia.org/wiki/Cannabis_in_Northern_Mariana_Islands)
* [Puerto Rico](https://en.wikipedia.org/wiki/Cannabis_in_Puerto_Rico)
* [U.S. Virgin Islands](https://en.wikipedia.org/wiki/Cannabis_in_United_States_Virgin_Islands)

**Research**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_in_the_United_States&action=edit&section=7)]

Prior to 2021, the National Center for Natural Products Research in [Oxford, Mississippi](https://en.wikipedia.org/wiki/Oxford,_Mississippi) was the only facility in the U.S. that was federally licensed by the [Drug Enforcement Administration](https://en.wikipedia.org/wiki/Drug_Enforcement_Administration) to cultivate cannabis for scientific research. The facility is part of the School of Pharmacy at the [University of Mississippi](https://en.wikipedia.org/wiki/University_of_Mississippi), and cultivates cannabis through a contract with the [National Institute on Drug Abuse](https://en.wikipedia.org/wiki/National_Institute_on_Drug_Abuse), to which it provides the cannabis.

Cannabis research has been hindered by the monopoly held by the National Institute on Drug Abuse that existed prior to 2021.[[73]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-73) The cannabis supplied by NIDA has been criticized by researchers for a variety of reasons, including high amounts of stems and seeds,[[74]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-Brookings_decision-74) high mold and yeast levels,[[75]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-75) low THC content,[[27]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-DPA_decades-27) and low diversity of strains available.[[74]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-Brookings_decision-74) NIDA has also been criticized for the length of time in which it responds to proposals, and for favoring research on the harms caused by cannabis over research on the health benefits of cannabis.[[76]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-76) In August 2016 the DEA announced intention to issue additional cultivation licenses, however,[[77]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-77) and in 2021 the first licenses were granted.[[78]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-78)[[79]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-79)

Research conducted on cannabis also requires licensing from the DEA (specific to Schedule I drugs),[[80]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-80) and approval from the FDA as well.[[27]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-DPA_decades-27) Prior to 2015, research also required approval from the [U.S. Public Health Service](https://en.wikipedia.org/wiki/U.S._Public_Health_Service), but this requirement was eliminated to make it less difficult for cannabis research to be approved.[[81]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-81) Numerous medical organizations in the U.S. have called for restrictions on cannabis research to be further eased, including the [American Academy of Family Physicians](https://en.wikipedia.org/wiki/American_Academy_of_Family_Physicians),[[82]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-82) [American Psychological Association](https://en.wikipedia.org/wiki/American_Psychological_Association),[[83]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-83) [American Cancer Society](https://en.wikipedia.org/wiki/American_Cancer_Society),[[84]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-84) [American Academy of Pediatrics](https://en.wikipedia.org/wiki/American_Academy_of_Pediatrics),[[85]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-85) and the [American Nurses Association](https://en.wikipedia.org/wiki/American_Nurses_Association).[[86]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-86)

**Crime**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_in_the_United_States&action=edit&section=8)]

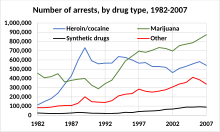


Chart from the [United States Bureau of Justice Statistics](https://en.wikipedia.org/wiki/United_States_Bureau_of_Justice_Statistics)[[87]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-87)

The great majority of cannabis arrests are for possession.[[88]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-88) However, in 1997, the vast majority of inmates in state prisons for marijuana-related convictions were convicted of offenses other than simple possession.[[89]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-89)

According to the Federal Bureau of Investigation's annual Uniform Crime Report, there have been over twelve million cannabis arrests in the U.S. since 1996, including 749,825 persons for marijuana violations in 2012. Of those charged with marijuana violations in 2012, 658,231 (88%) were charged with possession only. The remaining 91,593 individuals were charged with "sale/manufacture", a category that does not differentiate for cultivation offenses, even those where the marijuana was being grown for personal or medical use. Marijuana arrests comprise almost one-half (48.3%) of all drug arrests reported in the U.S.[[90]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-90) According to the [American Civil Liberties Union](https://en.wikipedia.org/wiki/American_Civil_Liberties_Union), there were 8.2 million marijuana arrests from 2001 to 2010, and 88% of those arrests were just for having marijuana with them.[[91]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-91)

**Racial disparity in marijuana arrests**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_in_the_United_States&action=edit&section=9)]

In a study done by the American Civil Liberties Union, from 2001 to 2010 Black and [white people](https://en.wikipedia.org/wiki/White_people) use marijuana at about the same rate.[[92]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-92) Nationwide, Black people are 3.6 times more likely than white people to be arrested for marijuana, despite similar usage rates.[[93]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-Tale-93) Racial disparities vary in severity among states. For example, Colorado has the lowest disparity with Black people being 1.5 more likely than whites to be arrested for marijuana. On the other hand, in Montana, Kentucky, Illinois, West Virginia and Iowa, Black people are more than seven times more likely to be arrested for marijuana than white people.[[93]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-Tale-93) Nonetheless, in all states whether marijuana is legalized, decriminalized or illegal, Black people still are more likely of going to prison on marijuana charges,[[93]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-Tale-93) proving that legalizing or decriminalizing marijuana alone will not change the disparity.

[Racial profiling](https://en.wikipedia.org/wiki/Racial_profiling_in_the_United_States) among law enforcement is to blame for these disparities. Law enforcement often targets people on their actual and perceived race instead of having reasonable suspicion for a crime.[[93]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-Tale-93) Minor offense like possession of marijuana are strictly enforced in racial communities, while the same offenses are often ignored in white affluent communities.[[93]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-Tale-93) This racial profiling results in the mass incarceration of Black, Hispanic and Latino individuals.

**Political support**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_in_the_United_States&action=edit&section=10)]

*Main article:* [*Cannabis political parties of the United States*](https://en.wikipedia.org/wiki/Cannabis_political_parties_of_the_United_States)

The [Libertarian Party](https://en.wikipedia.org/wiki/Libertarian_Party_(US)) and the [Green Party](https://en.wikipedia.org/wiki/Green_Party_(US)) are known for advocating for the legalization of marijuana.[[94]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-Third_Parties_Roles-94) There are also active [cannabis political parties](https://en.wikipedia.org/wiki/Cannabis_political_parties) in at least five states. These include the [Grassroots–Legalize Cannabis Party](https://en.wikipedia.org/wiki/Grassroots%E2%80%93Legalize_Cannabis_Party), the [Legal Marijuana Now Party](https://en.wikipedia.org/wiki/Legal_Marijuana_Now_Party), the [Legalize Marijuana Party](https://en.wikipedia.org/wiki/Legalize_Marijuana_Party), and the [U.S. Marijuana Party](https://en.wikipedia.org/wiki/U.S._Marijuana_Party).

**History of cannabis political parties in the U.S.**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_in_the_United_States&action=edit&section=11)]

* The [Youth International Party](https://en.wikipedia.org/wiki/Youth_International_Party), formed in 1967 to advance the [counterculture of the 1960s](https://en.wikipedia.org/wiki/Counterculture_of_the_1960s), often ran candidates for public office. The Yippie flag is a five-pointed star superimposed with a cannabis leaf.[[95]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-Yippie_Flag-95)
* The [Grassroots Party](https://en.wikipedia.org/wiki/Grassroots_Party) was founded in Minnesota in 1986 and ran numerous candidates for state and federal offices. The party was active in Iowa, Minnesota, and Vermont. Grassroots Party ran candidates in every presidential election from 1988 to 2000.[[96]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-Election_Results_1988-96)[[97]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-1992_Federal_Elections-97)[[98]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-1996_Election_Results-98)[[99]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-99)
* The [Legal Marijuana Now Party](https://en.wikipedia.org/wiki/Legal_Marijuana_Now_Party) was established in Minnesota in 1998.[[100]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-Q_and_A_with_Legal_Marijuana_Now-100)
* In 1998, an independent candidate, [Edward Forchion](https://en.wikipedia.org/wiki/Edward_Forchion), ran for Congress from New Jersey as the [Legalize Marijuana Party](https://en.wikipedia.org/wiki/Legalize_Marijuana_Party) candidate. Since then, Forchion has run several times for a number of offices, under that banner.
* The [Marijuana Reform Party](https://en.wikipedia.org/wiki/Marijuana_Reform_Party) was established in New York, in 1998, and ran gubernatorial candidates there in both 1998 and 2002.[[101]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-101)
* The [U.S. Marijuana Party](https://en.wikipedia.org/wiki/U.S._Marijuana_Party) is an organization that promotes electoral involvement by marijuana legalization supporters. In 2012, the group endorsed Libertarian Gary Johnson for President.
* The [Anti-prohibition Party](https://en.wikipedia.org/wiki/Anti-prohibition_Party) ran candidates for office in New York State for one election cycle in 2010.
* In 2010 and 2012, independent candidate [Cris Ericson](https://en.wikipedia.org/wiki/Cris_Ericson) was on the ballot for multiple offices in Vermont under the label of U.S. Marijuana.
* The [Grassroots–Legalize Cannabis Party](https://en.wikipedia.org/wiki/Grassroots%E2%80%93Legalize_Cannabis_Party) was founded in Minnesota, in 2014.[[102]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-2014_MN_Candidate_Filings-102)
* In 2016, the [Legal Marijuana Now Party](https://en.wikipedia.org/wiki/Legal_Marijuana_Now_Party) placed their presidential candidates onto the ballot in two states.[[103]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-BallotInIowa16-103)[[104]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-PresidentialChoices16-104)

In July 2016, delegates at the [2016 Democratic National Convention](https://en.wikipedia.org/wiki/2016_Democratic_National_Convention) voted to approve a [party platform](https://en.wikipedia.org/wiki/Party_platform) calling for cannabis to be removed from the list of Schedule I substances, as well as calling for a "reasoned pathway for future legalization".[[105]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-105)

**Polling**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_in_the_United_States&action=edit&section=12)]

Gallup began polling the public as to the issue of legalizing cannabis in 1969; in that year 12% were in favor.[[106]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-106) The 2017 Gallup poll showed a record high of 64% in favor of legalizing cannabis, including a majority of Republicans for the first time.[[107]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-107) In 2018, the same poll increased to an all-new high of 68%, showing that the great majority of Americans favored legalizing recreational marijuana.[[108]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-108)

According to a 2013 survey by [Pew Research Center](https://en.wikipedia.org/wiki/Pew_Research_Center), a majority of Americans favored complete or partial legalization of cannabis.[[109]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-109) The survey showed 52% of respondents support cannabis legalization and 45% do not. College graduates' support increased from 39% to 52% in just three years, the support of self-identified conservative Republicans (a group not traditionally supportive of cannabis legalization) had increased to nearly 30%, and bipartisan support had increased across the board. The 2018 version of the poll showed public support had increased to 61%.[[110]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-110)

Attitudes regarding marijuana regulation changed as some states (Colorado, Washington, Oregon, Maine, and Alaska) passed their own laws legalizing marijuana for recreational use. According to a Gallup Poll published in December 2012, 64% of Americans believe the federal government should not intervene in these states.[[111]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-111)

A 2018 study in [Social Science Research](https://en.wikipedia.org/wiki/Social_Science_Research) found that the main determinants of these changes in attitudes toward marijuana regulation since the 1990s were a decline in perception of the riskiness of marijuana, changes in media framing of marijuana, a decline in overall punitiveness, and a decrease in religious affiliation.[[112]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-112)

Marijuana legalization polled as very popular in 2019 according to three major national polls.[[113]](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States#cite_note-113)

**See also**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_in_the_United_States&action=edit&section=13)]

* icon
* [***Cannabis portal***](https://en.wikipedia.org/wiki/Portal:Cannabis)
* ***flag***
* [***United States portal***](https://en.wikipedia.org/wiki/Portal:United_States)
* [Adult lifetime cannabis use by country](https://en.wikipedia.org/wiki/Adult_lifetime_cannabis_use_by_country)
* [Annual cannabis use by country](https://en.wikipedia.org/wiki/Annual_cannabis_use_by_country)
* [Cannabis dispensaries in the United States](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States)
* [Cannabis political parties](https://en.wikipedia.org/wiki/Cannabis_political_parties)
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# Marihuana Tax Act of 1937

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Text

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* Standard
* Large

Width

* Standard
* Wide

Color (beta)

* Automatic
* Light
* Dark

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| Great Seal of the United States | |
| --- | --- |
| **Other short titles** | * 1937 Marihuana Tax Act * The Taxation of Marijuana |
| **Long title** | An Act to impose an occupational excise tax upon certain dealers in marijuana, to impose a transfer tax upon certain dealings in marijuana, and to safeguard the revenue there from by registry and recording. |
| [**Acronyms**](https://en.wikipedia.org/wiki/Acronym)(colloquial) | MTA |
| **Enacted by** | the [75th United States Congress](https://en.wikipedia.org/wiki/75th_United_States_Congress) |
| **Effective** | October 1, 1937 |
| **Citations** | |
| **Public law** | [75-238](http://www.druglibrary.org/Schaffer/hemp/taxact/mjtaxact.htm) |
| [**Statutes at Large**](https://en.wikipedia.org/wiki/United_States_Statutes_at_Large) | 50 [Stat.](https://en.wikipedia.org/wiki/United_States_Statutes_at_Large) [551](https://legislink.org/us/stat-50-551) |
| **Legislative history** | |
| * **Introduced** in the House as H.R. 6906 by [Robert L. Doughton](https://en.wikipedia.org/wiki/Robert_L._Doughton) ([D](https://en.wikipedia.org/wiki/Democratic_Party_(United_States))–[NC](https://en.wikipedia.org/wiki/North_Carolina)) on May 11, 1937 * **Committee consideration** by [House Ways and Means Committee](https://en.wikipedia.org/wiki/United_States_House_Committee_on_Ways_and_Means), [Senate Committee on Finance](https://en.wikipedia.org/wiki/United_States_Senate_Committee_on_Finance) * **Signed into law** by President [Franklin D. Roosevelt](https://en.wikipedia.org/wiki/Franklin_D._Roosevelt) on August 2, 1937 | |
| [**United States Supreme Court**](https://en.wikipedia.org/wiki/Supreme_Court_of_the_United_States) **cases** | |
| **Struck down by U.S. Supreme Court** in [*Leary v. United States*](https://en.wikipedia.org/wiki/Leary_v._United_States) on May 19, 1969 | |

| **Major United States federal**  [**drug control laws**](https://en.wikipedia.org/wiki/Prohibition_of_drugs) |
| --- |
| **1906** [**Pure Food and Drug Act**](https://en.wikipedia.org/wiki/Pure_Food_and_Drug_Act) |
| Regulates labeling of products containing certain drugs including [cocaine](https://en.wikipedia.org/wiki/Cocaine) and [heroin](https://en.wikipedia.org/wiki/Heroin) |
| **1914** [**Harrison Narcotics Tax Act**](https://en.wikipedia.org/wiki/Harrison_Narcotics_Tax_Act) |
| Regulates [opiates](https://en.wikipedia.org/wiki/Opiate) and [cocaine](https://en.wikipedia.org/wiki/Cocaine) |
| **1937 Marihuana Tax Act** |
| Required taxation of [marijuana](https://en.wikipedia.org/wiki/Cannabis_(drug)) |
| **1919** [**Volstead Act**](https://en.wikipedia.org/wiki/Volstead_Act) |
| Implemented 18th Amendment establishing alcohol [prohibition in the United States](https://en.wikipedia.org/wiki/Prohibition_in_the_United_States) |
| **1933** [**Blaine Act**](https://en.wikipedia.org/wiki/Blaine_Act) |
| Alcohol prohibition repealed via 21st Amendment [Repeal of Prohibition in the United States](https://en.wikipedia.org/wiki/Repeal_of_Prohibition_in_the_United_States) |
| **1942** [**Opium Poppy Control Act**](https://en.wikipedia.org/wiki/Opium_Poppy_Control_Act_of_1942) |
| Regulated the growth of the opium poppy and prohibited private cultivation in most states. |
| **1961** [**Convention on Narcotics**](https://en.wikipedia.org/wiki/Single_Convention_on_Narcotic_Drugs) |
| Treaty to control marijuana |
| **1970** [**Controlled Substances Act**](https://en.wikipedia.org/wiki/Controlled_Substances_Act) |
| Scheduling list for drugs |
| * [v](https://en.wikipedia.org/wiki/Template:US_drug_laws) * [t](https://en.wikipedia.org/wiki/Template_talk:US_drug_laws) * [e](https://en.wikipedia.org/wiki/Special:EditPage/Template:US_drug_laws) |

The **Marihuana Tax Act of 1937**, [Pub. L.](https://en.wikipedia.org/wiki/Act_of_Congress#Public_law,_private_law,_designation) [75–238](https://uslaw.link/citation/us-law/public/75/238), 50 [Stat.](https://en.wikipedia.org/wiki/United_States_Statutes_at_Large) [551](https://legislink.org/us/stat-50-551), enacted August 2, 1937, was a [United States](https://en.wikipedia.org/wiki/United_States) Act that placed a tax on the sale of [cannabis](https://en.wikipedia.org/wiki/Cannabis_(drug)). The H.R. 6385 act was drafted by [Harry Anslinger](https://en.wikipedia.org/wiki/Harry_Anslinger) and introduced by Rep. [Robert L. Doughton](https://en.wikipedia.org/wiki/Robert_L._Doughton) of [North Carolina](https://en.wikipedia.org/wiki/North_Carolina), on April 14, 1937. The [Seventy-fifth United States Congress](https://en.wikipedia.org/wiki/Seventy-fifth_United_States_Congress) held hearings on April 27, 28, 29th, 30th, and May 4, 1937. Upon the congressional hearings confirmation, the H.R. 6385 act was redrafted as H.R. 6906 and introduced with House Report 792. The Act is referred to, using the modern spelling, as the 1937 Marijuana Tax Act. It was overturned in 1969 in [*Leary v. United States*](https://en.wikipedia.org/wiki/Leary_v._United_States), and was repealed by Congress the next year.[[1]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-1)

**Background**[[edit source](https://en.wikipedia.org/w/index.php?title=Marihuana_Tax_Act_of_1937&action=edit&section=1)]

Regulations and restrictions on the sale of [Cannabis sativa](https://en.wikipedia.org/wiki/Cannabis_sativa) as a drug began as early as 1906 (see [Legal history of cannabis in the United States](https://en.wikipedia.org/wiki/Legal_history_of_cannabis_in_the_United_States)). The head of the [Federal Bureau of Narcotics](https://en.wikipedia.org/wiki/Federal_Bureau_of_Narcotics) (FBN), [Harry J. Anslinger](https://en.wikipedia.org/wiki/Harry_J._Anslinger), alleged, in the 1930s, the FBN had an increase of reports of people using marijuana.[[2]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-anslinger-2) In 1935, he gained the support of president [Franklin D. Roosevelt](https://en.wikipedia.org/wiki/Franklin_D._Roosevelt) lobbying states to adoption the model [Uniform State Narcotic Act](https://en.wikipedia.org/wiki/Uniform_State_Narcotic_Act) to regulate of cannabis.[[3]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-3) The Marihuana Tax Act, according to Clinton Hester, the then-Assistant General Counsel to the United States Treasury Department,[[4]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-4) was itself based on the [National Firearms Act](https://en.wikipedia.org/wiki/National_Firearms_Act) and the [Harrison Narcotics Tax Act](https://en.wikipedia.org/wiki/Harrison_Narcotics_Tax_Act):

*"The primary purpose of this legislation must be to raise revenue, because we are resorting to the taxing clause of the Constitution and the rule is that if on the face of the fill it appears to be a revenue bill, the courts will not inquire into any other motives that the Congress may have had in enacting this legislation.* *This bill is modeled on the Harrison Narcotics Act and the National Firearms Act. The Harrison Narcotics Act has been sustained by the Supreme Court, the first time by a 5-to-4 decision, and a second time by a 6-to-3 decision. The Supreme Court in March of this year [in Sonzinsky v. United States] sustained the constitutionality of the National Firearms Act, insofar as it related to the occupational tax."*

The total production of [hemp](https://en.wikipedia.org/wiki/Hemp) fiber in the United States in 1933 decreased to around 500 tons per year. Cultivation of hemp began to increase in 1934 and 1935, but production remained low compared with other fibers.[[5]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-5)[[6]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-6)[[7]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-7)



Hemp, [bast](https://en.wikipedia.org/wiki/Bast_fibre) with fibers. The stem, which can become [hemp hurds](https://en.wikipedia.org/wiki/Hemp_hurds), in the middle.

Interested parties write that the aim of the Act was to reduce the hemp industry through excessive taxation[[8]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-nafta-neocolonialism-129-8)[[9]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-9)[[10]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-under-influence-55-10) largely as an effort of businessmen [Andrew Mellon](https://en.wikipedia.org/wiki/Andrew_Mellon), [Randolph Hearst](https://en.wikipedia.org/wiki/Randolph_Hearst), and the [Du Pont family](https://en.wikipedia.org/wiki/Du_Pont_family).[[8]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-nafta-neocolonialism-129-8)[[10]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-under-influence-55-10) The same parties argue that with the invention of the [decorticator](https://en.wikipedia.org/wiki/Decorticator), hemp was an economical replacement for [paper pulp](https://en.wikipedia.org/wiki/Paper_pulp) in the newspaper industry.[[8]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-nafta-neocolonialism-129-8)[[11]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-11) Newspaper magnate William Randolph Hearst realized cheap, sustainable, and easily-grown hemp threatened his extensive timber holdings. Mellon, [Secretary of the Treasury](https://en.wikipedia.org/wiki/Secretary_of_the_Treasury) and the wealthiest man in the US, invested heavily in the Du Pont family's new synthetic fiber, [nylon](https://en.wikipedia.org/wiki/Nylon), to compete with hemp.[[8]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-nafta-neocolonialism-129-8) 1916, [United States Department of Agriculture](https://en.wikipedia.org/wiki/United_States_Department_of_Agriculture) (USDA) chief scientists Jason L. Merrill and [Lyster H. Dewey](https://en.wikipedia.org/wiki/Lyster_Hoxie_Dewey) created a paper, USDA Bulletin No. 404 "Hemp Hurds as Paper-Making Material", in which they concluded this paper from the woody inner portion of the hemp stem broken into pieces, the 'hemp hurds', was "favorable in comparison with those used with pulp wood".[[12]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-12) Dewey and Merrill believed hemp hurds were a sustainable source for paper production. The concentration of cellulose in hemp hurds is generally around 35%.[[13]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-Werf-13) Manufacture of paper -- on equipment designed to use wood-pulp -- with hemp as a raw material shows hemp lacks the qualities needed to become a major competitor to the traditional paper industry. 2003, 95% of the hemp hurds in the [EU](https://en.wikipedia.org/wiki/European_Union) were used for animal bedding, almost 5% were used as building material.[[14]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-michael-14) Spokespersons from DuPont and many fiber manufacturers dispute a link between their promotion of nylon over hemp. They explain that the purpose of developing nylon was to produce a fiber competitive with [silk](https://en.wikipedia.org/wiki/Silk) and [rayon](https://en.wikipedia.org/wiki/Rayon).[[15]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-15)[[16]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-Wolfe-16)[[17]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-17)

The [American Medical Association](https://en.wikipedia.org/wiki/American_Medical_Association) (AMA) opposed the taxation because the tax was imposed on physicians prescribing cannabis, retail pharmacists selling cannabis, and [medical cannabis](https://en.wikipedia.org/wiki/Medical_cannabis) [cultivation](https://en.wikipedia.org/wiki/Cannabis_cultivation)/manufacturing. The AMA proposed cannabis instead be added to the [Harrison Narcotics Tax Act](https://en.wikipedia.org/wiki/Harrison_Narcotics_Tax_Act) which would have been more efficient and created less burden on doctors.[[18]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-Woodward-18) Dr. [William Creighton Woodward](https://en.wikipedia.org/wiki/William_Creighton_Woodward), legislative counsel for the AMA, testified on behalf of the AMA.[[19]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-ReferenceA-19) He stated that the claims about marijuana addiction, violence, and overdosage were not supported, and that the law should not burden further investigation into medical use.[[19]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-ReferenceA-19)

After hearings with lawyers from Du Pont Chemicals and the Hearst Newspapers Group, the taxation was passed on the grounds of 'differing' reports[[20]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-20) and hearings.[[21]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-21) Anslinger also referred to the [International Opium Convention](https://en.wikipedia.org/wiki/International_Opium_Convention) from 1928 included cannabis as a drug not a medicine. All state legislatures approved laws against improper use of cannabis based on the model [Uniform State Narcotic Act](https://en.wikipedia.org/wiki/Uniform_State_Narcotic_Act). By 1951, however, spokespeople from Du Pont, Hearst and others came up with new improved rationalizations, and the [Boggs Act](https://en.wikipedia.org/wiki/Boggs_Act) superseded the Marihuana Taxation Act of 1937.[[*citation needed*](https://en.wikipedia.org/wiki/Wikipedia:Citation_needed)] In August 1954, the [Internal Revenue Code](https://en.wikipedia.org/wiki/Internal_Revenue_Code) of 1954 was enacted, and the Marihuana Taxation Act was included in Subchapter A of Chapter 39 of the 1954 Code.

**Operation of the act**[[edit source](https://en.wikipedia.org/w/index.php?title=Marihuana_Tax_Act_of_1937&action=edit&section=2)]



[Overprint](https://en.wikipedia.org/wiki/Overprint) marijuana [revenue stamps](https://en.wikipedia.org/wiki/Revenue_stamp) from 1937

Shortly after the 1937 Marihuana Tax Act went into effect on October 1, 1937, the Federal Bureau of Narcotics and Denver City police arrested Moses Baca for possession and [Samuel Caldwell](https://en.wikipedia.org/wiki/Samuel_R._Caldwell) for dealing. Baca and Caldwell's arrest made them the first marijuana convictions under U.S. federal law for not paying the marijuana tax. Judge Foster Symes sentenced Baca to 18 months and Caldwell to four years in [Leavenworth Penitentiary](https://en.wikipedia.org/wiki/Leavenworth_Penitentiary) for violating the 1937 Marihuana Tax Act.

After the Philippines fell to Japanese forces in 1942, the Department of Agriculture and the US Army urged farmers to grow fiber [hemp](https://en.wikipedia.org/wiki/Hemp). Tax stamps for cultivation of fiber hemp began to be issued to farmers. Without any change in the Marihuana Tax Act, 400,000 acres (1,600 km2) were cultivated with hemp between 1942 and 1945. The last commercial hemp fields were planted in Wisconsin in 1957.[[22]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-22)

In 1967, President Johnson's [Commission on Law Enforcement and Administration of Justice](https://en.wikipedia.org/wiki/President%27s_Commission_on_Law_Enforcement_and_Administration_of_Justice) opined, "The Act raises an insignificant amount of revenue and exposes an insignificant number of marijuana transactions to public view, since only a handful of people are registered under the Act. It has become, in effect, solely a criminal law, imposing sanctions upon persons who sell, acquire, or possess marijuana."[[23]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-23)

In 1969 in [*Leary v. United States*](https://en.wikipedia.org/wiki/Leary_v._United_States), part of the Act was ruled to be unconstitutional as a violation of the [Fifth Amendment](https://en.wikipedia.org/wiki/Fifth_Amendment_to_the_United_States_Constitution), since a person seeking the tax stamp would have to incriminate him/herself.[[24]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-24)[[25]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-25) In response the Congress passed the [Controlled Substances Act](https://en.wikipedia.org/wiki/Controlled_Substances_Act) as Title II of the [Comprehensive Drug Abuse Prevention and Control Act of 1970](https://en.wikipedia.org/wiki/Comprehensive_Drug_Abuse_Prevention_and_Control_Act_of_1970),[[26]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-26) which repealed the 1937 Act.

**Etymology**[[edit source](https://en.wikipedia.org/w/index.php?title=Marihuana_Tax_Act_of_1937&action=edit&section=3)]

*Main article:* [Marijuana *(word)*](https://en.wikipedia.org/wiki/Marijuana_(word))

Although the spelling "marijuana" is common in current use, the spelling used in the Marihuana Taxation Act is "marihuana". "Marihuana" was the spelling used in Federal documents at the time.

In addition, the Marihuana Tax Act of 1937 legitimized the use of the term "marijuana" as a label for hemp and cannabis plants and products in the US and around the world. Prior to 1937, "marijuana" was slang; it was not included in any official dictionaries.[[27]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-27) The word *marijuana* is probably of Mexican origin. Mexico passed prohibition for export to the US in 1925 following the International Opium Convention.[[28]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-28) In the years leading up to the taxation act, it was in common use in the United States, "smoked like tobacco", and called "ganjah", or "ganja".[[29]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-29)[[30]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-30)

**The La Guardia Committee Report**[[edit source](https://en.wikipedia.org/w/index.php?title=Marihuana_Tax_Act_of_1937&action=edit&section=4)]

The only authoritative voice that opposed [Anslinger](https://en.wikipedia.org/wiki/Harry_J._Anslinger)'s campaign against cannabis was that of [New York](https://en.wikipedia.org/wiki/New_York_City) Mayor, [Fiorello La Guardia](https://en.wikipedia.org/wiki/Fiorello_La_Guardia), who appointed in 1938 a commission of investigation, and in 1944 strongly objected to Anslinger's campaign with the [La Guardia Committee](https://en.wikipedia.org/wiki/La_Guardia_Committee).[[31]](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_note-31)

**See also**[[edit source](https://en.wikipedia.org/w/index.php?title=Marihuana_Tax_Act_of_1937&action=edit&section=5)]

* [Legal history of cannabis in the United States](https://en.wikipedia.org/wiki/Legal_history_of_cannabis_in_the_United_States)
* [*Hemp for Victory*](https://en.wikipedia.org/wiki/Hemp_for_Victory) (1942) a [United States Department of Agriculture](https://en.wikipedia.org/wiki/United_States_Department_of_Agriculture) war-time film encouraging farmers to grow hemp suitable for [U.S. Navy](https://en.wikipedia.org/wiki/U.S._Navy) [hawser](https://en.wikipedia.org/wiki/Hawser) requirements.
* [*Reefer Madness*](https://en.wikipedia.org/wiki/Reefer_Madness), propagandistic film of 1936.
* [La Guardia Committee](https://en.wikipedia.org/wiki/La_Guardia_Committee), the first in depth study into the effects of smoking marijuana.

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* [**^**](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_ref-27) Webster's New International Dictionary, p. 1318, G. & C. Merriam Company (1921).
* [**^**](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_ref-28) ["MEXICO BANS MARIHUANA.; To Stamp Out Drug Plant Which Crazes Its Addicts"](https://www.nytimes.com/1925/12/29/archives/mexico-bans-marihuana-to-stamp-out-drug-plant-which-crazes-its.html). *New York Times*. New York City. December 29, 1925.
* [**^**](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_ref-29) The American Agriculturist Family Cyclopaedia, 751 Broadway, New York, copyright:1888, by [A. L. Burt](https://en.wikipedia.org/wiki/A._L._Burt)
* [**^**](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_ref-30) Webster's New International Dictionary, 1921, published by G.& C. Merriam Co., Springfield Massachusetts
* [**^**](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937#cite_ref-31) [The La Guardia Committee Report](http://www.druglibrary.org/schaffer/library/studies/lag/lagmenu.htm)

**Further reading**[[edit source](https://en.wikipedia.org/w/index.php?title=Marihuana_Tax_Act_of_1937&action=edit&section=7)]

* [The Puzzle of the Social Origins of the Marihuana Tax Act of 1937](https://www.jstor.org/stable/800089) John F. Galliher, Allynn Walker Social Problems, Vol. 24, No. 3 (Feb., 1977), pp. 367–376
* [Samuel R. Caldwell](http://www.marijuana-tax-stamps.com/samuel-caldwell.php), First Person Jailed for the Marihuana Tax Act of 1937.
* [William B. McAllister, "Harry Anslinger Saves the World: National Security Imperatives and the 1937 Marihuana Tax Act," The Social History of Alcohol and Drugs 33, no. 1 (Spring 2019): 37-62.](https://www.journals.uchicago.edu/doi/abs/10.1086/702692)

**External links**[[edit source](https://en.wikipedia.org/w/index.php?title=Marihuana_Tax_Act_of_1937&action=edit&section=8)]

* [Full Text of the Marihuana Tax Act as passed in 1937](http://www.druglibrary.org/schaffer/hemp/taxact/mjtaxact.htm)
* [Marijuana Tax Stamps: History of the Marihuana Tax Act with photos of government issued tax stamps](http://www.herbalsmokecafe.com/marijuana-tax-stamps.html)
* [Full transcripts of the congressional hearings for the Marihuana Tax Act of 1937](http://www.druglibrary.org/schaffer/hemp/taxact/taxact.htm)

# Controlled Substances Act

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* [Article](https://en.wikipedia.org/wiki/Controlled_Substances_Act)
* [Talk](https://en.wikipedia.org/wiki/Talk:Controlled_Substances_Act)
* [Read](https://en.wikipedia.org/wiki/Controlled_Substances_Act)
* [Edit source](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Act&action=edit)
* [View history](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Act&action=history)
* [Watch](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Act&action=watch)

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General

* [What links here](https://en.wikipedia.org/wiki/Special:WhatLinksHere/Controlled_Substances_Act)
* [Related changes](https://en.wikipedia.org/wiki/Special:RecentChangesLinked/Controlled_Substances_Act)
* [Special pages](https://en.wikipedia.org/wiki/Special:SpecialPages)
* [Permanent link](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Act&oldid=1253825010)
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In other projects

* [Wikidata item](https://www.wikidata.org/wiki/Special:EntityPage/Q928770)

**Appearance** hide

Text

* Small
* Standard
* Large

Width

* Standard
* Wide

Color (beta)

* Automatic
* Light
* Dark

From Wikipedia, the free encyclopedia

| Great Seal of the United States | |
| --- | --- |
| **Long title** | An Act to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse. |
| [**Acronyms**](https://en.wikipedia.org/wiki/Acronym)(colloquial) | CSA |
| **Enacted by** | the [91st United States Congress](https://en.wikipedia.org/wiki/91st_United_States_Congress) |
| **Effective** | May 1, 1971 |
| **Citations** | |
| **Public law** | [91-513](https://www.gpo.gov/fdsys/pkg/STATUTE-84/pdf/STATUTE-84-Pg1236.pdf) |
| [**Statutes at Large**](https://en.wikipedia.org/wiki/United_States_Statutes_at_Large) | 84 [Stat.](https://en.wikipedia.org/wiki/United_States_Statutes_at_Large) [1236](https://legislink.org/us/stat-84-1236) *a.k.a.* 84 Stat. 1242 |
| **Codification** | |
| **Titles amended** | [21 U.S.C.: Food and Drugs](https://en.wikipedia.org/wiki/Title_21_of_the_United_States_Code) |
| [**U.S.C.**](https://en.wikipedia.org/wiki/United_States_Code) **sections created** | [21 U.S.C.](https://en.wikipedia.org/wiki/Title_21_of_the_United_States_Code) [ch. 13](https://www.law.cornell.edu/uscode/text/21/chapter-13) § 801 et seq. |
| **Legislative history** | |
| * **Introduced** in the House as H.R. 18583 by [Harley O. Staggers](https://en.wikipedia.org/wiki/Harley_O._Staggers) ([D](https://en.wikipedia.org/wiki/Democratic_Party_(United_States))–[WV](https://en.wikipedia.org/wiki/West_Virginia)) on September 10, 1970 * **Committee consideration** by [Interstate and Foreign Commerce Committee](https://en.wikipedia.org/wiki/United_States_House_Committee_on_Energy_and_Commerce) and [Senate Judiciary Committee](https://en.wikipedia.org/wiki/United_States_Senate_Committee_on_the_Judiciary) * **Passed the House** on September 24, 1970 ([341–6](https://www.govtrack.us/congress/votes/91-1970/h355)) * **Passed the Senate** on October 7, 1970 ([54–0](https://www.govtrack.us/congress/votes/91-1970/s584)) * **Reported by the joint conference committee** on October 13, 1970; **agreed to by the House** on October 14, 1970 (passed) and by the **Senate** on October 14, 1970 (passed) * **Signed into law** by President [Richard Nixon](https://en.wikipedia.org/wiki/Richard_Nixon) on October 27, 1970 | |
| **Major amendments** | |
| [Hillory J. Farias and Samantha Reid Date-Rape Prevention Act of 2000](https://en.wikipedia.org/wiki/Hillory_J._Farias_and_Samantha_Reid_Date-Rape_Prevention_Act_of_2000) | |
| [**United States Supreme Court**](https://en.wikipedia.org/wiki/Supreme_Court_of_the_United_States) **cases** | |
| * [*United States v. Oakland Cannabis Buyers' Cooperative*](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative), [532](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_532) [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) [483](https://supreme.justia.com/cases/federal/us/532/483/) (2001) * [*Gonzales v. Raich*](https://en.wikipedia.org/wiki/Gonzales_v._Raich), [545](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_545) [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) [1](https://supreme.justia.com/cases/federal/us/545/1/) (2005) * [*Gonzales v. Oregon*](https://en.wikipedia.org/wiki/Gonzales_v._Oregon), [546](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_546) [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) [243](https://supreme.justia.com/cases/federal/us/546/243/) (2006) * [*Burrage v. United States*](https://en.wikipedia.org/wiki/Burrage_v._United_States), [571](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_571) [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) [204](https://supreme.justia.com/cases/federal/us/571/204/) (2014) * [*McFadden v. United States*](https://en.wikipedia.org/wiki/McFadden_v._United_States), No. [14-378](https://supreme.justia.com/cases/federal/us/576/14-378/), [576](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_576) [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) \_\_\_ (2015) * [*Ruan v. United States*](https://en.wikipedia.org/wiki/Ruan_v._United_States), No. [20-1410](https://supreme.justia.com/cases/federal/us/597/20-1410/), [597](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_597) [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) \_\_\_ (2022) | |

| **Major United States federal**  [**drug control laws**](https://en.wikipedia.org/wiki/Prohibition_of_drugs) |
| --- |
| **1906** [**Pure Food and Drug Act**](https://en.wikipedia.org/wiki/Pure_Food_and_Drug_Act) |
| Regulates labeling of products containing certain drugs including [cocaine](https://en.wikipedia.org/wiki/Cocaine) and [heroin](https://en.wikipedia.org/wiki/Heroin) |
| **1914** [**Harrison Narcotics Tax Act**](https://en.wikipedia.org/wiki/Harrison_Narcotics_Tax_Act) |
| Regulates [opiates](https://en.wikipedia.org/wiki/Opiate) and [cocaine](https://en.wikipedia.org/wiki/Cocaine) |
| **1937** [**Marihuana Tax Act**](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937) |
| Required taxation of [marijuana](https://en.wikipedia.org/wiki/Cannabis_(drug)) |
| **1919** [**Volstead Act**](https://en.wikipedia.org/wiki/Volstead_Act) |
| Implemented 18th Amendment establishing alcohol [prohibition in the United States](https://en.wikipedia.org/wiki/Prohibition_in_the_United_States) |
| **1933** [**Blaine Act**](https://en.wikipedia.org/wiki/Blaine_Act) |
| Alcohol prohibition repealed via 21st Amendment [Repeal of Prohibition in the United States](https://en.wikipedia.org/wiki/Repeal_of_Prohibition_in_the_United_States) |
| **1942** [**Opium Poppy Control Act**](https://en.wikipedia.org/wiki/Opium_Poppy_Control_Act_of_1942) |
| Regulated the growth of the opium poppy and prohibited private cultivation in most states. |
| **1961** [**Convention on Narcotics**](https://en.wikipedia.org/wiki/Single_Convention_on_Narcotic_Drugs) |
| Treaty to control marijuana |
| **1970 Controlled Substances Act** |
| Scheduling list for drugs |
| * [v](https://en.wikipedia.org/wiki/Template:US_drug_laws) * [t](https://en.wikipedia.org/wiki/Template_talk:US_drug_laws) * [e](https://en.wikipedia.org/wiki/Special:EditPage/Template:US_drug_laws) |

The **Controlled Substances Act** (**CSA**) is the statute establishing [federal](https://en.wikipedia.org/wiki/Federal_government_of_the_United_States) [U.S. drug policy](https://en.wikipedia.org/wiki/Drug_policy_of_the_United_States) under which the manufacture, importation, possession, use, and distribution of certain substances is regulated. It was passed by the [91st United States Congress](https://en.wikipedia.org/wiki/91st_United_States_Congress) as Title II of the [Comprehensive Drug Abuse Prevention and Control Act of 1970](https://en.wikipedia.org/wiki/Comprehensive_Drug_Abuse_Prevention_and_Control_Act_of_1970) and signed into law by President [Richard Nixon](https://en.wikipedia.org/wiki/Richard_Nixon).[[1]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-1) The Act also served as the national implementing legislation for the [Single Convention on Narcotic Drugs](https://en.wikipedia.org/wiki/Single_Convention_on_Narcotic_Drugs).

The legislation created five schedules (classifications), with varying qualifications for a substance to be included in each. Two federal agencies, the [Drug Enforcement Administration](https://en.wikipedia.org/wiki/Drug_Enforcement_Administration) (DEA) and the [Food and Drug Administration](https://en.wikipedia.org/wiki/Food_and_Drug_Administration) (FDA), determine which substances are added to or removed from the various schedules, although the statute passed by Congress created the initial listing. Congress has sometimes scheduled other substances through legislation such as the [Hillory J. Farias and Samantha Reid Date-Rape Prevention Act of 2000](https://en.wikipedia.org/wiki/Hillory_J._Farias_and_Samantha_Reid_Date-Rape_Prevention_Act_of_2000), which placed [gamma hydroxybutyrate](https://en.wikipedia.org/wiki/Gamma_hydroxybutyrate) (GHB) in Schedule I and [sodium oxybate](https://en.wikipedia.org/wiki/Sodium_oxybate) (the isolated sodium salt in GHB) in [Schedule III](https://en.wikipedia.org/wiki/Schedule_III_controlled_substance) when used under an FDA [New Drug Application](https://en.wikipedia.org/wiki/New_Drug_Application) (NDA) or [Investigational New Drug](https://en.wikipedia.org/wiki/Investigational_New_Drug) (IND).[[2]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-2)[[3]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-3) Classification decisions are required to be made on criteria including potential for abuse (an undefined term),[[4]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-Drug_Abuse_1973_p.13-4) currently accepted medical use in treatment in the United States, and international treaties.

**History**[[edit source](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Act&action=edit&section=1)]

| **Regulation of therapeutic goods in the United States** |
| --- |
|  |
| [Prescription drugs](https://en.wikipedia.org/wiki/Prescription_drug)  [Over-the-counter drugs](https://en.wikipedia.org/wiki/Over-the-counter_drug) |
| show  **Law** |
| show  **Government agencies** |
| show  **Process** |
| show  **International coordination** |
| show  **Non-governmental organizations** |
| * [v](https://en.wikipedia.org/wiki/Template:Regulation_of_therapeutic_goods_in_the_United_States) * [t](https://en.wikipedia.org/wiki/Template_talk:Regulation_of_therapeutic_goods_in_the_United_States) * [e](https://en.wikipedia.org/wiki/Special:EditPage/Template:Regulation_of_therapeutic_goods_in_the_United_States) |

The nation first outlawed addictive drugs in the early 1900s and the [International Opium Convention](https://en.wikipedia.org/wiki/International_Opium_Convention) helped lead international agreements regulating trade.[[5]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-5)[[6]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-6)[[7]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-7) The [Pure Food and Drug Act](https://en.wikipedia.org/wiki/Pure_Food_and_Drug_Act) (1906) was the beginning of over 200 laws concerning public health and consumer protections.[[8]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-8) Others were the [Federal Food, Drug, and Cosmetic Act](https://en.wikipedia.org/wiki/Federal_Food,_Drug,_and_Cosmetic_Act) (1938), and the [Kefauver Harris Amendment](https://en.wikipedia.org/wiki/Kefauver_Harris_Amendment) of 1962.[[9]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-9)

In 1969, [President](https://en.wikipedia.org/wiki/President_of_the_United_States) [Richard Nixon](https://en.wikipedia.org/wiki/Richard_Nixon) announced that the [Attorney General](https://en.wikipedia.org/wiki/United_States_Attorney_General), [John N. Mitchell](https://en.wikipedia.org/wiki/John_N._Mitchell), was preparing a comprehensive new measure to more effectively meet the narcotic and dangerous drug problems at the federal level by combining all existing federal laws into a single new statute. With the help of [White House Counsel](https://en.wikipedia.org/wiki/White_House_Counsel) head, [John Dean](https://en.wikipedia.org/wiki/John_Dean); the executive director of the [Shafer Commission](https://en.wikipedia.org/wiki/Shafer_Commission), [Michael Sonnenreich](https://en.wikipedia.org/wiki/Michael_Sonnenreich); and the Director of the [BNDD](https://en.wikipedia.org/wiki/BNDD), John Ingersoll creating and writing the legislation, Mitchell was able to present Nixon with the bill.[[10]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-10)

The CSA not only combined existing federal drug laws and expanded their scope, but it also changed the nature of federal drug law policies and expanded [federal law enforcement](https://en.wikipedia.org/wiki/Federal_law_enforcement_in_the_United_States) pertaining to controlled substances. Title II, Part F of the [Comprehensive Drug Abuse Prevention and Control Act of 1970](https://en.wikipedia.org/wiki/Comprehensive_Drug_Abuse_Prevention_and_Control_Act_of_1970) established the [National Commission on Marijuana and Drug Abuse](https://en.wikipedia.org/wiki/National_Commission_on_Marijuana_and_Drug_Abuse)[[11]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-11)—known as the Shafer Commission after its chairman, [Raymond P. Shafer](https://en.wikipedia.org/wiki/Raymond_P._Shafer)—to study [cannabis](https://en.wikipedia.org/wiki/Cannabis_(drug)) abuse in the United States.[[12]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-12) During his presentation of the commission's First Report to Congress, Sonnenreich and Shafer recommended the [decriminalization](https://en.wikipedia.org/wiki/Decriminalization) of marijuana in small amounts, with Shafer stating,

[T]he criminal law is too harsh a tool to apply to personal possession even in the effort to discourage use. It implies an overwhelming indictment of the behavior which we believe is not appropriate. The actual and potential harm of use of the drug is not great enough to justify intrusion by the criminal law into private behavior, a step which our society takes only with the greatest reluctance.[[13]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-13)

Rufus King notes that this stratagem was similar to that used by [Harry Anslinger](https://en.wikipedia.org/wiki/Harry_Anslinger) when he consolidated the previous anti-drug treaties into the Single Convention and took the opportunity to add new provisions that otherwise might have been unpalatable to the international community.[[14]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-dontsit-14) According to David T. Courtwright, "the Act was part of an omnibus reform package designed to rationalize, and in some respects to liberalize, American drug policy." (Courtwright noted that the Act became, not [libertarian](https://en.wikipedia.org/wiki/Libertarianism), but instead repressionistic to the point of tyrannical in its intent; a cruel and/or arbitrary exercise of power). It eliminated mandatory minimum sentences and provided support for drug treatment and research.[[15]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-15)

King notes that the rehabilitation clauses were added as a compromise to [Senator Harold Hughes](https://en.wikipedia.org/wiki/Harold_Hughes), who favored a moderate approach. The bill, as introduced by Senator [Everett Dirksen](https://en.wikipedia.org/wiki/Everett_Dirksen), ran to 91 pages. While it was being drafted, the [Uniform Controlled Substances Act](https://en.wikipedia.org/wiki/Uniform_Controlled_Substances_Act), to be passed by state legislatures, was also being drafted by the [Department of Justice](https://en.wikipedia.org/wiki/United_States_Department_of_Justice); its wording closely mirrored the Controlled Substances Act.[[14]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-dontsit-14)

**Amendments, 1970–2018**[[edit source](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Act&action=edit&section=2)]

Since its enactment in 1970, the Act has been amended numerous times:

1. The 1976 [Medical Device Regulation Act](https://en.wikipedia.org/wiki/Medical_Device_Regulation_Act).[[16]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-16)
2. The [Psychotropic Substances Act](https://en.wikipedia.org/wiki/Psychotropic_Substances_Act_(United_States)) of 1978 added provisions implementing the [Convention on Psychotropic Substances](https://en.wikipedia.org/wiki/Convention_on_Psychotropic_Substances).[[17]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-17)
3. The [Controlled Substances Penalties Amendments Act of 1984](https://en.wikipedia.org/wiki/Controlled_Substances_Penalties_Amendments_Act_of_1984).
4. The 1986 [Federal Analog Act](https://en.wikipedia.org/wiki/Federal_Analog_Act) for chemicals "substantially similar" in Schedule I and II to be listed
5. The 1988 [Chemical Diversion and Trafficking Act](https://en.wikipedia.org/wiki/Chemical_Diversion_and_Trafficking_Act) (implemented August 1, 1989 as Article 12) added provisions implementing the [United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances](https://en.wikipedia.org/wiki/United_Nations_Convention_Against_Illicit_Traffic_in_Narcotic_Drugs_and_Psychotropic_Substances) that went into force on November 11, 1990.
6. 1990 The Anabolic Steroids Act, passed as part of the [Crime Control Act of 1990](https://en.wikipedia.org/wiki/Crime_Control_Act_of_1990), which placed [anabolic steroids](https://en.wikipedia.org/wiki/Anabolic_steroids) into Schedule III[[18]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-18): 30
7. The 1993 Domestic Chemical Diversion and Control Act (effective on April 16, 1994) in response to [methamphetamine](https://en.wikipedia.org/wiki/Methamphetamine) trafficking.
8. The Hillory J. Farias and Samantha Reid Date-Rape Prevention Act of 2000 placed gamma hydroxybutyrate (GHB) in Schedule I and sodium oxybate (the isolated sodium salt in GHB) in Schedule III when used under an FDA NDA or IND.
9. The 2008 Ryan Haight Online Pharmacy Consumer Protection Act[[19]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-19)
10. The 2010 Electronic Prescriptions for Controlled Substances (EPCS) .
11. The [2012 Synthetic Drug Abuse Prevention Act Subtitle D](https://www.govinfo.gov/content/pkg/PLAW-112publ144/pdf/PLAW-112publ144.pdf) - synthetic drugs, added several Markush like statements that describes synthetic cannabinoid chemical space that are also controlled as Schedule 1 substances. However, since then many new synthetic cannabinoids not covered by this act have emerged
12. The 2010 Secure and Responsible Drug Disposal Act (effective on October 12, 2010), to allow pharmacies to operate [take-back programs](https://en.wikipedia.org/wiki/Collection_of_unused_drugs) for controlled substance medications in response to the US [opioid epidemic](https://en.wikipedia.org/wiki/Opioid_epidemic).[[20]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-20)
13. The 2017 Protecting Patient Access to Emergency Medications Act (PPAEMA) amended Section 33 of the CSA to include DEA registration for Emergency Medical Service (EMS) agencies, approved uses of standing orders, and requirements for the maintenance and administration of controlled substances used by EMS agencies.[[21]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-21)
14. In 2018 the act was also [amended to describe and control all chemical space related to Fentanyl like chemicals](https://www.ecfr.gov/current/title-21/chapter-II/part-1308/subject-group-ECFRf62f8e189108c4d/section-1308.11#p-1308.11(h)(i)) using Markush like notation, the first time Markush like statement were directly used in the act itself

**Statute content**[[edit source](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Act&action=edit&section=3)]

The Controlled Substances Act consists of two subchapters. Subchapter I defines Schedules I–V, lists chemicals used in the manufacture of controlled substances, and differentiates lawful and unlawful manufacturing, distribution, and possession of controlled substances, including possession of Schedule I drugs for personal use; this subchapter also specifies the dollar amounts of fines and durations of prison terms for violations. Subchapter II describes the laws for exportation and importation of controlled substances, again specifying fines and prison terms for violations.[[22]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-22)

**Enforcement authority**[[edit source](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Act&action=edit&section=4)]



U.S. Food and Drug Administration agents inspect packages for illegal drug shipments at an international mail facility in New York.

The [Drug Enforcement Administration](https://en.wikipedia.org/wiki/Drug_Enforcement_Administration) was established in 1973, combining the Bureau of Narcotics and Dangerous Drugs (BNDD) and Customs' drug agents.[[23]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-23) Proceedings to add, delete, or change the schedule of a drug or other substance may be initiated by the DEA, the [Department of Health and Human Services](https://en.wikipedia.org/wiki/Department_of_Health_and_Human_Services) (HHS), or by petition from any interested party, including the manufacturer of a drug, a medical society or association, a pharmacy association, a public interest group concerned with drug abuse, a state or local government agency, or an individual citizen. When a petition is received by the DEA, the agency begins its own investigation of the drug.

The DEA may begin an investigation of a drug at any time based upon information received from laboratories, state and local law enforcement and regulatory agencies, or other sources of information. Once the DEA has collected the necessary data, the Deputy Administrator of DEA,[[24]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-24): 42220 requests from HHS a scientific and medical evaluation and recommendation as to whether the drug or other substance should be controlled or removed from control.

This request is sent to the Assistant Secretary of Health of HHS. Then, HHS solicits information from the Commissioner of the [Food and Drug Administration](https://en.wikipedia.org/wiki/Food_and_Drug_Administration) and evaluations and recommendations from the [National Institute on Drug Abuse](https://en.wikipedia.org/wiki/National_Institute_on_Drug_Abuse) and, on occasion, from the scientific and medical community at large. The Assistant Secretary, by authority of the Secretary, compiles the information and transmits back to the DEA a medical and scientific evaluation regarding the drug or other substance, a recommendation as to whether the drug should be controlled, and in what schedule it should be placed.

The HHS recommendation on scheduling is binding to the extent that if HHS recommends, based on its medical and scientific evaluation, that the substance not be controlled, then the DEA may not control the substance. Once the DEA has received the scientific and medical evaluation from HHS, the DEA Administrator evaluates all available data and makes a final decision whether to propose that a drug or other substance be controlled and into which schedule it should be placed. Under certain circumstances, the Government may temporarily schedule[[25]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-25) a drug without following the normal procedure.

An example is when international treaties require control of a substance. [21 U.S.C.](https://en.wikipedia.org/wiki/Title_21_of_the_United_States_Code) [§ 811(h)](https://www.law.cornell.edu/uscode/text/21/811#h) allows the Attorney General to temporarily place a substance in Schedule I "to avoid an imminent hazard to the public safety". Thirty days' notice is required before the order can be issued, and the scheduling expires after a year. The period may be extended six months if rulemaking proceedings to permanently schedule the drug are in progress. In any case, once these proceedings are complete, the temporary order is automatically vacated. Unlike ordinary scheduling proceedings, such temporary orders are not subject to [judicial review](https://en.wikipedia.org/wiki/Judicial_review).

The CSA creates a closed system of distribution[[26]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-26) for those authorized to handle controlled substances. The cornerstone of this system is the registration of all those authorized by the DEA to handle controlled substances. All individuals and firms that are registered are required to maintain complete and accurate inventories and records of all transactions involving controlled substances, as well as security for the storage of controlled substances.

**Treaty obligations**[[edit source](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Act&action=edit&section=5)]

The Congressional findings in [21 USC](https://en.wikipedia.org/wiki/21_USC) §§ [801(7)](https://www.law.cornell.edu/uscode/text/21/801#7), [801a(2)](https://www.law.cornell.edu/uscode/text/21/801a#2), and [801a(3)](https://www.law.cornell.edu/uscode/text/21/801a#3) state that a major purpose of the CSA is to "enable the United States to meet all of its obligations" under international [treaties](https://en.wikipedia.org/wiki/Treaty). The CSA bears many resemblances to these Conventions. Both the CSA and the treaties set out a system for classifying controlled substances in several schedules in accordance with the binding scientific and medical findings of a public health authority. Under [21 U.S.C.](https://en.wikipedia.org/wiki/Title_21_of_the_United_States_Code) [§ 811](https://www.law.cornell.edu/uscode/text/21/811) of the CSA, that authority is the [Secretary of Health and Human Services](https://en.wikipedia.org/wiki/Secretary_of_Health_and_Human_Services) (HHS). Under Article 3 of the Single Convention and Article 2 of the Convention on Psychotropic Substances, the [World Health Organization](https://en.wikipedia.org/wiki/World_Health_Organization) is that authority.

The domestic and international legal nature of these treaty obligations must be considered in light of the supremacy of the [United States Constitution](https://en.wikipedia.org/wiki/United_States_Constitution) over treaties or acts and the equality of treaties and Congressional acts. In [*Reid v. Covert*](https://en.wikipedia.org/wiki/Reid_v._Covert) the [Supreme Court of the United States](https://en.wikipedia.org/wiki/Supreme_Court_of_the_United_States) addressed both these issues directly and clearly holding:

[N]o agreement with a foreign nation can confer power on the Congress, or on any other branch of Government, which is free from the restraints of the Constitution.

[Article VI](https://en.wikipedia.org/wiki/Article_Six_of_the_United_States_Constitution), the [Supremacy Clause](https://en.wikipedia.org/wiki/Supremacy_Clause) of the Constitution, declares:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; . . ."

There is nothing in this language which intimates that treaties and laws enacted pursuant to them do not have to comply with the provisions of the Constitution. Nor is there anything in the debates which accompanied the drafting and ratification of the Constitution which even suggests such a result. These debates, as well as the history that surrounds the adoption of the treaty provision in Article VI, make it clear that the reason treaties were not limited to those made in "pursuance" of the Constitution was so that agreements made by the United States under the Articles of Confederation, including the important peace treaties which concluded the Revolutionary War, would remain in effect. It would be manifestly contrary to the objectives of those who created the Constitution, as well as those who were responsible for the Bill of Rights—let alone alien to our entire constitutional history and tradition—to construe Article VI as permitting the United States to exercise power under an international agreement without observing constitutional prohibitions. In effect, such construction would permit amendment of that document in a manner not sanctioned by Article V. The prohibitions of the Constitution were designed to apply to all branches of the National Government, and they cannot be nullified by the Executive or by the Executive and the Senate combined.

There is nothing new or unique about what we say here. This Court has regularly and uniformly recognized the supremacy of the Constitution over a treaty. For example, in *Geofroy v. Riggs*, 133 U. S. 258, 133 U. S. 267, it declared:

"The treaty power, as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the government or of its departments, and those arising from the nature of the government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the government, or in that of one of the States, or a cession of any portion of the territory of the latter, without its consent."

This Court has repeatedly taken the position that an Act of Congress, which must comply with the Constitution, is on a full parity with a treaty, and that, when a statute which is subsequent in time is inconsistent with a treaty, the statute to the extent of conflict renders the treaty null. It would be completely anomalous to say that a treaty need not comply with the Constitution when such an agreement can be overridden by a statute that must conform to that instrument.[[27]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-27)

According to the Cato Institute, these treaties only bind (legally obligate) the United States to comply with them as long as that nation agrees to remain a state party to these treaties. The [U.S. Congress](https://en.wikipedia.org/wiki/Congress_of_the_United_States) and the [President of the United States](https://en.wikipedia.org/wiki/President_of_the_United_States) have the absolute [sovereign](https://en.wikipedia.org/wiki/Sovereignty) right to withdraw from or abrogate at any time these two instruments, in accordance with said nation's [Constitution](https://en.wikipedia.org/wiki/Constitution_of_the_United_States), at which point these treaties will cease to bind that nation in any way, shape, or form.[[28]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-cato.org-28)

A provision for automatic compliance with treaty obligations is found at [21 U.S.C.](https://en.wikipedia.org/wiki/Title_21_of_the_United_States_Code) [§ 811(d)](https://www.law.cornell.edu/uscode/text/21/811#d), which also establishes mechanisms for amending international drug control regulations to correspond with HHS findings on scientific and medical issues. If control of a substance is mandated by the Single Convention, the Attorney General is required to "issue an order controlling such drug under the schedule he deems most appropriate to carry out such obligations," without regard to the normal scheduling procedure or the findings of the HHS Secretary. However, the Secretary has great influence over any drug scheduling proposal under the Single Convention, because [21 U.S.C.](https://en.wikipedia.org/wiki/Title_21_of_the_United_States_Code) [§ 811(d)(2)(B)](https://www.law.cornell.edu/uscode/text/21/811#d_2_B) requires the Secretary the power to "evaluate the proposal and furnish a recommendation to the Secretary of State which shall be binding on the representative of the United States in discussions and negotiations relating to the proposal."

Similarly, if the United Nations [Commission on Narcotic Drugs](https://en.wikipedia.org/wiki/Commission_on_Narcotic_Drugs) adds or transfers a substance to a schedule established by the Convention on Psychotropic Substances, so that current U.S. regulations on the drug do not meet the treaty's requirements, the Secretary is required to issue a recommendation on how the substance should be scheduled under the CSA. If the Secretary agrees with the commission's scheduling decision, he can recommend that the Attorney General initiate proceedings to reschedule the drug accordingly.

If the HHS Secretary disagrees with the UN controls, the Attorney General must temporarily place the drug in Schedule IV or V (whichever meets the minimum requirements of the treaty) and exclude the substance from any regulations not mandated by the treaty. The Secretary is required to request that the [Secretary of State](https://en.wikipedia.org/wiki/United_States_Secretary_of_State) take action, through the commission or the [UN Economic and Social Council](https://en.wikipedia.org/wiki/UN_Economic_and_Social_Council), to remove the drug from international control or transfer it to a different schedule under the convention. The temporary scheduling expires as soon as control is no longer needed to meet international treaty obligations.

This provision was invoked in 1984 to place Rohypnol ([flunitrazepam](https://en.wikipedia.org/wiki/Flunitrazepam)) in Schedule IV. The drug did not then meet the Controlled Substances Act's criteria for scheduling; however, control was required by the Convention on Psychotropic Substances. In 1999, an FDA official explained to Congress:

Rohypnol is not approved or available for medical use in the United States, but it is temporarily controlled in Schedule IV pursuant to a treaty obligation under the 1971 Convention on Psychotropic Substances. At the time flunitrazepam was placed temporarily in Schedule IV (November 5, 1984), there was no evidence of abuse or trafficking of the drug in the United States.[[29]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-29)

The [Cato Institute](https://en.wikipedia.org/wiki/Cato_Institute)'s *Handbook for Congress* calls for repealing the CSA, an action that would likely bring the United States into conflict with [international law](https://en.wikipedia.org/wiki/International_law), were the United States not to exercise its sovereign right to withdraw from and/or abrogate the [Single Convention on Narcotic Drugs](https://en.wikipedia.org/wiki/Single_Convention_on_Narcotic_Drugs) and/or the 1971 [Convention on Psychotropic Substances](https://en.wikipedia.org/wiki/Convention_on_Psychotropic_Substances) prior to repealing the Controlled Substances Act.[[28]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-cato.org-28) The exception would be if the U.S. were to claim that the treaty obligations violate the [United States Constitution](https://en.wikipedia.org/wiki/United_States_Constitution). Many articles in these treaties—such as Article 35 and Article 36 of the Single Convention—are prefaced with phrases such as "Having due regard to their constitutional, legal and administrative systems, the Parties shall . . ." or "Subject to its constitutional limitations, each Party shall . . ." According to former [United Nations Drug Control Programme](https://en.wikipedia.org/wiki/United_Nations_Drug_Control_Programme) Chief of Demand Reduction [Cindy Fazey](https://en.wikipedia.org/wiki/Cindy_Fazey), "This has been used by the USA not to implement part of article 3 of the 1988 Convention, which prevents inciting others to use narcotic or psychotropic drugs, on the basis that this would be in contravention of [their constitutional amendment guaranteeing freedom of speech](https://en.wikipedia.org/wiki/First_Amendment_to_the_United_States_Constitution)".[[30]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-30)

**Schedules of controlled substances**[[edit source](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Act&action=edit&section=6)]

There are five different schedules of controlled substances, numbered I–V. The CSA describes the different schedules based on three factors:

1. Potential for [abuse](https://en.wikipedia.org/wiki/Substance_abuse): How likely is this drug to be abused?
2. Accepted medical use: Is this drug used as a treatment in the United States?
3. Safety and potential for [addiction](https://en.wikipedia.org/wiki/Drug_addiction): Is this drug safe? How likely is this drug to cause addiction? What kinds of addiction?

The following table gives a summary of the different schedules.[[31]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-schedules-31)

|  | **Potential for Abuse** | **Accepted Medical Use?** | **Potential for Addiction** |
| --- | --- | --- | --- |
| **Schedule I** | High | None | Drug is not safe to use, even under medical supervision |
| **Schedule II** | High | Yes; sometimes allowed  only with "severe restrictions" | Abusing the drug can cause severe physical and mental addiction |
| **Schedule III** | Medium[[a]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-32) | Yes | Abusing the drug can cause severe mental addiction, or moderate physical addiction |
| **Schedule IV** | Moderate[[b]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-33) | Yes | Abusing the drug may lead to moderate mental or physical addiction |
| **Schedule V** | Lowest[[c]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-34) | Yes | Abusing the drug may lead to mild mental or physical addiction |

Placing a drug or other substance in a certain schedule or removing it from a certain schedule is primarily based on [21 USC](https://en.wikipedia.org/wiki/21_USC) §§ [801](https://www.law.cornell.edu/uscode/text/21/801), [801a](https://www.law.cornell.edu/uscode/text/21/801a), [802](https://www.law.cornell.edu/uscode/text/21/802), [811](https://www.law.cornell.edu/uscode/text/21/811), [812](https://www.law.cornell.edu/uscode/text/21/812), [813](https://www.law.cornell.edu/uscode/text/21/813), and [814](https://www.law.cornell.edu/uscode/text/21/814). Every schedule otherwise requires finding and specifying the "potential for abuse" before a substance can be placed in that schedule.[[32]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-35) The specific classification of any given drug or other substance is usually a source of controversy, as is the purpose and effectiveness of the entire regulatory scheme.

The term "controlled substance" means a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of part B of this subchapter. The term does not include distilled spirits, wine, absinthe, malt beverages, nicotine or tobacco, as those terms are defined or used in subtitle E of the Internal Revenue Code of 1986.

— [21 U.S.C.](https://en.wikipedia.org/wiki/Title_21_of_the_United_States_Code) [§ 802(6)](https://www.law.cornell.edu/uscode/text/21/802#6)[[33]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-36)

Some have argued that this is an important exemption, since [alcohol](https://en.wikipedia.org/wiki/Alcohol_(drug)) and tobacco are two of the most widely used drugs in the United States.[[34]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-37)[[35]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-38)

**Schedule I**[[edit source](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Act&action=edit&section=7)]

*Main article:* [*List of Schedule I drugs (US)*](https://en.wikipedia.org/wiki/List_of_Schedule_I_drugs_(US))

Schedule I substances are described as those that have all of the following findings:

1. The drug or other substance has a high potential for abuse.
2. The drug or other substance has no currently accepted medical use in treatment in the United States.
3. There is a lack of accepted safety for use of the drug or other substance under medical supervision.[[36]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-cornell1-39)

No prescriptions may be written for Schedule I substances, and such substances are subject to [production quotas](https://en.wikipedia.org/wiki/Production_quota) which the DEA imposes.

Under the DEA's interpretation of the CSA, a drug does not necessarily have to have the same "high potential for abuse" as heroin, for example, to merit placement in Schedule I:

[W]hen it comes to a drug that is currently listed in schedule I, if it is undisputed that such drug has no currently accepted medical use in treatment in the United States and a lack of accepted safety for use under medical supervision, and it is further undisputed that the drug has *at least some potential for abuse sufficient to warrant control under the CSA*, the drug must remain in schedule I. In such circumstances, placement of the drug in schedules II through V would conflict with the CSA since such drug would not meet the criterion of "a currently accepted medical use in treatment in the United States." 21 USC 812(b). (emphasis added)[[37]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-donnie-40)

— [Drug Enforcement Administration](https://en.wikipedia.org/wiki/Drug_Enforcement_Administration), Notice of denial of petition to reschedule marijuana (2001)

**Drugs listed in this control schedule include:**

* [αMT](https://en.wikipedia.org/wiki/Alpha-Methyltryptamine) (alpha-methyltryptamine), a [psychedelic](https://en.wikipedia.org/wiki/Psychedelic_drug), [stimulant](https://en.wikipedia.org/wiki/Stimulant), and [entactogen](https://en.wikipedia.org/wiki/Entactogen) [drug](https://en.wikipedia.org/wiki/Drug) of the [tryptamine](https://en.wikipedia.org/wiki/Tryptamine) class that was originally developed as an antidepressant by workers at [Upjohn](https://en.wikipedia.org/wiki/Upjohn) in the 1960s.
* [BZP](https://en.wikipedia.org/wiki/Benzylpiperazine) (benzylpiperazine), a synthetic stimulant once sold as a [designer drug](https://en.wikipedia.org/wiki/Designer_drug). It has been shown to be associated with an increase in seizures if taken alone.[[38]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-41) Although the effects of BZP are not as potent as MDMA, it can produce neuroadaptations that can cause an increase in the potential for abuse of this drug.[[39]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-42)
* [Cathinone](https://en.wikipedia.org/wiki/Cathinone), an amphetamine-like stimulant found in the shrub [*Catha edulis*](https://en.wikipedia.org/wiki/Catha_edulis) ([khat](https://en.wikipedia.org/wiki/Khat)).
* [DMT](https://en.wikipedia.org/wiki/Dimethyltryptamine) (dimethyltryptamine), a naturally occurring [psychedelic drug](https://en.wikipedia.org/wiki/Psychedelic_drug) that is widespread throughout the plant kingdom and endogenous to the human body. DMT is the main psychoactive constituent in the [psychedelic](https://en.wikipedia.org/wiki/Psychedelic_drug) South American brew, [ayahuasca](https://en.wikipedia.org/wiki/Ayahuasca), for which the [UDV](https://en.wikipedia.org/wiki/Uni%C3%A3o_do_Vegetal) are granted exemption from DMT's schedule I status on the grounds of religious freedom.
* [Etorphine](https://en.wikipedia.org/wiki/Etorphine), a semi-synthetic opioid possessing an analgesic potency approximately 1,000–3,000 times that of morphine.
* [GHB](https://en.wikipedia.org/wiki/Gamma-hydroxybutyric_acid) (gamma-Hydroxybutyric acid), a general anesthetic and treatment for [narcolepsy](https://en.wikipedia.org/wiki/Narcolepsy)-cataplexy and alcohol withdrawal with a limited safe dosage range and poor ability to control pain when used as an anesthetic (severely limiting its usefulness).[[40]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-43) It was placed in Schedule I in March 2000 after widespread recreational use led to increased [emergency room](https://en.wikipedia.org/wiki/Emergency_room) visits, hospitalizations, and deaths.[[41]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-44) A specific formulation of this drug is also listed in Schedule III for limited uses, under the trademark [Xyrem](https://en.wikipedia.org/wiki/Xyrem).
* [Heroin](https://en.wikipedia.org/wiki/Heroin) is the brand name for *diacetylmorphine* or *morphine diacetate*, which is an inactive [prodrug](https://en.wikipedia.org/wiki/Prodrug) that exerts its effects after being converted into the major active metabolite morphine, and the minor metabolite 6-MAM - which itself is also rapidly converted to morphine. Some European countries still use it as a potent pain reliever in terminal cancer patients, and as second option, after [morphine sulfate](https://en.wikipedia.org/wiki/Morphine); it is about twice as potent, by weight, as morphine and, indeed, becomes morphine upon injection into the bloodstream. The two acetyl groups attached to the morphine make a prodrug which delivers morphine to the opioid receptors twice as fast as morphine can.
* [Ibogaine](https://en.wikipedia.org/wiki/Ibogaine), a naturally occurring psychoactive substance found in plants in the family Apocynaceae. Some countries in North America use ibogaine as an alternative medicine treatment for opioid drug addiction. Ibogaine is also used for medicinal and ritual purposes within [African](https://en.wikipedia.org/wiki/Africa) spiritual traditions of the [Bwiti](https://en.wikipedia.org/wiki/Bwiti).
* [LSD](https://en.wikipedia.org/wiki/Lysergic_acid_diethylamide) (lysergic acid diethylamide), a [semi-synthetic](https://en.wikipedia.org/wiki/Semi-synthetic) [psychedelic drug](https://en.wikipedia.org/wiki/Psychedelic_drug) famous for its involvement in the [counterculture of the 1960s](https://en.wikipedia.org/wiki/Counterculture_of_the_1960s).
* [Marijuana](https://en.wikipedia.org/wiki/Cannabis_(drug)) and its [cannabinoids](https://en.wikipedia.org/wiki/Cannabinoid). Pure (–)-trans-Δ9-tetrahydrocannabinol is also listed in Schedule III for limited uses, under the trademark [Marinol](https://en.wikipedia.org/wiki/Marinol). As a result of ballot initiatives, [many states](https://en.wikipedia.org/wiki/Legality_of_cannabis_by_U.S._jurisdiction) have made recreational and medical use of marijuana legal, while other states have decriminalized possession of small amounts. Such measures operate only on state laws, and have no effect on federal law.[[37]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-donnie-40)[[42]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-Angelos-45) Whether such users would actually be prosecuted under federal law is a separate question with no definitive answer. Given the widespread medicinal use of cannabis, the maintenance of its Schedule I classification has been controversial, with many calling for a reclassification or holistic federal decriminalization. As of April 30, 2024, cannabis was set to be reclassified by the [DEA](https://en.wikipedia.org/wiki/Drug_Enforcement_Administration) as a Schedule III controlled substance.[[43]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-46)[[44]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-47)
* [MDMA](https://en.wikipedia.org/wiki/MDMA) ("ecstasy" or "molly"), a [stimulant](https://en.wikipedia.org/wiki/Stimulant), [psychedelic](https://en.wikipedia.org/wiki/Psychedelic_drug), and [entactogenic](https://en.wikipedia.org/wiki/Empathogen-entactogen) drug which initially garnered attention in [psychedelic therapy](https://en.wikipedia.org/wiki/Psychedelic_therapy) as a treatment for [post-traumatic stress disorder](https://en.wikipedia.org/wiki/Post-traumatic_stress_disorder) (PTSD). The medical community originally agreed upon placing it as a Schedule III substance, but the government denied this suggestion, despite two court rulings by the DEA's administrative law judge that placing MDMA in Schedule I was illegal. It was temporarily unscheduled after the first administrative hearing from December 22, 1987 – July 1, 1988.[[45]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-48)
* [Mescaline](https://en.wikipedia.org/wiki/Mescaline), a naturally occurring [psychedelic drug](https://en.wikipedia.org/wiki/Psychedelic_drug) and the main psychoactive constituent of [peyote](https://en.wikipedia.org/wiki/Peyote) (*Lophophora williamsii*), [San Pedro cactus](https://en.wikipedia.org/wiki/Echinopsis_pachanoi) (*Echinopsis pachanoi*), and [Peruvian torch cactus](https://en.wikipedia.org/wiki/Echinopsis_peruviana) (*Echinopsis peruviana*).
* [Methaqualone](https://en.wikipedia.org/wiki/Methaqualone) (Quaalude, Sopor, Mandrax), a sedative that was previously used for similar purposes as barbiturates, until it was rescheduled.
* [Peyote](https://en.wikipedia.org/wiki/Peyote) (*Lophophora williamsii*), a cactus growing in nature primarily in northeastern Mexico; one of the few plants specifically scheduled, with a narrow exception to its legal status for religious use in Native American churches.
* [Psilocybin](https://en.wikipedia.org/wiki/Psilocybin) and [psilocin](https://en.wikipedia.org/wiki/Psilocin), naturally occurring [psychedelic drugs](https://en.wikipedia.org/wiki/Psychedelic_drug) and the main psychoactive constituents of [psilocybin mushrooms](https://en.wikipedia.org/wiki/Psilocybin_mushroom).
* Controlled substance analogues intended for human consumption, as defined by the [Federal Analogue Act](https://en.wikipedia.org/wiki/Federal_Analogue_Act).

In addition to the named substance, usually all possible ethers, esters, salts and stereoisomers of these substances are also controlled and also 'analogues', which are chemically similar chemicals.

**Schedule II**[[edit source](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Act&action=edit&section=8)]

*Main article:* [*List of Schedule II drugs (US)*](https://en.wikipedia.org/wiki/List_of_Schedule_II_drugs_(US))

Schedule II substances are those that have the following findings:

1. The drug or other substance has a high potential for abuse
2. The drug or other substance has a currently accepted medical use in treatment in the United States, or a currently accepted medical use with severe restrictions
3. Abuse of the drug or other substances may lead to severe psychological or physical dependence.[[36]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-cornell1-39)

Except when dispensed directly to an ultimate user by a practitioner other than a pharmacist, no controlled substance in Schedule II, which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act (21 USC 301 *et seq.*), may be dispensed without the written or electronically transmitted (21 CFR 1306.08) prescription of a practitioner, except that in emergency situations, as prescribed by the Secretary by regulation after consultation with the Attorney General, such drug may be dispensed upon oral prescription in accordance with section 503(b) of that Act (21 USC 353 (b)). With exceptions, an original prescription is always required even though faxing in a prescription in advance to a pharmacy by a prescriber is allowed.[[46]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-deadiversion.usdoj.gov-49) Prescriptions shall be retained in conformity with the requirements of section 827 of this title. No prescription for a controlled substance in Schedule II may be refilled.[[47]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-cornell2-50)

These drugs vary in potency: for example [fentanyl](https://en.wikipedia.org/wiki/Fentanyl) is about 80 times as potent as [morphine](https://en.wikipedia.org/wiki/Morphine) ([heroin](https://en.wikipedia.org/wiki/Heroin) is roughly two times as potent). More significantly, they vary in nature. Pharmacology and CSA scheduling have a weak relationship.

Because refills of prescriptions for Schedule II substances are not allowed, it can be burdensome to both the practitioner and the patient if the substances are to be used on a long-term basis. To provide relief, in 2007, [21 CFR](https://en.wikipedia.org/wiki/Title_21_of_the_Code_of_Federal_Regulations) [1306.12](https://www.ecfr.gov/current/title-21/part-1306.12) was amended (at 72 [FR](https://en.wikipedia.org/wiki/Federal_Register) [64921](https://www.federalregister.gov/citation/72-FR-64921)) to allow practitioners to write up to three prescriptions at once, to provide up to a 90-day supply, specifying on each the earliest date on which it may be filled.[[48]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-51)

Drugs in this schedule include:

* [Amphetamine](https://en.wikipedia.org/wiki/Amphetamine) drugs including [Adderall](https://en.wikipedia.org/wiki/Adderall), [Dextroamphetamine](https://en.wikipedia.org/wiki/Dextroamphetamine) (Dexedrine), [Lisdexamfetamine](https://en.wikipedia.org/wiki/Lisdexamfetamine) (Vyvanse): treatment of [ADHD](https://en.wikipedia.org/wiki/ADHD), [narcolepsy](https://en.wikipedia.org/wiki/Narcolepsy), severe [obesity](https://en.wikipedia.org/wiki/Obesity) (limited use, dextroamphetamine only), [binge eating disorder](https://en.wikipedia.org/wiki/Binge_eating_disorder) (lisdexamfetamine only). Originally placed in Schedule III, but moved to Schedule II in 1978 as part of the [Psychotropic Substances Act](https://en.wikipedia.org/wiki/Psychotropic_Substances_Act_(United_States)).
* [Barbiturates](https://en.wikipedia.org/wiki/Barbiturates) (short-acting), such as [pentobarbital](https://en.wikipedia.org/wiki/Pentobarbital)
* [Cocaine](https://en.wikipedia.org/wiki/Cocaine): used as a [topical anesthetic](https://en.wikipedia.org/wiki/Topical_anesthetic) or [local anesthetic](https://en.wikipedia.org/wiki/Local_anesthetic) and to stop severe [epistaxis](https://en.wikipedia.org/wiki/Epistaxis)
* [Codeine](https://en.wikipedia.org/wiki/Codeine) (pure) and any drug for non-[parenteral](https://en.wiktionary.org/wiki/parenteral) administration containing the equivalent of more than 90 mg of codeine per dosage unit;
* [Diphenoxylate](https://en.wikipedia.org/wiki/Diphenoxylate) (pure)
* [Fentanyl](https://en.wikipedia.org/wiki/Fentanyl) and most other strong pure [opioid](https://en.wikipedia.org/wiki/Opioid) agonists, e.g. [levorphanol](https://en.wikipedia.org/wiki/Levorphanol)
* [Hydrocodone](https://en.wikipedia.org/wiki/Hydrocodone) in *any* formulation since October 2014 (examples include Vicodin, Norco, Tussionex). Prior to October 2014, formulations containing hydrocodone and over-the-counter [analgesics](https://en.wikipedia.org/wiki/Analgesic) such as [Acetaminophen](https://en.wikipedia.org/wiki/Paracetamol) and [Ibuprofen](https://en.wikipedia.org/wiki/Ibuprofen) were Schedule III.[[49]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-52)
* [Hydromorphone](https://en.wikipedia.org/wiki/Hydromorphone) (semi-synthetic opioid; active ingredient in [Dilaudid](https://en.wikipedia.org/wiki/Dilaudid), [Palladone](https://en.wikipedia.org/wiki/Palladone))
* [Methadone](https://en.wikipedia.org/wiki/Methadone): treatment of [heroin](https://en.wikipedia.org/wiki/Heroin) addiction, extreme chronic pain
* [Methamphetamine](https://en.wikipedia.org/wiki/Methamphetamine): treatment of [ADHD](https://en.wikipedia.org/wiki/ADHD) (rare), severe [obesity](https://en.wikipedia.org/wiki/Obesity) (limited use) under the brandname Desoxyn.
* [Methylphenidate](https://en.wikipedia.org/wiki/Methylphenidate) (Ritalin, Concerta), [Dexmethylphenidate](https://en.wikipedia.org/wiki/Dexmethylphenidate) (Focalin): treatment of [ADHD](https://en.wikipedia.org/wiki/ADHD), [narcolepsy](https://en.wikipedia.org/wiki/Narcolepsy)
* [Morphine](https://en.wikipedia.org/wiki/Morphine): a pain medication of the opiate family.
* [Nabilone](https://en.wikipedia.org/wiki/Nabilone) (Cesamet) – A synthetic [cannabinoid](https://en.wikipedia.org/wiki/Cannabinoid). An analogue to [dronabinol](https://en.wikipedia.org/wiki/Dronabinol) (Marinol) which is a Schedule III drug.
* [Opium](https://en.wikipedia.org/wiki/Opium) tincture ([Laudanum](https://en.wikipedia.org/wiki/Laudanum)): a potent [antidiarrheal](https://en.wikipedia.org/wiki/Antidiarrheal)
* [Oxycodone](https://en.wikipedia.org/wiki/Oxycodone) (semi-synthetic opioid; active ingredient in [Percocet](https://en.wikipedia.org/wiki/Percocet), [OxyContin](https://en.wikipedia.org/wiki/OxyContin), and [Percodan](https://en.wikipedia.org/wiki/Percodan))
* [Oxymorphone](https://en.wikipedia.org/wiki/Oxymorphone) (semi-synthetic opioid; active ingredient in Opana)
* [Nembutal (Pentobarbital)](https://en.wikipedia.org/wiki/Pentobarbital) – [barbiturate](https://en.wikipedia.org/wiki/Barbiturate) medication originally developed for [narcolepsy](https://en.wikipedia.org/wiki/Narcolepsy); primarily used today for [physician assisted suicide](https://en.wikipedia.org/wiki/Assisted_suicide) and [euthanasia](https://en.wikipedia.org/wiki/Euthanasia) of animals.
* [Pethidine](https://en.wikipedia.org/wiki/Pethidine) ([USAN](https://en.wikipedia.org/wiki/United_States_Adopted_Name): Meperidine; Demerol)
* [Phencyclidine](https://en.wikipedia.org/wiki/Phencyclidine) (PCP) - Formerly used as veterinary anesthetic under the trade name Sernylan and before then as an injectable anesthetic under the trade name Sernyl.[[50]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-53)
* [Secobarbital](https://en.wikipedia.org/wiki/Secobarbital) (Seconal)
* [Tapentadol](https://en.wikipedia.org/wiki/Tapentadol) (Nucynta) – A drug with mixed opioid agonist and norepinephrine re-uptake inhibitor activity.

**Schedule III**[[edit source](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Act&action=edit&section=9)]

*Main article:* [*List of Schedule III drugs (US)*](https://en.wikipedia.org/wiki/List_of_Schedule_III_drugs_(US))

Schedule III substances are those that have the following findings:

1. The drug or other substance has a potential for abuse less than the drugs or other substances in Schedules I and II.
2. The drug or other substance has a currently accepted medical use in treatment in the United States.
3. Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.[[36]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-cornell1-39)

Except when dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, no controlled substance in Schedule III or IV, which is a prescription drug as determined under the [Federal Food, Drug, and Cosmetic Act](https://en.wikipedia.org/wiki/Federal_Food,_Drug,_and_Cosmetic_Act) (21 USC 301 *et seq.*), may be dispensed without a written, electronically transmitted, or oral prescription in conformity with section 503(b) of that Act (21 USC 353 (b)). Such prescriptions may not be filled or refilled more than six months after the date thereof or be refilled more than five times after the date of the prescription unless renewed by the practitioner.[[47]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-cornell2-50)

A prescription for controlled substances in Schedules III, IV, and V issued by a practitioner, may be communicated either orally, in writing, electronically transmitted or by facsimile to the pharmacist, and may be refilled if so authorized on the prescription or by call-in.[[46]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-deadiversion.usdoj.gov-49) Control of wholesale distribution is somewhat less stringent than Schedule II drugs. Provisions for emergency situations are less restrictive within the "closed system" of the Controlled Substances Act than for Schedule II though no schedule has provisions to address circumstances where the closed system is unavailable, nonfunctioning or otherwise inadequate.

Drugs in this schedule include:

* [Ketamine](https://en.wikipedia.org/wiki/Ketamine), a drug originally developed as a safer, shorter-acting replacement for [PCP](https://en.wikipedia.org/wiki/Phencyclidine) (mainly for use as a human anesthetic) but has since become popular as a veterinary and pediatric anesthetic;
* [Anabolic steroids](https://en.wikipedia.org/wiki/Anabolic_steroid) (including [prohormones](https://en.wikipedia.org/wiki/Prohormone) such as [androstenedione](https://en.wikipedia.org/wiki/Androstenedione)); the specific end molecule [testosterone](https://en.wikipedia.org/wiki/Testosterone_(medication)) in many of its forms (Androderm, AndroGel, Testosterone Cypionate, and Testosterone Enanthate) are labeled as Schedule III while low-dose testosterone when compounded with estrogen derivatives have been exempted (from scheduling) by the FDA[[51]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-54)
* Intermediate-acting [barbiturates](https://en.wikipedia.org/wiki/Barbiturate), such as [talbutal](https://en.wikipedia.org/wiki/Talbutal) or [butalbital](https://en.wikipedia.org/wiki/Butalbital)
* [Buprenorphine](https://en.wikipedia.org/wiki/Buprenorphine) (semi-synthetic opioid; active in [Suboxone](https://en.wikipedia.org/wiki/Suboxone), [Subutex](https://en.wikipedia.org/wiki/Subutex))
* [Dihydrocodeine](https://en.wikipedia.org/wiki/Dihydrocodeine) when compounded with other substances, to a certain dosage and concentration.
* FDA-approved [sodium oxybate](https://en.wikipedia.org/wiki/Sodium_oxybate) products (e.g. Xyrem, Xywav and Lumryz)—preparations of [GHB](https://en.wikipedia.org/wiki/Gamma-Hydroxybutyric_acid) used to treat [narcolepsy](https://en.wikipedia.org/wiki/Narcolepsy). These products are in Schedule III but with a [restricted distribution system](https://en.wikipedia.org/wiki/Risk_Evaluation_and_Mitigation_Strategies). All other forms or preparations of GHB are in Schedule I.
* [Marinol](https://en.wikipedia.org/wiki/Tetrahydrocannabinol), synthetically prepared [tetrahydrocannabinol](https://en.wikipedia.org/wiki/Tetrahydrocannabinol) (officially referred to by its [INN](https://en.wikipedia.org/wiki/International_Nonproprietary_Name), [dronabinol](https://en.wikipedia.org/wiki/Tetrahydrocannabinol)) used to treat [nausea](https://en.wikipedia.org/wiki/Nausea) and [vomiting](https://en.wikipedia.org/wiki/Vomiting) caused by [chemotherapy](https://en.wikipedia.org/wiki/Chemotherapy), as well as [appetite loss](https://en.wikipedia.org/wiki/Anorexia_(symptom)) caused by [AIDS](https://en.wikipedia.org/wiki/AIDS).
* [Paregoric](https://en.wikipedia.org/wiki/Paregoric), an [antidiarrheal](https://en.wikipedia.org/wiki/Antidiarrheal) and [anti-tussive](https://en.wikipedia.org/wiki/Anti-tussive), which contains [opium](https://en.wikipedia.org/wiki/Opium) combined with [camphor](https://en.wikipedia.org/wiki/Camphor) (which makes it less addiction-prone than [laudanum](https://en.wikipedia.org/wiki/Laudanum), which is in Schedule II).
* [Phendimetrazine](https://en.wikipedia.org/wiki/Phendimetrazine) Tartrate, a stimulant synthesized for use as an [anorexiant](https://en.wikipedia.org/wiki/Anorexiant).
* [Benzphetamine](https://en.wikipedia.org/wiki/Benzphetamine) HCl (Didrex), a stimulant designed for use as an [anorexiant](https://en.wikipedia.org/wiki/Anorexiant).
* Fast-acting barbiturates such as [secobarbital](https://en.wikipedia.org/wiki/Secobarbital) (Seconal) and [pentobarbital](https://en.wikipedia.org/wiki/Pentobarbital) (Nembutal), when combined with one or more additional active ingredient(s) not in Schedule II (e.g., Carbrital (no longer marketed), a combination of pentobarbital and [carbromal](https://en.wikipedia.org/wiki/Carbromal)).
* [Ergine](https://en.wikipedia.org/wiki/Ergine) (lysergic acid amide), listed as a sedative but also has psychedelic effects such as visual and auditory effects.[[52]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-55)[[53]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-56) An inefficient precursor to its *N*,*N*-diethyl analogue, [LSD](https://en.wikipedia.org/wiki/Lysergic_acid_diethylamide), ergine occurs naturally in the seeds of the common garden flowers [*Turbina corymbosa*](https://en.wikipedia.org/wiki/Turbina_corymbosa), [*Ipomoea tricolor*](https://en.wikipedia.org/wiki/Ipomoea_tricolor), and [*Argyreia nervosa*](https://en.wikipedia.org/wiki/Argyreia_nervosa).
* [Perampanel](https://en.wikipedia.org/wiki/Perampanel) (Fycompa), an [anticonvulsant](https://en.wikipedia.org/wiki/Anticonvulsant)

**Schedule IV**[[edit source](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Act&action=edit&section=10)]

*Main article:* [*List of Schedule IV drugs (US)*](https://en.wikipedia.org/wiki/List_of_Schedule_IV_drugs_(US))

Placement on schedules; findings required Schedule IV substances are those that have the following findings:

1. The drug or other substance has a low potential for abuse relative to the drugs or other substances in Schedule III
2. The drug or other substance has a currently accepted medical use in treatment in the United States
3. Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III[[36]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-cornell1-39)

Control measures are similar to Schedule III. Prescriptions for Schedule IV drugs may be refilled up to five times within a six-month period. A prescription for controlled substances in Schedules III, IV, and V issued by a practitioner, may be communicated either orally, in writing, electronically transmitted or by facsimile to the pharmacist, and may be refilled if so authorized on the prescription or by call-in.[[46]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-deadiversion.usdoj.gov-49)

Drugs in this schedule include:

* [Benzodiazepines](https://en.wikipedia.org/wiki/Benzodiazepine), such as [alprazolam](https://en.wikipedia.org/wiki/Alprazolam) (Xanax), [chlordiazepoxide](https://en.wikipedia.org/wiki/Chlordiazepoxide) (Librium), [clonazepam](https://en.wikipedia.org/wiki/Clonazepam) (Klonopin), [diazepam](https://en.wikipedia.org/wiki/Diazepam) (Valium), [midazolam](https://en.wikipedia.org/wiki/Midazolam) (Versed), and [Lorazepam](https://en.wikipedia.org/wiki/Lorazepam) (Ativan), as well as:
  + [temazepam](https://en.wikipedia.org/wiki/Temazepam) (Restoril) (some states require specially coded prescriptions for [temazepam](https://en.wikipedia.org/wiki/Temazepam))
  + [flunitrazepam](https://en.wikipedia.org/wiki/Flunitrazepam) (Rohypnol) (flunitrazepam is not FDA approved making it an illegal drug in the United States)
  + [oxazepam](https://en.wikipedia.org/wiki/Oxazepam) (Serax, Serepax, Seresta, Alepam, Opamox, Oxamin)
* The [benzodiazepine-like](https://en.wikipedia.org/wiki/Nonbenzodiazepine) [Z-drugs](https://en.wikipedia.org/wiki/Z-drug): [zolpidem](https://en.wikipedia.org/wiki/Zolpidem) (Ambien), [zopiclone](https://en.wikipedia.org/wiki/Zopiclone) (Imovane), [eszopiclone](https://en.wikipedia.org/wiki/Eszopiclone) (Lunesta), and [zaleplon](https://en.wikipedia.org/wiki/Zaleplon) (Sonata) (zopiclone is not commercially available in the U.S.)
* [Chloral hydrate](https://en.wikipedia.org/wiki/Chloral_hydrate), a sedative-hypnotic
* Long-acting [barbiturates](https://en.wikipedia.org/wiki/Barbiturates) such as [phenobarbital](https://en.wikipedia.org/wiki/Phenobarbital)
* Some partial [agonist](https://en.wikipedia.org/wiki/Agonist) opioid analgesics, such as [pentazocine](https://en.wikipedia.org/wiki/Pentazocine) (Talwin)
* The [eugeroic](https://en.wikipedia.org/wiki/Eugeroic) drug [modafinil](https://en.wikipedia.org/wiki/Modafinil) (sold in the U.S. as Provigil) as well as its *(R)*-enantiomer [armodafinil](https://en.wikipedia.org/wiki/Armodafinil) (sold in the U.S. as Nuvigil)
* [Difenoxin](https://en.wikipedia.org/wiki/Difenoxin), an [antidiarrheal](https://en.wikipedia.org/wiki/Antidiarrheal) drug, when combined with atropine (such as Motofen) (difenoxin is 2–3 times more potent than [diphenoxylate](https://en.wikipedia.org/wiki/Diphenoxylate), the active ingredient in [Lomotil](https://en.wikipedia.org/wiki/Lomotil), which is in Schedule V)
* [Tramadol](https://en.wikipedia.org/wiki/Tramadol) (Ultram), an opioid analgesic
* [Carisoprodol](https://en.wikipedia.org/wiki/Carisoprodol) (Soma) has become a Schedule IV medication as of 11 January 2012[[54]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-57)
* [Suvorexant](https://en.wikipedia.org/wiki/Suvorexant) and [Lemborexant](https://en.wikipedia.org/wiki/Lemborexant), [orexinergic](https://en.wikipedia.org/wiki/Hypocretin_(orexin)_receptor_1) sedatives

**Schedule V**[[edit source](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Act&action=edit&section=11)]

*Main article:* [*List of Schedule V drugs (US)*](https://en.wikipedia.org/wiki/List_of_Schedule_V_drugs_(US))

Schedule V substances are those that have the following findings:

1. The drug or other substance has a low potential for abuse relative to the drugs or other substances in schedule IV
2. The drug or other substance has a currently accepted medical use in treatment in the United States
3. Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule IV.[[36]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-cornell1-39)

No controlled substance in Schedule V which is a drug may be distributed or dispensed other than for a medical purpose.[[47]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-cornell2-50) A prescription for controlled substances in Schedules III, IV, and V issued by a practitioner, may be communicated either orally, in writing, electronically transmitted or by facsimile to the pharmacist, and may be refilled if so authorized on the prescription or by call-in.[[46]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-deadiversion.usdoj.gov-49)

Drugs in this schedule include:

* Cough suppressants containing small amounts of codeine (e.g., [promethazine](https://en.wikipedia.org/wiki/Promethazine)+codeine);
* Preparations containing small amounts of opium or [diphenoxylate](https://en.wikipedia.org/wiki/Diphenoxylate) (used to treat diarrhea);
* Some [anticonvulsants](https://en.wikipedia.org/wiki/Anticonvulsant), such as [pregabalin](https://en.wikipedia.org/wiki/Pregabalin) (Lyrica), [lacosamide](https://en.wikipedia.org/wiki/Lacosamide) (Vimpat), [brivaracetam](https://en.wikipedia.org/wiki/Brivaracetam) (Briviact), and [retigabine](https://en.wikipedia.org/wiki/Retigabine) ([ezogabine](https://en.wikipedia.org/wiki/Ezogabine)) (Potiga/Trobalt);
* [Pyrovalerone](https://en.wikipedia.org/wiki/Pyrovalerone) (used to treat [chronic fatigue](https://en.wikipedia.org/wiki/Fatigue#Chronic) and as an [appetite suppressant](https://en.wikipedia.org/wiki/Appetite_suppressant) for [weight loss](https://en.wikipedia.org/wiki/Weight_loss));
* Some centrally-acting antidiarrheals, such as [diphenoxylate](https://en.wikipedia.org/wiki/Diphenoxylate) (Lomotil) when mixed with [atropine](https://en.wikipedia.org/wiki/Atropine) (to make it poisonous, if taken at euphoria-inducing dosages). [Difenoxin](https://en.wikipedia.org/wiki/Difenoxin) with atropine (Motofen) has been moved to Schedule IV. Without atropine, these drugs are in Schedule II.
* [Cannabidiol](https://en.wikipedia.org/wiki/Cannabidiol), only in a [cannabis](https://en.wikipedia.org/wiki/Cannabis)-derived pharmaceutical formulation marketed by [GW Pharmaceuticals](https://en.wikipedia.org/wiki/GW_Pharmaceuticals) as **Epidiolex**. Other CBD formulations remain Schedule I, except for those derived from hemp which are unscheduled but still FDA-regulated.[[55]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-fda-apr2019-58)

**Controlled by other federal laws for legal recreational use**[[edit source](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Act&action=edit&section=12)]

These psychoactive drugs are not controlled by the act, and are also allowed for sale intended for [recreational use](https://en.wikipedia.org/wiki/Recreational_drug_use) at the federal level (others are allowed for sale as [dietary supplements](https://en.wikipedia.org/wiki/Dietary_supplement), but not specifically regulated or intended for recreational use):

* [Alcohol](https://en.wikipedia.org/wiki/Alcohol_(drug)) (ethanol), a sedative found in [alcoholic drinks](https://en.wikipedia.org/wiki/Alcoholic_drinks). Per the [National Minimum Drinking Age Act](https://en.wikipedia.org/wiki/National_Minimum_Drinking_Age_Act) (which is voluntarily abided by all 50 U.S. states), sale is limited to persons 21-years-old and above only.[[56]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-59) Sale regulated by the [Bureau of Alcohol, Tobacco, Firearms and Explosives](https://en.wikipedia.org/wiki/Bureau_of_Alcohol,_Tobacco,_Firearms_and_Explosives) (ATF) and less commonly the [Food and Drug Administration](https://en.wikipedia.org/wiki/Food_and_Drug_Administration) (FDA).[[*citation needed*](https://en.wikipedia.org/wiki/Wikipedia:Citation_needed)] Alcohol was formerly illegal under the [Eighteenth Amendment to the Constitution](https://en.wikipedia.org/wiki/Eighteenth_Amendment_to_the_United_States_Constitution) from 1919, until the [Twenty-first Amendment](https://en.wikipedia.org/wiki/Twenty-first_Amendment_to_the_United_States_Constitution) repealed it in 1933.[[57]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-60)
* [Caffeine](https://en.wikipedia.org/wiki/Caffeine), a stimulant found in [coffee](https://en.wikipedia.org/wiki/Coffee), [chocolate](https://en.wikipedia.org/wiki/Chocolate); and some [teas](https://en.wikipedia.org/wiki/Tea) and [soft drinks](https://en.wikipedia.org/wiki/Soft_drink). It is regulated by the FDA under the [Federal Food, Drug, and Cosmetic Act](https://en.wikipedia.org/wiki/Federal_Food,_Drug,_and_Cosmetic_Act), and drinks cannot contain more than 200 parts per million (0.02%) of caffeine. There is no federal age restriction for caffeine-containing products.[[58]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-61) Also available medically in some pain medications (usually in combination with other drugs, like in [aspirin/acetaminophen/caffeine](https://en.wikipedia.org/wiki/Aspirin/paracetamol/caffeine)).
* [Nicotine](https://en.wikipedia.org/wiki/Nicotine), a stimulant found in [tobacco](https://en.wikipedia.org/wiki/Tobacco) (including [cigarettes](https://en.wikipedia.org/wiki/Cigarette) and [cigars](https://en.wikipedia.org/wiki/Cigar)) and [electronic cigarettes](https://en.wikipedia.org/wiki/Electronic_cigarette). Also used medically in [nicotine replacement therapy](https://en.wikipedia.org/wiki/Nicotine_replacement_therapy). The minimum purchasing age of tobacco and e-cigarettes in the United States is 21-years-old, per the Synar amendment to the [Public Health Service Act](https://en.wikipedia.org/wiki/Public_Health_Service_Act).[[59]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-62) Sales are regulated by the ATF and FDA.

**Regulation of precursors**[[edit source](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Act&action=edit&section=13)]

The Controlled Substances Act also provides for federal regulation of precursors used to manufacture some of the controlled substances. The [DEA list of chemicals](https://en.wikipedia.org/wiki/DEA_list_of_chemicals) is actually modified when the [United States Attorney General](https://en.wikipedia.org/wiki/United_States_Attorney_General) determines that illegal manufacturing processes have changed.

In addition to the CSA, due to [pseudoephedrine](https://en.wikipedia.org/wiki/Pseudoephedrine) (PSE) and [ephedrine](https://en.wikipedia.org/wiki/Ephedrine) being widely used in the manufacture of [methamphetamine](https://en.wikipedia.org/wiki/Methamphetamine), the U.S. Congress passed the [Methamphetamine Precursor Control Act](https://en.wikipedia.org/wiki/Methamphetamine_Precursor_Control_Act) which places restrictions on the sale of any medicine containing pseudoephedrine. That bill was then superseded by the [Combat Methamphetamine Epidemic Act of 2005](https://en.wikipedia.org/wiki/Combat_Methamphetamine_Epidemic_Act_of_2005), which was passed as an amendment to the [Patriot Act](https://en.wikipedia.org/wiki/Patriot_Act) renewal and included wider and more comprehensive restrictions on the sale of PSE-containing products. This law requires[[60]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-63) customer signature of a "log-book" and presentation of valid photo ID in order to purchase PSE-containing products from all retailers.[[61]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-64)

Additionally, the law restricts an individual to the retail purchase of no more than three packages or 3.6 grams of such product per day per purchase – and no more than 9 grams in a single month. A violation of this statute constitutes a misdemeanor. Retailers now commonly require PSE-containing products to be sold behind the pharmacy or service counter. This affects many preparations which were previously available over-the-counter without restriction, such as [Actifed](https://en.wikipedia.org/wiki/Actifed) and its generic equivalents.

**Research exemptions**[[edit source](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Act&action=edit&section=14)]

A common misunderstanding amongst researchers is that most national laws (including the Controlled Substance Act) allows the supply/use of small amounts of a controlled substance for non-clinical / non-in vivo research without licenses. A typical use case might be having a few milligrams or microlitres of a controlled substance within larger chemical collections (often tens of thousands of chemicals) for in vitro screening or sale. Researchers often believe that there is some form of "research exemption" for such small amounts. This incorrect view may be further re-enforced by R&D chemical suppliers often stating and asking scientists to confirm that anything bought is for research use only.

A further misconception is that the Controlled Substances Act simply lists a few hundred substances (e.g. MDMA, Fentanyl, Amphetamine, etc.) and compliance can be achieved via checking a CAS number, chemical name or similar identifier. However, the reality is that in most cases all ethers, esters, salts and stereoisomers are also controlled and it is impossible to simply list all of these. The act contains several "generic statements" or "chemical space" laws, which aim to control all chemicals similar to the "named" substance, these provide detailed descriptions similar to [Markushes](https://en.wikipedia.org/wiki/Markush_structure), these include ones for [Fentanyl](https://www.ecfr.gov/current/title-21/chapter-II/part-1308/subject-group-ECFRf62f8e189108c4d/section-1308.11#p-1308.11(h)(i)) and also [synthetic cannabinoids](https://www.govinfo.gov/content/pkg/PLAW-112publ144/pdf/PLAW-112publ144.pdf).

Due to this complexity in legislation, the identification of controlled chemicals in research or chemical supply is often carried out computationally on the chemical structure, either by in-house systems maintained a company or by the use of commercial [software](https://en.wikipedia.org/wiki/Software) solutions.[[62]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-:0-65) Automated systems are often required as many research operations can have collections of 10,000–100,000 different [substances](https://en.wikipedia.org/wiki/Chemical_substance) at the 1–5 milligram scale, which are likely to include controlled substances, especially within [medicinal chemistry](https://en.wikipedia.org/wiki/Medicinal_chemistry) research, even if the core focus of the company is not narcotic or psychotropic drugs. These may not have been controlled when created, but they have subsequently been declared controlled, or fall within chemical space close to known controlled substances, or are used as tool compounds, precursors or synthetic intermediates to a controlled substance.

**Analogues vs Markush descriptions**[[edit source](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Act&action=edit&section=15)]

Historically, in an attempt to prevent psychoactive chemicals which are chemically similar to controlled substance, but not specifically controlled by it, the CSA also controls "analogues" of many listed controlled substances. The definition of what 'analogue' means is kept deliberately vague, presumably to make it harder to circumvent this rule, as it's not clear what is / is not controlled, thus placing an element of risk and deterrent in those performing the supply. It is up to the courts to then decide whether a specific chemical is an analogue, often via a 'battle of experts' for the defense and prosecution which can lead to extended and more uncertain prosecutions. The use of the 'analogue' definition also make it more difficult for companies involved in the legitimate supply of chemicals for research and industrial purposes to know whether a chemical is regulated under the CSA[[63]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-66)

Starting in 2012, with the [Synthetic drug abuse prevention act](https://en.wikipedia.org/wiki/Synthetic_Drug_Abuse_Prevention_Act), and later an amendment to the CSA in 2018 [defining fentanyl chemical space](https://www.ecfr.gov/current/title-21/chapter-II/part-1308/subject-group-ECFRf62f8e189108c4d/section-1308.11#p-1308.11(h)(i)), the CSA started to use [Markush](https://en.wikipedia.org/wiki/Markush_structure) descriptions to clearly define what analogues or chemical space is controlled. These chemical space, chemical family, generic statements or markush statements (depending on the legislation terminology) have been used for many years by other countries,[[64]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-67) notably the UK in the [Misuse of Drugs Act](https://en.wikipedia.org/wiki/Misuse_of_Drugs_Act_1971).

These have the advantage of clearly defining what is controlled, making prosecutions easier and compliance by legitimate companies simpler. However the downside is that these tend to be harder to understand for non-chemists and also give those wishing to supply for illegitimate reasons something to 'aim' for in terms of non-controlled chemical space. For both Markush and analogue type approaches, typically computational systems[[62]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-:0-65) are used to flag likely regulated chemicals.

**Criticism**[[edit source](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Act&action=edit&section=16)]

*Further information:* [*Removal of cannabis from Schedule I of the Controlled Substances Act*](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act)

The CSA does not include a definition of "drug abuse".[[65]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-regulations.gov-68)[[4]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-Drug_Abuse_1973_p.13-4) In addition, research shows certain substances on Schedule I, for drugs which have no accepted medical uses and high potential for abuse, actually have accepted medical uses, have low potential for abuse, or both.[[66]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-69)[[67]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-70)[[68]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-71) One of those substances is cannabis, which is either decriminalized or legalized in [33 states](https://en.wikipedia.org/wiki/Legality_of_cannabis_by_U.S._jurisdiction) of the United States.[[69]](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_note-72)

**See also**[[edit source](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Act&action=edit&section=17)]

* flag
* [***United States portal***](https://en.wikipedia.org/wiki/Portal:United_States)
* [Convention on Psychotropic Substances](https://en.wikipedia.org/wiki/Convention_on_Psychotropic_Substances)
* [Drug-Free Workplace Act of 1988](https://en.wikipedia.org/wiki/Drug-Free_Workplace_Act_of_1988)
* [Drug prohibition](https://en.wikipedia.org/wiki/Drug_prohibition)
* [Drug Trafficking Safe Harbor Elimination Act](https://en.wikipedia.org/wiki/Drug_Trafficking_Safe_Harbor_Elimination_Act)
* [Fair Sentencing Act](https://en.wikipedia.org/wiki/Fair_Sentencing_Act)
* [Federal drug policy of the United States](https://en.wikipedia.org/wiki/Federal_drug_policy_of_the_United_States)
* [*Gonzales v. Raich*](https://en.wikipedia.org/wiki/Gonzales_v._Raich)
* [List of pharmaceutical companies](https://en.wikipedia.org/wiki/List_of_pharmaceutical_companies)
* [Medical amnesty policy](https://en.wikipedia.org/wiki/Medical_amnesty_policy)
* [Regulation of therapeutic goods](https://en.wikipedia.org/wiki/Regulation_of_therapeutic_goods)
* [Single Convention on Narcotic Drugs](https://en.wikipedia.org/wiki/Single_Convention_on_Narcotic_Drugs) (1961)
* [Treaty Clause](https://en.wikipedia.org/wiki/Treaty_Clause) and [Head Money Cases](https://en.wikipedia.org/wiki/Head_Money_Cases)
* [*United States v. Oakland Cannabis Buyers' Cooperative*](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative)
* [War on drugs](https://en.wikipedia.org/wiki/War_on_drugs)

**Similar legislation outside of the United States:**

* [Controlled Drugs and Substances Act](https://en.wikipedia.org/wiki/Controlled_Drugs_and_Substances_Act) ([Canada](https://en.wikipedia.org/wiki/Canada))
* [Misuse of Drugs Act 1971](https://en.wikipedia.org/wiki/Misuse_of_Drugs_Act_1971) ([United Kingdom](https://en.wikipedia.org/wiki/United_Kingdom))

**Notes**[[edit source](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Act&action=edit&section=18)]

* [**^**](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_ref-32) Less than the drugs in Schedule I and Schedule II
* [**^**](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_ref-33) When compared with the drugs in Schedule III
* [**^**](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_ref-34) When compared with the drugs in Schedule IV

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* [***a***](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_ref-Drug_Abuse_1973_p.13_4-0) [***b***](https://en.wikipedia.org/wiki/Controlled_Substances_Act#cite_ref-Drug_Abuse_1973_p.13_4-1) "[D]rug abuse may refer to any type of drug or chemical without regard to its pharmacologic actions. It is an eclectic concept having only one uniform connotation: societal disapproval. ... The Commission believes that the term drug abuse must be deleted from official pronouncements and public policy dialogue. The term has no functional utility and has become no more than an arbitrary codeword for that drug use which is presently considered wrong." – Second Report of the National Commission on Marihuana and Drug Abuse; Drug Use In America: Problem In Perspective (March 1973), p.13
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* [Controlled Substances Act](https://www.govinfo.gov/content/pkg/COMPS-10355/uslm/COMPS-10355.xml) ([PDF](https://www.govinfo.gov/content/pkg/COMPS-10355/pdf/COMPS-10355.pdf)/[details](https://www.govinfo.gov/app/details/COMPS-10355/)) as amended in the [GPO](https://en.wikipedia.org/wiki/United_States_Government_Publishing_Office) [Statute Compilations collection](https://www.govinfo.gov/help/comps)
* [The Controlled Substances Act (CSA): A Legal Overview for the 116th Congress](https://crsreports.congress.gov/product/pdf/R/R45948)

# Solomon–Lautenberg amendment

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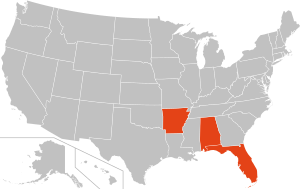
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**State compliance with Solomon–Lautenberg amendment**

States with compliant suspension policies

States that have opted out

The **Solomon–Lautenberg amendment** is a U.S. federal law enacted in 1990 that urges states to suspend the [driver's license](https://en.wikipedia.org/wiki/Driver%27s_licenses_in_the_United_States) of anyone who commits a drug offense. A number of states passed laws in the early 1990s seeking to comply with the amendment, in order to avoid a penalty of reduced federal highway funds. These laws imposed mandatory driver's license suspensions of at least six months for committing any type of drug offense, regardless of whether any motor vehicle was involved in the offense (thus the nickname "**Smoke a joint, lose your license**" laws,[[1]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-1) also referred to as "Possess a joint, lose your license" laws).[[2]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-MPP_report-2) As the amendment allows states to "opt out" without penalty, however, only three states continue to have such laws in effect as of 2021.

**Overview**[[edit source](https://en.wikipedia.org/w/index.php?title=Solomon%E2%80%93Lautenberg_amendment&action=edit&section=1)]

The Solomon–Lautenberg amendment is named after its two main sponsors, U.S. Representative [Jerry Solomon](https://en.wikipedia.org/wiki/Jerry_Solomon) (R–NY) and U.S. Senator [Frank Lautenberg](https://en.wikipedia.org/wiki/Frank_Lautenberg) (D–NJ).[[2]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-MPP_report-2)[[3]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-NYT-3) It was signed into law on November 5, 1990, as part of the 1991 Department of Transportation and Related Agencies Appropriations Act.[[3]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-NYT-3)[[a]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-4) The amendment urged states to enact laws requiring the "suspension for at least 6 months, of the driver's license of any individual who is convicted ... of any violation of the [Controlled Substances Act](https://en.wikipedia.org/wiki/Controlled_Substances_Act) or any drug offense".[[2]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-MPP_report-2)[[4]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-statute-5) To urge states in this manner, the amendment required that a penalty be applied to states that did not either: (a) enact the stipulated license suspension policy; or (b) follow a procedure specified in the amendment to opt out.[[5]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-CR-6)[[6]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-7) States that took neither of these actions faced a 5% cut in federal highway funding for fiscal years 1994 and 1995.[[2]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-MPP_report-2) The penalty was increased to 10% for states in non-compliance each year thereafter.[[7]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-marcus-8)

To comply with the amendment's opt-out provision, the legislature of a state is required to pass a resolution declaring its opposition to the suspension policy.[[8]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-9) The governor must then send written certification to the [U.S. Secretary of Transportation](https://en.wikipedia.org/wiki/United_States_Secretary_of_Transportation) stating that the resolution was approved and that the governor is opposed to the suspension policy.[[2]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-MPP_report-2)[[4]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-statute-5) A state can then repeal its "Smoke a joint, lose your license" law without being penalized.[[5]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-CR-6) In regards to the reason for requiring this, an official in the [Bush administration](https://en.wikipedia.org/wiki/Presidency_of_George_H._W._Bush) explained: "This forces the states to be accountable. We're not going to force you, but if you don't want to do it, you'll have to be public about it."[[3]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-NYT-3)

The Solomon–Lautenberg amendment was criticized at the time by groups such as the [National Governors Association](https://en.wikipedia.org/wiki/National_Governors_Association) and the [National Organization for the Reform of Marijuana Laws](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws), but received little attention leading up to the bill's passage.[[3]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-NYT-3) Speaking in support of his amendment, Representative Solomon stated:[[9]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-10)

Yes, we should do everything possible to interdict drugs coming into the country. Yes, we should provide adequate funds to treat addicts. And yes, we should jail – and in some cases even execute – those involved in the sale of drugs in this country. ... But let's not kid ourselves. That is not enough. ... Taking away driver's licenses in an automobile-oriented society will show that we are serious.

Senator Lautenberg stated:[[10]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-ydr-11)

The threat of losing driving privileges will give many prospective drug users a strong reason to think twice – particularly young people. ... It is an excuse for young teenagers to say no to drugs, an excuse to say, "No thanks, I'd rather preserve my driving privilege."

**State compliance**[[edit source](https://en.wikipedia.org/w/index.php?title=Solomon%E2%80%93Lautenberg_amendment&action=edit&section=2)]

As of 2021, there are only three states that continue to suspend licenses per the amendment: [Alabama](https://en.wikipedia.org/wiki/Alabama), [Arkansas](https://en.wikipedia.org/wiki/Arkansas), and [Florida](https://en.wikipedia.org/wiki/Florida). As many as 19 states had "Smoke a joint, lose your license" laws at one time;[[2]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-MPP_report-2) states that have opted out after initially choosing to implement the suspension policy are [California](https://en.wikipedia.org/wiki/California) (1999),[[11]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-12) [Wisconsin](https://en.wikipedia.org/wiki/Wisconsin) (2009),[[12]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-PPI-13) [Oklahoma](https://en.wikipedia.org/wiki/Oklahoma) (2010),[[12]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-PPI-13) [South Carolina](https://en.wikipedia.org/wiki/South_Carolina) (2011),[[5]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-CR-6) [Indiana](https://en.wikipedia.org/wiki/Indiana) (2014),[[12]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-PPI-13) [Delaware](https://en.wikipedia.org/wiki/Delaware) (2014),[[12]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-PPI-13) [Georgia](https://en.wikipedia.org/wiki/Georgia_(U.S._state)) (2015),[[12]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-PPI-13) [Massachusetts](https://en.wikipedia.org/wiki/Massachusetts) (2016),[[12]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-PPI-13) [Ohio](https://en.wikipedia.org/wiki/Ohio) (2016),[[12]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-PPI-13) [Iowa](https://en.wikipedia.org/wiki/Iowa) (2018),[[13]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-14) [Pennsylvania](https://en.wikipedia.org/wiki/Pennsylvania) (2018),[[14]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-15) [New York](https://en.wikipedia.org/wiki/New_York_(state)) (2019),[[15]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-16) [Mississippi](https://en.wikipedia.org/wiki/Mississippi) (2019),[[16]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-17) [New Jersey](https://en.wikipedia.org/wiki/New_Jersey) (2019),[[17]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-18) [Virginia](https://en.wikipedia.org/wiki/Virginia) (2020),[[18]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-19) and [Texas](https://en.wikipedia.org/wiki/Texas) (2021).[[19]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-20)

By October 1994, all nineteen "Smoke a joint, lose your license" laws had been enacted.[[2]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-MPP_report-2) The remaining 31 states had all opted out, though some still chose to suspend licenses in some form (such as by suspending for three months instead of six).[[2]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-MPP_report-2)[[20]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-21)

An estimated 191,000 licenses were suspended for non-driving drug offenses in the year 2016, according to a report by the [Prison Policy Initiative](https://en.wikipedia.org/wiki/Prison_Policy_Initiative).[[12]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-PPI-13)

**Criticisms**[[edit source](https://en.wikipedia.org/w/index.php?title=Solomon%E2%80%93Lautenberg_amendment&action=edit&section=3)]

"Smoke a joint, lose your license" laws have been criticized for a variety of reasons, including the fact that the punishment often has nothing to do with the crime. The severity of punishment is also considered to be excessive, due to the life-altering impacts that losing one's license can cause.[[10]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-ydr-11) Loss of driving privileges can lead to loss of employment, which a New Jersey study showed happened in 42% of suspension cases.[[21]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-letter-22) In 45% of these cases, individuals were not able to find another job.[[21]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-letter-22)

Many who lose their license also continue to drive, a number PPI estimates to be as high as a 75%.[[12]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-PPI-13) Drivers will then face even more severe punishments if caught, which further ties up police and other government resources.[[12]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-PPI-13)

Critics have also noted the severe impact on minorities and low-income communities that these suspensions can cause.[[7]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-marcus-8) In New Jersey, 16% of the state population is considered low income, while 50% of people with suspended licenses are classified as such.[[12]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-PPI-13) These individuals are then burdened by reinstatement fees that must be paid (up to $275 in Alabama), plus court fines and other fees.[[12]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-PPI-13) Car insurance rates can also rise, even for suspensions that had nothing to do with driving.[[5]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-CR-6)

**Efforts to repeal**[[edit source](https://en.wikipedia.org/w/index.php?title=Solomon%E2%80%93Lautenberg_amendment&action=edit&section=4)]

In 2017, U.S. Representative [Beto O'Rourke](https://en.wikipedia.org/wiki/Beto_O%27Rourke) introduced the Better Drive Act, a bill which sought to repeal the Solomon–Lautenberg amendment.[[22]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-DPA-23)[[23]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-24) To coincide with its introduction, more than 30 advocacy groups signed a letter calling for the amendment's repeal.[[21]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-letter-22) Among the signatories of the letter was the [NAACP](https://en.wikipedia.org/wiki/NAACP), along with other civil rights, criminal justice reform, and addiction recovery organizations.[[22]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-DPA-23)

**Notes**[[edit source](https://en.wikipedia.org/w/index.php?title=Solomon%E2%80%93Lautenberg_amendment&action=edit&section=5)]

* [**^**](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_ref-4) The Solomon–Lautenberg amendment became law in 1990, was revised to fix erroneous language in 1991, and was further revised with minor changes in 1992.[[2]](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment#cite_note-MPP_report-2) Some sources may refer to the law as having been passed in 1991.

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**Appearance** hide

Text

* Small
* Standard
* Large

Width

* Standard
* Wide

Color (beta)

* Automatic
* Light
* Dark

From Wikipedia, the free encyclopedia

| Great Seal of the United States | |
| --- | --- |
| **Long title** | To decriminalize marijuana at the Federal level, to leave to the States a power to regulate marijuana that is similar to the power they have to regulate alcohol, and for other purposes. |
| **Sponsored by** | Multiple lead sponsors in House and Senate |

The **Ending Federal Marijuana Prohibition Act** is a series of federal [marijuana decriminalization](https://en.wikipedia.org/wiki/Marijuana_decriminalization) bills that have been introduced multiple times in the [United States Congress](https://en.wikipedia.org/wiki/United_States_Congress).

The bills propose to legalize and end the prohibition of marijuana at the federal level by amending the [United States Code](https://en.wikipedia.org/wiki/United_States_Code) (removing Marijuana from the [Controlled Substances Act](https://en.wikipedia.org/wiki/Controlled_Substances_Act)). The bills eliminate criminal penalties for an individual who imports, exports, manufactures, distributes, or possesses with intent to distribute marijuana. Unless in violation of the laws of the jurisdiction thereof: they would allow the shipment and transportation of marijuana between states and territories of the United States, and exportation and importation to and from foreign states.[[1]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-Congress-1) They would transfer the authority to regulate marijuana from the [Drug Enforcement Administration](https://en.wikipedia.org/wiki/Drug_Enforcement_Administration) to the [Bureau of Alcohol, Tobacco, Firearms, and Explosives](https://en.wikipedia.org/wiki/Bureau_of_Alcohol,_Tobacco,_Firearms,_and_Explosives).[[2]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-499sum-2)

**Background**[[edit source](https://en.wikipedia.org/w/index.php?title=Ending_Federal_Marijuana_Prohibition_Act&action=edit&section=1)]

*Main article:* [*Cannabis in the United States*](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States)

The use, sale and possession of [cannabis](https://en.wikipedia.org/wiki/Cannabis_(drug)) (marijuana) in the [United States](https://en.wikipedia.org/wiki/United_States) is illegal under federal law. However, some states have created exemptions for [medical cannabis](https://en.wikipedia.org/wiki/Medical_cannabis) use, as well as [decriminalized non-medical cannabis use](https://en.wikipedia.org/wiki/Decriminalization_of_non-medical_cannabis_in_the_United_States). In eleven states, [Colorado](https://en.wikipedia.org/wiki/Colorado), [Washington](https://en.wikipedia.org/wiki/Washington_(state)), [Oregon](https://en.wikipedia.org/wiki/Oregon), [California](https://en.wikipedia.org/wiki/California), [Alaska](https://en.wikipedia.org/wiki/Alaska), [Illinois](https://en.wikipedia.org/wiki/Illinois), [Nevada](https://en.wikipedia.org/wiki/Nevada), [Massachusetts](https://en.wikipedia.org/wiki/Massachusetts), [Michigan](https://en.wikipedia.org/wiki/Michigan), [Maine](https://en.wikipedia.org/wiki/Maine), and [Vermont](https://en.wikipedia.org/wiki/Vermont), the sale and possession of marijuana is legal for both medical and non-medical use. These laws are still somewhat uncertain however, because the states have one year to write laws on distribution and regulation of marijuana.

In July 2009, [Gil Kerlikowske](https://en.wikipedia.org/wiki/Gil_Kerlikowske), Director of the [Office of National Drug Control Policy](https://en.wikipedia.org/wiki/Office_of_National_Drug_Control_Policy), further clarified the federal government's position when he stated that "marijuana is dangerous and has no medicinal benefit" and that "legalization is not in the president's vocabulary, and it's not in mine."[[3]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-komonews-3) However, a January 2010 settlement between the U.S. [Drug Enforcement Administration](https://en.wikipedia.org/wiki/Drug_Enforcement_Administration) and the [Wo/Men's Alliance for Medical Marijuana](https://en.wikipedia.org/wiki/Wo/Men%27s_Alliance_for_Medical_Marijuana) (WAMM) provides an example confirming the administration policy as communicated by Attorney General Holder, as WAMM reached an agreement to re-open after being shut down by the federal government in 2002.[[4]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-mercurynews-4)[[5]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-insidebayarea-5)

On November 6, 2012, voters in Colorado and Washington approved measures that legalize non-medical use of cannabis—the first states in the nation to do so.[[6]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-6)

After the election in 2012, the Office of National Drug Control Policy of the [Obama administration](https://en.wikipedia.org/wiki/Obama_administration) stated that it "steadfastly opposes legalization of marijuana and other drugs because legalization would increase the availability and use of illicit drugs, and pose significant health and safety risks".[[7]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-president-7)

According to a 2013 survey by [Pew Research Center](https://en.wikipedia.org/wiki/Pew_Research_Center), a majority of Americans are in favor of complete or partial legalization of cannabis.[[8]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-8) The survey showed 52% of respondents support cannabis legalization and 45% do not. College graduates' support increased from 39% to 52% in just three years, the support of self-identified conservative republicans (a group not traditionally supportive of cannabis legalization) has increased to nearly 30%, and bipartisan support has increased across the board.

**Provisions of the bills**[[edit source](https://en.wikipedia.org/w/index.php?title=Ending_Federal_Marijuana_Prohibition_Act&action=edit&section=2)]

*This summary is based largely on the summary provided by the* [*Congressional Research Service*](https://en.wikipedia.org/wiki/Congressional_Research_Service)*, a* [*public domain*](https://en.wikipedia.org/wiki/Public_domain) *source.*[[2]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-499sum-2)

The series of bills were introduced into the [112th Congress](https://en.wikipedia.org/wiki/112th_Congress) (as H.R. 2306, the **Ending Federal Marijuana Prohibition Act of 2011**),[[9]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-9) the [113th Congress](https://en.wikipedia.org/wiki/113th_Congress) (as H.R.499, the **Ending Federal Marijuana Prohibition Act of 2013**),[[10]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-10) the [114th Congress](https://en.wikipedia.org/wiki/114th_Congress) (as S. 2237, the **Ending Federal Marijuana Prohibition Act of 2015**),[[11]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-11) the [115th Congress](https://en.wikipedia.org/wiki/115th_Congress) (as H.R. 1227, the **Ending Federal Marijuana Prohibition Act of 2017**)[[12]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-12) and the [116th Congress](https://en.wikipedia.org/wiki/116th_Congress) (as H.R. 1588).[[13]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-13)

The Ending Federal Marijuana Prohibition Act of 2013 would have directed the [Attorney General](https://en.wikipedia.org/wiki/United_States_Attorney_General) to issue a final order that removes marijuana in any form from all federal schedules of controlled substances under the [Controlled Substances Act](https://en.wikipedia.org/wiki/Controlled_Substances_Act).[[2]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-499sum-2) It would have amended the Controlled Substances Act to:[[2]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-499sum-2)

(1) provide that schedules I, II, III, IV, and V shall consist of the drugs and other substances that are set forth in the respective schedules in part 1308 of title 21 of the Code of Federal Regulations;[[2]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-499sum-2)

(2) exempt marijuana from such Act except as provided in this Act;[[2]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-499sum-2)

(3) revise the definition of "felony drug offense" to exclude conduct relating to marijuana;[[2]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-499sum-2) and

(4) eliminate marijuana from provisions setting forth penalties applicable to prohibited conduct under such Act.[[2]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-499sum-2)

The Ending Federal Marijuana Prohibition Act of 2013 would have prohibited shipping or transporting marijuana from any place outside a jurisdiction of the United States into such a jurisdiction in which its possession, use, or sale is prohibited.[[2]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-499sum-2)

The Ending Federal Marijuana Prohibition Act of 2013 would have also eliminated marijuana as:

(1) a controlled substance for purposes of the [Controlled Substances Import and Export Act](https://en.wikipedia.org/w/index.php?title=Controlled_Substances_Import_and_Export_Act&action=edit&redlink=1) or the [National Forest System Drug Control Act of 1986](https://en.wikipedia.org/w/index.php?title=National_Forest_System_Drug_Control_Act_of_1986&action=edit&redlink=1),[[2]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-499sum-2)

(2) a dangerous drug for purposes of federal criminal code provisions authorizing interception of communications,[[2]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-499sum-2) and

(3) a targeted drug for purposes of provisions of the national youth anti-drug media campaign under the [Office of National Drug Control Policy Reauthorization Act of 1998](https://en.wikipedia.org/wiki/Office_of_National_Drug_Control_Policy_Reauthorization_Act_of_1998).[[2]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-499sum-2)

The bills would have amended the [Federal Alcohol Administration Act](https://en.wikipedia.org/wiki/Federal_Alcohol_Administration_Act) to set forth procedures for the issuance and revocation by the [United States Secretary of the Treasury](https://en.wikipedia.org/wiki/United_States_Secretary_of_the_Treasury) of permits for importing, shipping or selling in interstate or foreign commerce, purchasing for resale, producing, packaging, or warehousing marijuana.[[2]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-499sum-2) The bill would have prohibited any person from engaging in such conduct without a permit, subject to a $1,000 fine and/or a $500 payment.[[2]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-499sum-2) It also would have established criteria for ineligible applicants and disqualifying offenses.

The Ending Federal Marijuana Prohibition Act of 2013 would have subjected marijuana to the provisions that apply to: (1) intoxicating liquors under the [Original Packages Act](https://en.wikipedia.org/w/index.php?title=Original_Packages_Act&action=edit&redlink=1), the [Webb-Kenyon Act](https://en.wikipedia.org/wiki/Webb-Kenyon_Act), and the [Victims of Trafficking and Violence Protection Act of 2000](https://en.wikipedia.org/wiki/Victims_of_Trafficking_and_Violence_Protection_Act_of_2000); and (2) distilled spirits under the [Federal Alcohol Administration Act](https://en.wikipedia.org/wiki/Federal_Alcohol_Administration_Act).[[2]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-499sum-2)

The bill would have granted the [Food and Drug Administration](https://en.wikipedia.org/wiki/Food_and_Drug_Administration) (FDA) the same authorities with respect to marijuana as it has for alcohol.[[2]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-499sum-2) It would have transferred functions of the Administrator of the [Drug Enforcement Administration](https://en.wikipedia.org/wiki/Drug_Enforcement_Administration) (DEA) relating to marijuana enforcement to the Director of the [Bureau of Alcohol, Tobacco, Firearms, and Explosives](https://en.wikipedia.org/wiki/Bureau_of_Alcohol,_Tobacco,_Firearms_and_Explosives) (ATF).[[2]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-499sum-2) The bill would have renamed: (1) ATF as the Bureau of Alcohol, Tobacco, Marijuana, Firearms and Explosives; and (2) the Alcohol and Tobacco Tax and Trade Bureau as the Alcohol, Tobacco, and Marijuana Tax and Trade Bureau.[[2]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-499sum-2)

Finally, the bill have directed the [Comptroller General](https://en.wikipedia.org/wiki/Comptroller_General_of_the_United_States) to review federal laws, regulations, and policies to determine if changes are desirable in light of this Act.[[2]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-499sum-2)

**Procedural history**[[edit source](https://en.wikipedia.org/w/index.php?title=Ending_Federal_Marijuana_Prohibition_Act&action=edit&section=3)]

The Ending Federal Marijuana Prohibition Act of 2013 was introduced into the [United States House of Representatives](https://en.wikipedia.org/wiki/United_States_House_of_Representatives) on February 5, 2013 by [Rep. Jared Polis (D, CO-2)](https://en.wikipedia.org/wiki/Jared_Polis).[[2]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-499sum-2) It was referred to the [United States House Committee on the Judiciary](https://en.wikipedia.org/wiki/United_States_House_Committee_on_the_Judiciary), the [United States House Committee on Energy and Commerce](https://en.wikipedia.org/wiki/United_States_House_Committee_on_Energy_and_Commerce), the [United States House Committee on Ways and Means](https://en.wikipedia.org/wiki/United_States_House_Committee_on_Ways_and_Means), the [United States House Committee on Natural Resources](https://en.wikipedia.org/wiki/United_States_House_Committee_on_Natural_Resources), and the [United States House Committee on Agriculture](https://en.wikipedia.org/wiki/United_States_House_Committee_on_Agriculture) immediately.[[2]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-499sum-2) It was subsequently referred to the [United States House Energy Subcommittee on Health](https://en.wikipedia.org/wiki/United_States_House_Energy_Subcommittee_on_Health) (February 8, 2013), the [United States House Natural Resources Subcommittee on Public Lands and Environmental Regulation](https://en.wikipedia.org/wiki/United_States_House_Natural_Resources_Subcommittee_on_Public_Lands_and_Environmental_Regulation) (February 14, 2013), [United States House Agriculture Subcommittee on Conservation, Energy, and Forestry](https://en.wikipedia.org/wiki/United_States_House_Agriculture_Subcommittee_on_Conservation,_Energy,_and_Forestry) (February 25, 2013), and the [United States House Judiciary Subcommittee on Crime, Terrorism, Homeland Security and Investigations](https://en.wikipedia.org/wiki/United_States_House_Judiciary_Subcommittee_on_Crime,_Terrorism,_Homeland_Security_and_Investigations) (February 28, 2013).[[2]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-499sum-2)

**Debate and discussion**[[edit source](https://en.wikipedia.org/w/index.php?title=Ending_Federal_Marijuana_Prohibition_Act&action=edit&section=4)]

Organizations such as [National Organization for the Reform of Marijuana Laws](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws) (NORML) supported the bill.[[14]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-ibtApril-14) Also the editorial board of [*The New York Times*](https://en.wikipedia.org/wiki/The_New_York_Times) expressed support for repealing the federal ban on marijuana.[[15]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-15)

**Sponsors and co-sponsors**[[edit source](https://en.wikipedia.org/w/index.php?title=Ending_Federal_Marijuana_Prohibition_Act&action=edit&section=5)]

* The 2011 House bill (112th Congress, H.R. 2306) was introduced by Representative [Barney Frank](https://en.wikipedia.org/wiki/Barney_Frank) and was cosponsored by Representative [Ron Paul](https://en.wikipedia.org/wiki/Ron_Paul), [John Conyers](https://en.wikipedia.org/wiki/John_Conyers), [Barbara Lee](https://en.wikipedia.org/wiki/Barbara_Lee), [Jared Polis](https://en.wikipedia.org/wiki/Jared_Polis), and [Steve Cohen](https://en.wikipedia.org/wiki/Steve_Cohen_(politician)).[[16]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-16)[[17]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-17)
* The 2013 House bill (113th Congress, H.R. 499) was introduced by Representative [Jared Polis](https://en.wikipedia.org/wiki/Jared_Polis). There were nine original co-sponsors; this rose to 18 co-sponsors (17 Democrats and 1 Republican).[[18]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-18)[[19]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-19)
* The 2015 Senate bill (114th Congress, S. 2237) was introduced by Senator [Bernie Sanders](https://en.wikipedia.org/wiki/Bernie_Sanders), with no co-sponsors.[[20]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-20)[[21]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-21)
* The 2017 House bill (115th Congress, H.R. 1227) was introduced by Representative [Thomas Garrett, Jr.](https://en.wikipedia.org/wiki/Thomas_Garrett,_Jr.) and has 39 co-sponsors.[[22]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-22)
* The 2019 House bill (116th Congress, H.R. 1588) was introduced by Representative [Tulsi Gabbard](https://en.wikipedia.org/wiki/Tulsi_Gabbard) and has 36 co-sponsors.[[23]](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_note-23)

**References**[[edit source](https://en.wikipedia.org/w/index.php?title=Ending_Federal_Marijuana_Prohibition_Act&action=edit&section=6)]

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* [Jump up to:](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-0)
* [***a***](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-0) [***b***](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-1) [***c***](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-2) [***d***](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-3) [***e***](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-4) [***f***](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-5) [***g***](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-6) [***h***](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-7) [***i***](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-8) [***j***](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-9) [***k***](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-10) [***l***](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-11) [***m***](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-12) [***n***](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-13) [***o***](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-14) [***p***](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-15) [***q***](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-16) [***r***](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-17) [***s***](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-18) [***t***](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-19) [***u***](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-20) [***v***](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act#cite_ref-499sum_2-21) ["Ending Federal Marijuana Prohibition Act of 2013, H.R. 499 - Summary"](http://beta.congress.gov/bill/113th/house-bill/499). United States Congress. February 28, 2013. Retrieved September 20, 2013.
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# Cole Memorandum

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* Standard
* Large

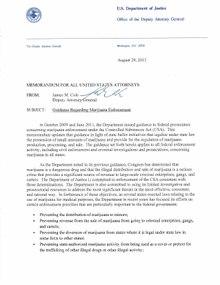
Width

* Standard
* Wide

Color (beta)

* Automatic
* Light
* Dark

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The Cole Memorandum was sent to all United States Attorneys and was formally titled "Guidance Regarding Marijuana Enforcement".

The **Cole Memorandum** was a [United States Department of Justice](https://en.wikipedia.org/wiki/United_States_Department_of_Justice) memorandum issued August 29, 2013, by [United States Deputy Attorney General](https://en.wikipedia.org/wiki/United_States_Deputy_Attorney_General) [James M. Cole](https://en.wikipedia.org/wiki/James_M._Cole) during the [presidency of Barack Obama](https://en.wikipedia.org/wiki/Presidency_of_Barack_Obama). The memorandum, sent to all [United States Attorneys](https://en.wikipedia.org/wiki/United_States_Attorneys), governed federal prosecution of offenses related to [marijuana](https://en.wikipedia.org/wiki/Marijuana). The memo stated that given its limited resources, the Justice Department would not enforce [federal marijuana prohibition](https://en.wikipedia.org/wiki/Controlled_Substances_Act) in states that "enacted laws legalizing marijuana in some form and ... implemented strong and effective regulatory and enforcement systems to control the cultivation, distribution, sale, and possession of marijuana," except where a lack of federal enforcement would undermine federal priorities (such as preventing violence in marijuana cultivation and distribution, preventing [cannabis impaired driving](https://en.wikipedia.org/wiki/Cannabis_and_impaired_driving), and preventing marijuana revenues from going to gangs and cartels).[[1]](https://en.wikipedia.org/wiki/Cole_Memorandum#cite_note-1)[[2]](https://en.wikipedia.org/wiki/Cole_Memorandum#cite_note-2)

The Cole Memorandum was rescinded by Attorney General [Jeff Sessions](https://en.wikipedia.org/wiki/Jeff_Sessions) in January 2018, during the [presidency of Donald Trump](https://en.wikipedia.org/wiki/Presidency_of_Donald_Trump).[[3]](https://en.wikipedia.org/wiki/Cole_Memorandum#cite_note-3)[[4]](https://en.wikipedia.org/wiki/Cole_Memorandum#cite_note-NYT20180104-4)

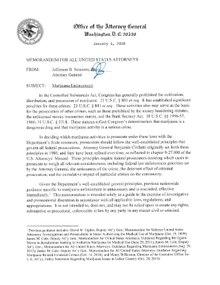
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[James M. Cole](https://en.wikipedia.org/wiki/James_M._Cole)

On August 29, 2013, the Department of Justice published a memorandum authored by Cole which described a new set of priorities for federal prosecutors operating in states which had legalized the medical or other use of marijuana.[[5]](https://en.wikipedia.org/wiki/Cole_Memorandum#cite_note-5) The "Cole memo" followed a 2009 memorandum from Deputy Attorney General [David W. Ogden](https://en.wikipedia.org/wiki/David_W._Ogden) directing U.S. Attorneys in the Western United States to "not focus federal resources in your States on individuals whose actions are in clear and unambiguous compliance with existing state laws providing for the medical use of marijuana".[[6]](https://en.wikipedia.org/wiki/Cole_Memorandum#cite_note-6) The 2013 memorandum represented a significant shift of government priorities away from strict enforcement of federal cannabis prohibition and toward a more hands-off approach in the case of "jurisdictions that have enacted laws legalizing marijuana in some form and that have also implemented strong and effective regulatory and enforcement systems to control the cultivation, distribution, sale and possession of marijuana." Indeed, Cole's memo went so far as to state that "a robust system may affirmatively address [federal] priorities by, for example, implementing effective measures to prevent diversion of marijuana outside the regulated system and to other states, prohibiting access to marijuana by minors, and replacing an illicit marijuana trade that funds criminal enterprises with a tightly regulated market in which revenues are tracked and accounted for." Since that date, although federal prosecutions have continued in some legalizing states (notably in the [Kettle Falls Five](https://en.wikipedia.org/wiki/Kettle_Falls_Five) case), the overall number of federal marijuana prosecutions in such states has declined.

**Review**[[edit source](https://en.wikipedia.org/w/index.php?title=Cole_Memorandum&action=edit&section=2)]



The single-page January 4, 2018 memorandum signed by Jeff Sessions rescinding the Cole Memo

States with legalized cannabis were concerned about the incoming [Trump administration](https://en.wikipedia.org/wiki/Trump_administration)'s handling of the Cole Memo and their congressional representatives and governors saw Attorney General Jeff Sessions as adamantly opposed to its continuation.[[7]](https://en.wikipedia.org/wiki/Cole_Memorandum#cite_note-Isikoff-7)[[8]](https://en.wikipedia.org/wiki/Cole_Memorandum#cite_note-Labak-8) Anti-legalization groups like [Smart Approaches to Marijuana](https://en.wikipedia.org/wiki/Smart_Approaches_to_Marijuana) requested a review or revocation of the memorandum.[[9]](https://en.wikipedia.org/wiki/Cole_Memorandum#cite_note-Mitchell2017-9) The federal government's position was vague, with Deputy Attorney General [Rod J. Rosenstein](https://en.wikipedia.org/wiki/Rod_J._Rosenstein) saying in mid-June "maybe there will be changes to it [the Cole Memorandum] in the future, but we're still operating under that policy".[[10]](https://en.wikipedia.org/wiki/Cole_Memorandum#cite_note-CNNwire-10)

Around June 2017, a Justice Department task force was convened to review the Cole Memo and other Obama-era decisions; it was headed by Michael Murray, Counsel to Deputy Attorney General Rosenstein.[[11]](https://en.wikipedia.org/wiki/Cole_Memorandum#cite_note-Nelson2017-11)[[12]](https://en.wikipedia.org/wiki/Cole_Memorandum#cite_note-Nelson2017a-12) The committee's report was finalized June 27, 2017 and released to the public in August when it was found to have "no new policy recommendations", and recommended that the Trump Administration Attorney General "should evaluate whether to maintain, revise or rescind" the memo.[[13]](https://en.wikipedia.org/wiki/Cole_Memorandum#cite_note-13)[[14]](https://en.wikipedia.org/wiki/Cole_Memorandum#cite_note-Gurman2017b-14)[[15]](https://en.wikipedia.org/wiki/Cole_Memorandum#cite_note-Harris2017-15)

**Rescission**[[edit source](https://en.wikipedia.org/w/index.php?title=Cole_Memorandum&action=edit&section=3)]

The memorandum was rescinded by a one-page memo signed by Attorney General Jeff Sessions on January 4, 2018.[[4]](https://en.wikipedia.org/wiki/Cole_Memorandum#cite_note-NYT20180104-4) Governors and United States senators from several states including Alaska, California, Colorado, Nevada, New Jersey, Oregon, Vermont and Washington immediately expressed displeasure at the decision.[[16]](https://en.wikipedia.org/wiki/Cole_Memorandum#cite_note-16)

Legal and political experts expressed varied reactions to Sessions' 2018 memo. Some said that it would not fundamentally change the existing system, with power to prosecute remaining in the hands of various U.S. Attorneys.[[17]](https://en.wikipedia.org/wiki/Cole_Memorandum#cite_note-17) Law professor and author [Ilya Somin](https://en.wikipedia.org/wiki/Ilya_Somin) called the decision an "assault on [federalism](https://en.wikipedia.org/wiki/Federalism)".[[18]](https://en.wikipedia.org/wiki/Cole_Memorandum#cite_note-18) Political columnist Jacob Sullum said it could be seen as justified reaction to the [Obama Administration's use of executive actions](https://en.wikipedia.org/wiki/List_of_executive_actions_by_Barack_Obama).[[19]](https://en.wikipedia.org/wiki/Cole_Memorandum#cite_note-Sullum20180105-19)

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In response to questions posed by Senator [Cory Booker](https://en.wikipedia.org/wiki/Cory_Booker), President Biden's United States Attorney General, [Merrick Garland](https://en.wikipedia.org/wiki/Merrick_Garland), stated during February 2021 congressional testimony that he would reinstitute a version of the Cole Memorandum.[[20]](https://en.wikipedia.org/wiki/Cole_Memorandum#cite_note-20) He reiterated the statement that the Justice Department under his leadership would not pursue cases against Americans "complying with the laws in states that have legalized and are effectively regulating marijuana", in written responses to the Senate Judiciary Committee provided around March 1.[[21]](https://en.wikipedia.org/wiki/Cole_Memorandum#cite_note-21)

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* [View history](https://en.wikipedia.org/w/index.php?title=Rohrabacher%E2%80%93Farr_amendment&action=history)
* [Watch](https://en.wikipedia.org/w/index.php?title=Rohrabacher%E2%80%93Farr_amendment&action=watch)

**Tools** hide

General

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* [Related changes](https://en.wikipedia.org/wiki/Special:RecentChangesLinked/Rohrabacher%E2%80%93Farr_amendment)
* [Special pages](https://en.wikipedia.org/wiki/Special:SpecialPages)
* [Permanent link](https://en.wikipedia.org/w/index.php?title=Rohrabacher%E2%80%93Farr_amendment&oldid=1220474782)
* [Page information](https://en.wikipedia.org/w/index.php?title=Rohrabacher%E2%80%93Farr_amendment&action=info)
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* [Get shortened URL](https://en.wikipedia.org/w/index.php?title=Special:UrlShortener&url=https%3A%2F%2Fen.wikipedia.org%2Fwiki%2FRohrabacher%25E2%2580%2593Farr_amendment)
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**Appearance** hide

Text

* Small
* Standard
* Large

Width

* Standard
* Wide

Color (beta)

* Automatic
* Light
* Dark

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The **Rohrabacher–Farr amendment** (also known as the **Rohrabacher–Blumenauer amendment**) is legislation introduced by U.S. Representative [Maurice Hinchey](https://en.wikipedia.org/wiki/Maurice_Hinchey) in 2001, prohibiting the [Justice Department](https://en.wikipedia.org/wiki/United_States_Department_of_Justice) from spending funds to interfere with the implementation of state [medical cannabis](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States) laws. It passed the House in May 2014 after six previously failed attempts, becoming law in December 2014 as part of an [omnibus spending bill](https://en.wikipedia.org/wiki/Omnibus_spending_bill). The passage of the amendment was the first time either chamber of Congress had voted to protect medical cannabis patients, and is viewed as a historic victory for cannabis reform advocates at the federal level.[[1]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-1) The amendment does not change the legal status of cannabis, however, and must be renewed each fiscal year in order to remain in effect.[[2]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-2)

**Legislative history**[[edit source](https://en.wikipedia.org/w/index.php?title=Rohrabacher%E2%80%93Farr_amendment&action=edit&section=1)]

First introduced by Rep. Hinchey in 2001, the amendment was withdrawn before it could be brought to a vote.[[3]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-Hinchey_RIP-3) In 2003, Hinchey joined with Rep. [Dana Rohrabacher](https://en.wikipedia.org/wiki/Dana_Rohrabacher) to re-introduce the amendment, leading to a 152–273 defeat the first time the amendment was voted on.[[3]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-Hinchey_RIP-3) The Hinchey–Rohrabacher amendment failed five more times over the next decade, until it passed the House (as the Rohrabacher–Farr amendment) by a 219–189 vote on May 30, 2014, as an attachment to the [Commerce, Justice, and Science Appropriations bill](https://en.wikipedia.org/wiki/Commerce,_Justice,_Science,_and_Related_Agencies_Appropriations_Act,_2015) for fiscal year 2015.[[4]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-4) The amendment was then introduced in the Senate by Sens. [Rand Paul](https://en.wikipedia.org/wiki/Rand_Paul) and [Cory Booker](https://en.wikipedia.org/wiki/Cory_Booker) on June 18,[[5]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-5) but was not allowed a vote.[[6]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-6) In December, however, the amendment was inserted into the $1.1 trillion "[cromnibus](https://en.wikipedia.org/wiki/Cromnibus)" spending bill during final negotiations,[[7]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-7) and the bill was signed into law by [President Obama](https://en.wikipedia.org/wiki/Presidency_of_Barack_Obama) on December 16, 2014.[[8]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-8)

The Rohrabacher–Farr amendment passed the House for a second time on June 3, 2015, by a 242–186 margin.[[9]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-9) It was voted on by members of the Senate for the first time on June 11, 2015, winning approval in a 21–9 [Senate Appropriations Committee](https://en.wikipedia.org/wiki/United_States_Senate_Committee_on_Appropriations) vote led by sponsor [Barbara Mikulski](https://en.wikipedia.org/wiki/Barbara_Mikulski).[[10]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-10) The amendment remained in the [FY 2016 omnibus appropriations bill](https://en.wikipedia.org/wiki/Consolidated_Appropriations_Act,_2016) that was signed into law by President Obama on December 18, 2015.[[11]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-11)[[12]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-12)

The Rohrabacher–Farr amendment was not voted on by the House in 2016, but did pass the Senate Appropriations Committee for a second time on April 21, 2016, by a 21–8 vote.[[13]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-13) The amendment was later renewed through a pair of spending bills signed into law on September 29 and December 10,[[14]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-14)[[15]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-15) and again for an additional week on April 28, 2017.[[16]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-16)

On May 5, 2017, the Rohrabacher–Farr amendment was renewed through September 30, 2017, as part of a $1 trillion spending bill signed into law by [President Trump](https://en.wikipedia.org/wiki/Presidency_of_Donald_Trump). In regards to the medical cannabis provision, Trump added a [signing statement](https://en.wikipedia.org/wiki/Signing_statement) that read: "Division B, section 537 provides that the Department of Justice may not use any funds to prevent implementation of medical marijuana laws by various States and territories. I will treat this provision consistently with my constitutional responsibility to take care that the laws be faithfully executed."[[17]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-17)[[18]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-18) Days before the spending bill was signed into law, Attorney General [Jeff Sessions](https://en.wikipedia.org/wiki/Jeff_Sessions) wrote to congressional leaders urging that the Rohrabacher–Farr amendment not be renewed.[[19]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-19)

On July 27, 2017, the Senate Appropriations Committee approved inclusion of the Rohrabacher–Farr amendment in the CJS appropriations bill for fiscal year 2018, in a [voice vote](https://en.wikipedia.org/wiki/Voice_vote) led by sponsor Sen. [Patrick Leahy](https://en.wikipedia.org/wiki/Patrick_Leahy).[[20]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-20) On September 6, however, the [House Committee on Rules](https://en.wikipedia.org/wiki/United_States_House_Committee_on_Rules) blocked a vote on the amendment, due to Republican leadership viewing it as too divisive.[[21]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-21) The amendment was then renewed on September 8 as part of an emergency aid package,[[22]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-Schroyer_renew-22) and again through a series of stopgap spending bills on December 8,[[23]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-23) December 22,[[24]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-Dec_22_renew-24) January 22,[[25]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-25) and February 9.[[26]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-26) On March 23 the amendment was renewed as part of the [FY 2018 omnibus spending bill](https://en.wikipedia.org/wiki/Consolidated_Appropriations_Act,_2018), in effect through September 30, 2018.[[27]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-27)

On May 17, 2018, the [House Appropriations Committee](https://en.wikipedia.org/wiki/United_States_House_Committee_on_Appropriations) approved inclusion of the Rohrabacher–Farr amendment in the CJS appropriations bill for fiscal year 2019, in a voice vote led by sponsor Rep. [David Joyce](https://en.wikipedia.org/wiki/David_Joyce_(politician)).[[28]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-28) The Senate Appropriations Committee followed on June 12 by approving a base CJS appropriations bill with the amendment included.[[29]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-29) The amendment was then renewed through a series of short-term spending bills signed on September 28,[[30]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-30) December 7,[[31]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-31)[[32]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-32) and January 25.[[33]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-33) On February 15 the amendment was renewed through the signing of the FY 2019 omnibus spending bill, effective through September 30, 2019.[[34]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-34) President Trump added a signing statement regarding the amendment similar to the one he added in May 2017.[[35]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-35)

On May 16, 2019, a House subcommittee released a base appropriations bill with the amendment included.[[36]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-36) On September 26 the Senate Appropriations Committee approved a base appropriations bill with the amendment included.[[37]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-37)[[38]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-38) On September 27 the amendment was renewed through a stopgap spending bill,[[39]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-39) and again on November 21.[[40]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-40) On December 20 the amendment was renewed through the signing of the FY 2020 omnibus spending bill, effective through September 30, 2020.[[41]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-41)[[42]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-42) President Trump added a signing statement regarding the amendment similar to the ones he added in May 2017 and February 2019.[[43]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-43)

In July 2020, a House subcommittee introduced a base appropriations bill with the amendment included.[[44]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-44) The amendment was then renewed through a series of stopgap spending bills on October 1,[[45]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-45) December 11,[[46]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-46) December 18,[[47]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-47) December 20,[[48]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-48) and December 22.[[49]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-49) On December 27 the amendment was renewed with the signing of the [FY 2021 omnibus spending bill](https://en.wikipedia.org/wiki/Consolidated_Appropriations_Act,_2021), effective through September 30, 2021.[[50]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-50)[[51]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-51)

In 2021, [President Joe Biden](https://en.wikipedia.org/wiki/Presidency_of_Joe_Biden) became the first president to propose a budget incorporating the Rohrabacher–Farr amendment.[[52]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-52) The amendment was then renewed through a series of stopgap spending bills on September 30,[[53]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-53) December 3,[[54]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-54) February 18,[[55]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-55) and March 11.[[56]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-56) On March 15 the amendment was renewed through the signing of the [FY 2022 omnibus spending bill](https://en.wikipedia.org/wiki/Consolidated_Appropriations_Act,_2022), effective through September 30, 2022.[[57]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-57)[[58]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-58)

As of March 9, 2024, the Rohrabacher–Farr amendment is effective through September 30, 2024.[[59]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-59)[[60]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-60)

**House votes**[[edit source](https://en.wikipedia.org/w/index.php?title=Rohrabacher%E2%80%93Farr_amendment&action=edit&section=2)]

The Rohrabacher–Farr amendment has been introduced on the House floor nine times. It was known as the Hinchey–Rohrabacher amendment until [Rep. Hinchey](https://en.wikipedia.org/wiki/Maurice_Hinchey) retired in January 2013, after which Reps. [Dana Rohrabacher](https://en.wikipedia.org/wiki/Dana_Rohrabacher) and [Sam Farr](https://en.wikipedia.org/wiki/Sam_Farr) took over as lead sponsor and co-sponsor.[[3]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-Hinchey_RIP-3) Rep. Farr then retired in January 2017 with Rep. [Earl Blumenauer](https://en.wikipedia.org/wiki/Earl_Blumenauer) taking over as lead co-sponsor.[[61]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-61)

The vote totals for the amendment are as follows:

| **Year** | **Ayes** | **Noes** | **Not voting** | **Over-view** | **Roll call** |
| --- | --- | --- | --- | --- | --- |
| 2001 | – | – | – | [Link](https://www.congress.gov/amendment/107th-congress/house-amendment/196/all-info) | – |
| 2003 | 152 | 273 | 9 | [Link](https://www.congress.gov/amendment/108th-congress/house-amendment/297/all-info) | [Link](http://clerk.house.gov/evs/2003/roll420.xml) |
| 2004 | 148 | 268 | 17 | [Link](https://www.congress.gov/amendment/108th-congress/house-amendment/646/all-info) | [Link](http://clerk.house.gov/evs/2004/roll334.xml) |
| 2005 | 161 | 264 | 8 | [Link](https://www.congress.gov/amendment/109th-congress/house-amendment/272/all-info) | [Link](http://clerk.house.gov/evs/2005/roll255.xml) |
| 2006 | 163 | 259 | 10 | [Link](https://www.congress.gov/amendment/109th-congress/house-amendment/1144/all-info) | [Link](http://clerk.house.gov/evs/2006/roll333.xml) |
| 2007 | 165 | 262 | 10 | [Link](https://www.congress.gov/amendment/110th-congress/house-amendment/674/all-info) | [Link](http://clerk.house.gov/evs/2007/roll733.xml) |
| 2012 | 163 | 262 | 6 | [Link](https://www.congress.gov/amendment/112th-congress/house-amendment/1084/all-info) | [Link](http://clerk.house.gov/evs/2012/roll238.xml) |
| 2014 | 219 | 189 | 23 | [Link](https://www.congress.gov/amendment/113th-congress/house-amendment/748/all-info) | [Link](http://clerk.house.gov/evs/2014/roll258.xml) |
| 2015 | 242 | 186 | 4 | [Link](https://www.congress.gov/amendment/114th-congress/house-amendment/332/all-info) | [Link](http://clerk.house.gov/evs/2015/roll283.xml) |

The passage of the Rohrabacher–Farr amendment in 2014 was noted for its rare bipartisan support,[[62]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-62) garnering the approval of 49 Republicans and 170 Democrats.[[63]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-63) Among the notable "no" votes was [DNC](https://en.wikipedia.org/wiki/Democratic_National_Committee) Chair [Debbie Wasserman Schultz](https://en.wikipedia.org/wiki/Debbie_Wasserman_Schultz), who was the only member of Democratic leadership to vote against it.[[64]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-hp_schultz-64) The medical cannabis advocacy group [Americans for Safe Access](https://en.wikipedia.org/wiki/Americans_for_Safe_Access) subsequently targeted Schultz with a TV ad criticizing her vote against the amendment.[[64]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-hp_schultz-64)

The Rohrabacher–Farr amendment passed the House in 2015 with the support of 67 Republicans and 175 Democrats.[[65]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-65)

**Amendment text**[[edit source](https://en.wikipedia.org/w/index.php?title=Rohrabacher%E2%80%93Farr_amendment&action=edit&section=3)]

The full text of the 2014 House amendment was as follows:[[66]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-66)

None of the funds made available in this Act to the Department of Justice may be used, with respect to the States of Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Hawaii, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, Oregon, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Washington, and Wisconsin, to prevent such States from implementing their own State laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

**Implementation**[[edit source](https://en.wikipedia.org/w/index.php?title=Rohrabacher%E2%80%93Farr_amendment&action=edit&section=4)]

The Rohrabacher–Farr amendment became law in December 2014, but initially failed to have its intended impact, due to the [Justice Department](https://en.wikipedia.org/wiki/United_States_Department_of_Justice) interpreting the amendment in an incorrect manner (as later determined by a pair of court rulings). Contrary to the amendment's popular interpretation, the DOJ argued that only state officials were protected from prosecution, and not private individuals or entities involved in the production or distribution of medical cannabis.[[67]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-67) Since state officials were not being prosecuted to begin with, the DOJ's position was essentially that the amendment had no effect.[[68]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-68) This stance conflicted with the DOJ's earlier position (leading up to the May 2014 vote), when it advised members of Congress that the amendment's protections could actually apply more broadly than intended, to cover recreational cannabis as well.[[69]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-Angell_memo-69)

After the amendment's enactment, DOJ enforcement efforts continued (per the new interpretation) against medical cannabis providers who were following state law.[[70]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-70) These prosecutions drew protests from Rohrabacher and others,[[71]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-71)[[72]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-72) who charged that both the [letter and the spirit](https://en.wikipedia.org/wiki/Letter_and_spirit_of_the_law) of the amendment were being violated.[[73]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-73) The DOJ publicly addressed the matter for the first time in April 2015, when a spokesperson confirmed the much more narrow interpretation of the amendment that was being employed.[[74]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-74) In response, both Rohrabacher and Farr strongly denounced the interpretation, and a letter was sent to Attorney General [Eric Holder](https://en.wikipedia.org/wiki/Eric_Holder) demanding an end to the prosecutions.[[75]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-75)[[76]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-76) A letter was also sent to Inspector General [Michael Horowitz](https://en.wikipedia.org/wiki/Michael_E._Horowitz) in July 2015, seeking a government investigation into the matter.[[77]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-77)[[78]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-78)

In October 2015, a court ruling by U.S. District Judge [Charles Breyer](https://en.wikipedia.org/wiki/Charles_R._Breyer) affirmed the meaning of Rohrabacher–Farr as its authors intended, providing supporters of the amendment with a key legal victory.[[79]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-79) Judge Breyer in his decision was especially critical of the DOJ interpretation, stating that it "defies language and logic" and "tortures the plain meaning of the statute", and was "counterintuitive and opportunistic".[[80]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-80) The ruling lifted an [injunction](https://en.wikipedia.org/wiki/Injunction) against a California dispensary, the Marin Alliance for Medical Marijuana, and was considered to set important legal precedent inhibiting future prosecutions.[[81]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-81)[[82]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-82) The Justice Department appealed Breyer's ruling, but in April 2016 it withdrew the appeal.[[83]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-83)[[84]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-84) In August 2016, the DOJ interpretation was rejected by the [Ninth Circuit Court of Appeals](https://en.wikipedia.org/wiki/Ninth_Circuit_Court_of_Appeals) as well, in a separate case consolidating the appeals of 10 medical cannabis providers in the states of California and Washington.[[85]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-85) The unanimous ruling of the three-judge panel is binding on the nine western states of the Ninth Circuit, and is considered likely to hold influence on other circuit courts.[[86]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-86)[[87]](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_note-87)

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* [Jump up to:](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment#cite_ref-Hinchey_RIP_3-0)
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# STATES Act

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**Appearance** hide

Text

* Small
* Standard
* Large

Width

* Standard
* Wide

Color (beta)

* Automatic
* Light
* Dark

From Wikipedia, the free encyclopedia

The **Strengthening the Tenth Amendment Through Entrusting States (STATES) Act** ([S. 3032](https://www.congress.gov/bill/115th-congress/senate-bill/3032)) was a bill proposed in the [115th United States Congress](https://en.wikipedia.org/wiki/115th_United_States_Congress) that would recognize [legalization of cannabis](https://en.wikipedia.org/wiki/Legalization_of_cannabis) and the U.S. state laws that have legalized it through their legislatures or citizen [initiative](https://en.wikipedia.org/wiki/Popular_initiative). It was introduced on June 7, 2018, by Senators [Cory Gardner](https://en.wikipedia.org/wiki/Cory_Gardner) (Republican from Colorado) and [Elizabeth Warren](https://en.wikipedia.org/wiki/Elizabeth_Warren) (Democrat from Massachusetts).[[1]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-1) A companion bill was introduced the same day in the House of Representatives, sponsored by [Earl Blumenauer](https://en.wikipedia.org/wiki/Earl_Blumenauer) (Democrat from Oregon) and [David Joyce](https://en.wikipedia.org/wiki/David_Joyce_(politician)) (Republican from Ohio).[[2]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-2) The act would amend the [Controlled Substances Act of 1970](https://en.wikipedia.org/wiki/Controlled_Substances_Act) to exempt from federal enforcement individuals or corporations in states who are in compliance with U.S. state, [U.S. territory](https://en.wikipedia.org/wiki/Territories_of_the_United_States) and the [District of Columbia](https://en.wikipedia.org/wiki/District_of_Columbia), or [tribal law](https://en.wikipedia.org/wiki/Tribal_sovereignty_in_the_United_States) on cannabis, with certain additional provisions such as minimum ages.[[3]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-3)[[4]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-4) The banking provisions of the STATES Act have been reintroduced as the [Secure and Fair Enforcement (SAFE) Banking Act of 2019](https://en.wikipedia.org/wiki/SAFE_Banking_Act) in the [116th U.S. Congress](https://en.wikipedia.org/wiki/116th_United_States_Congress) by [Ed Perlmutter](https://en.wikipedia.org/wiki/Ed_Perlmutter) (Democrat from Colorado) in the House,[[5]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-5) and by [Jeff Merkley](https://en.wikipedia.org/wiki/Jeff_Merkley) (Democrat from Oregon) in the Senate.[[6]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-6) As of September 18, 2019, the House bill had 206 cosponsors,[[7]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-7) and the Senate bill had 33 cosponsors.[[8]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-8)

**History**[[edit source](https://en.wikipedia.org/w/index.php?title=STATES_Act&action=edit&section=1)]

According to [Voice of America](https://en.wikipedia.org/wiki/Voice_of_America), "The impetus for the legislation was a decision by Attorney General [Jeff Sessions](https://en.wikipedia.org/wiki/Jeff_Sessions) in January to rescind Obama-era Justice Department guidelines that encouraged prosecutors to adopt a hands-off approach to marijuana law enforcement in states where the substance was legal", referring to the [Cole Memorandum](https://en.wikipedia.org/wiki/Cole_Memorandum) provisions rescinded on January 4, 2018.[[9]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-9)

On April 25, 2018, Senators Cory Gardner and Elizabeth Warren announced that they would introduce a bipartisan bill to prevent Federal interference with states that had legalized marijuana.[[10]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-Yahoo20180425-10)[[11]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-CPR20180425-11)[[12]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-CNBC20180426-12)[[13]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-BH20180429-13) The announcement came a few days after Senator Gardner spoke with President Trump and announced that he had received assurances that the President would support such legislation.[[14]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-WaPo20180413-14) As of late April, the details of the bill were unannounced but analysts said it "would not legalize cannabis nationally, but would allow each state the options of legalizing recreational or medical cannabis, or to continue to prohibit the plant entirely" and had announced the name of the bill.[[15]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-MerryJane20180426-15)[[16]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-Danish20180517-16)

On June 7, 2018, Warren introduced the bill in the U.S. Senate and Representative [David Joyce](https://en.wikipedia.org/wiki/David_Joyce_(politician)) introduced a companion bill in the U.S. House of Representatives. The Senate bill was referred to the [Senate Judiciary Committee](https://en.wikipedia.org/wiki/United_States_Senate_Committee_on_the_Judiciary) and the House bill was referred to the [House Judiciary Committee](https://en.wikipedia.org/wiki/United_States_House_Committee_on_the_Judiciary) and the [House Energy and Commerce Committee](https://en.wikipedia.org/wiki/United_States_House_Committee_on_Energy_and_Commerce).[[17]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-Senate_Bill-17)[[18]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-House_Bill-18) In December 2018, Gardner attempted to attach the bill as an amendment to the [First Step Act](https://en.wikipedia.org/wiki/First_Step_Act), a [criminal justice reform](https://en.wikipedia.org/wiki/Criminal_justice_reform_in_the_United_States) bill being debated in the Senate during the [lame-duck session](https://en.wikipedia.org/wiki/Lame-duck_session) of the [115th U.S. Congress](https://en.wikipedia.org/wiki/115th_United_States_Congress),[[19]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-19) but was blocked by a procedural maneuver from [Senate Majority Leader](https://en.wikipedia.org/wiki/Party_leaders_of_the_United_States_Senate) [Mitch McConnell](https://en.wikipedia.org/wiki/Mitch_McConnell).[[20]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-20)

The STATES Act was reintroduced in the [116th Congress](https://en.wikipedia.org/wiki/116th_Congress) on April 4, 2019, in both the House ([H.R.2093](https://www.congress.gov/bill/116th-congress/house-bill/2093)) and the Senate ([S.1028](https://www.congress.gov/bill/116th-congress/senate-bill/1028)).[[21]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-21)

The STATES Act was reintroduced in the [118th Congress](https://en.wikipedia.org/wiki/118th_Congress) on December 7, 2023 as H.R. 6673, also called STATES 2.0.[[22]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-22)[[23]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-23)[[24]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-24)

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**Senate**[[edit source](https://en.wikipedia.org/w/index.php?title=STATES_Act&action=edit&section=3)]

1. Sen. [Elizabeth Warren](https://en.wikipedia.org/wiki/Elizabeth_Warren) ([Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States))-[MA](https://en.wikipedia.org/wiki/Massachusetts); original sponsor)[[17]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-Senate_Bill-17)
2. Sen. [Cory Gardner](https://en.wikipedia.org/wiki/Cory_Gardner) ([Republican](https://en.wikipedia.org/wiki/Republican_Party_(United_States))-[CO](https://en.wikipedia.org/wiki/Colorado); original cosponsor)[[17]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-Senate_Bill-17)
3. Sen. [Rand Paul](https://en.wikipedia.org/wiki/Rand_Paul) (Republican-[KY](https://en.wikipedia.org/wiki/Kentucky); original cosponsor)[[17]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-Senate_Bill-17)
4. Sen. [Catherine Cortez Masto](https://en.wikipedia.org/wiki/Catherine_Cortez_Masto) (Democratic-[NV](https://en.wikipedia.org/wiki/Nevada); original cosponsor)[[17]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-Senate_Bill-17)
5. Sen. [Lisa Murkowski](https://en.wikipedia.org/wiki/Lisa_Murkowski) (Republican-[AK](https://en.wikipedia.org/wiki/Alaska); original cosponsor)[[17]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-Senate_Bill-17)
6. Sen. [Cory Booker](https://en.wikipedia.org/wiki/Cory_Booker) (Democratic-[NJ](https://en.wikipedia.org/wiki/New_Jersey); original cosponsor; [Senate Judiciary Committee Member](https://en.wikipedia.org/wiki/United_States_Senate_Committee_on_the_Judiciary))[[17]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-Senate_Bill-17)
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**Native American tribes**[[edit source](https://en.wikipedia.org/w/index.php?title=STATES_Act&action=edit&section=6)]

The [Suquamish Tribe](https://en.wikipedia.org/wiki/Suquamish_Tribe) in Washington State, one of the first [tribes with legal cannabis sales](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations), indicated support for the bill.[[26]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-26)

**Reactions**[[edit source](https://en.wikipedia.org/w/index.php?title=STATES_Act&action=edit&section=7)]

President Donald Trump said he "probably will end up supporting" the bill on June 8, 2018.[[27]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-27) The same day, twelve governors, from West Coast states that had legalized cannabis for adult use, plus Maryland, New Jersey, New York, North Dakota and Pennsylvania, sent a letter to Congress urging passage of the measure.[[28]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-28)

[*The Los Angeles Times*](https://en.wikipedia.org/wiki/The_Los_Angeles_Times)'s editorial board endorsed the proposal under a headline that said it was "kickstarting Congress' effort to legalize marijuana".[[29]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-29)

A spokesperson for the [Marijuana Policy Project](https://en.wikipedia.org/wiki/Marijuana_Policy_Project) called the STATES Act "the most significant piece of marijuana-related legislation ever introduced in Congress."[[30]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-30)

Writing for [Above the Law](https://en.wikipedia.org/wiki/Above_the_Law_(website)), a legal analysis website for attorneys, cannabis law specialist Hilary Bricken wrote that it was "for the first time ever, a real and legitimate bipartisan 'respect states' rights' effort" on "meaningful marijuana law reform at the Congressional level".[[31]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-31)

In testimony to the Senate Appropriations Committee on April 10, 2019, then-Attorney General [William Barr](https://en.wikipedia.org/wiki/William_Barr) said he preferred the legislation over the "intolerable" status quo of conflicting state and federal laws.[[32]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-32)

According to [NORML](https://en.wikipedia.org/wiki/NORML) political director Justin Strekal, as of 2019 the STATES Act is looking basic and dated compared to newer legislation that goes beyond carving out exceptions to prohibition to [remove cannabis from the Controlled Substances Act](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_the_Controlled_Substances_Act) entirely, take steps to repair prohibition's harms, forgive past criminal convictions, and build an equitable industry.[[33]](https://en.wikipedia.org/wiki/STATES_Act#cite_note-33)

**See also**[[edit source](https://en.wikipedia.org/w/index.php?title=STATES_Act&action=edit&section=8)]

* [State legislation in protest of federal law in the United States § Cannabis laws](https://en.wikipedia.org/wiki/State_legislation_in_protest_of_federal_law_in_the_United_States#Cannabis_laws)
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* Large

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* Standard
* Wide

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* Light
* Dark

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Senator Cory Booker at a rally in support of the Marijuana Justice Act in August 2017

The **Marijuana Justice Act** (S.1689) was a 2017 bill to remove [cannabis](https://en.wikipedia.org/wiki/Cannabis) from the [Controlled Substances Act](https://en.wikipedia.org/wiki/Controlled_Substances_Act), sponsored by U.S. Senator [Cory Booker](https://en.wikipedia.org/wiki/Cory_Booker).[[1]](https://en.wikipedia.org/wiki/Marijuana_Justice_Act#cite_note-FOOTNOTEWeigel2019-1) An identical bill, H.R.4815, was introduced in the House of Representatives.[[2]](https://en.wikipedia.org/wiki/Marijuana_Justice_Act#cite_note-FOOTNOTEPasquariello2018-2) The bill was reintroduced in 2019 and co-sponsored by a number of contenders for the [Democratic Party's nomination](https://en.wikipedia.org/wiki/2020_Democratic_Party_presidential_primaries) for U.S. President in the 2020 election, including [Kamala Harris](https://en.wikipedia.org/wiki/Kamala_Harris), [Elizabeth Warren](https://en.wikipedia.org/wiki/Elizabeth_Warren), [Kirsten Gillibrand](https://en.wikipedia.org/wiki/Kirsten_Gillibrand), [Michael Bennet](https://en.wikipedia.org/wiki/Michael_Bennet), and [Bernie Sanders](https://en.wikipedia.org/wiki/Bernie_Sanders).[[3]](https://en.wikipedia.org/wiki/Marijuana_Justice_Act#cite_note-FOOTNOTEAssociated_Press2019-3)[[4]](https://en.wikipedia.org/wiki/Marijuana_Justice_Act#cite_note-FOOTNOTEBuck2019-4) In February 2019, it was referred to the Committee on the Judiciary.[[5]](https://en.wikipedia.org/wiki/Marijuana_Justice_Act#cite_note-5) The bill introduced by Senator Booker in the 2017–2018 Congress was called "among the most notable efforts" around legalization in that session.[[6]](https://en.wikipedia.org/wiki/Marijuana_Justice_Act#cite_note-FOOTNOTESchiller2018-6) Besides [removing cannabis from the Controlled Substances Act](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act), the bill also sought to set up a community reinvestment fund, provide for [expungement](https://en.wikipedia.org/wiki/Expungement) of past drug convictions, and penalize states that enforce cannabis laws disproportionately (regarding race or income status).[[7]](https://en.wikipedia.org/wiki/Marijuana_Justice_Act#cite_note-FOOTNOTEBerke2018-7)

**Legislative history**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Justice_Act&action=edit&section=1)]

* 115th Congress (2017–2018): [H.R. 4815](https://www.congress.gov/bill/115th-congress/house-bill/4815) and [S. 1689](https://www.congress.gov/bill/115th-congress/senate-bill/1689)
* 116th Congress (2019–2020): [H.R. 1456](https://www.congress.gov/bill/116th-congress/house-bill/1456) and [S. 597](https://www.congress.gov/bill/116th-congress/senate-bill/597)

**References**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Justice_Act&action=edit&section=2)]

* [**^**](https://en.wikipedia.org/wiki/Marijuana_Justice_Act#cite_ref-FOOTNOTEWeigel2019_1-0) [Weigel 2019](https://en.wikipedia.org/wiki/Marijuana_Justice_Act#CITEREFWeigel2019).
* [**^**](https://en.wikipedia.org/wiki/Marijuana_Justice_Act#cite_ref-FOOTNOTEPasquariello2018_2-0) [Pasquariello 2018](https://en.wikipedia.org/wiki/Marijuana_Justice_Act#CITEREFPasquariello2018).
* [**^**](https://en.wikipedia.org/wiki/Marijuana_Justice_Act#cite_ref-FOOTNOTEAssociated_Press2019_3-0) [Associated Press 2019](https://en.wikipedia.org/wiki/Marijuana_Justice_Act#CITEREFAssociated_Press2019).
* [**^**](https://en.wikipedia.org/wiki/Marijuana_Justice_Act#cite_ref-FOOTNOTEBuck2019_4-0) [Buck 2019](https://en.wikipedia.org/wiki/Marijuana_Justice_Act#CITEREFBuck2019).
* [**^**](https://en.wikipedia.org/wiki/Marijuana_Justice_Act#cite_ref-5) [*Bill tracker: S.597*](https://www.congress.gov/bill/116th-congress/senate-bill/597/all-info), U.S. Congress, 28 February 2019, retrieved November 4, 2020
* [**^**](https://en.wikipedia.org/wiki/Marijuana_Justice_Act#cite_ref-FOOTNOTESchiller2018_6-0) [Schiller 2018](https://en.wikipedia.org/wiki/Marijuana_Justice_Act#CITEREFSchiller2018).
* [**^**](https://en.wikipedia.org/wiki/Marijuana_Justice_Act#cite_ref-FOOTNOTEBerke2018_7-0) [Berke 2018](https://en.wikipedia.org/wiki/Marijuana_Justice_Act#CITEREFBerke2018).

**Sources**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Justice_Act&action=edit&section=3)]

* Andrew Blake (February 28, 2019). ["Cory Booker reintroduces Marijuana Justice Act favored by fellow 2020 hopefuls"](https://web.archive.org/web/20210101043531/https://apnews.com/article/cd8dbd0eb14e42b138081af1bc1c6911). Associated Press. Archived from [the original](https://apnews.com/article/cd8dbd0eb14e42b138081af1bc1c6911) on January 1, 2021.
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* Weigel, David (February 28, 2019). ["Booker and four presidential rivals endorse marijuana legalization"](https://www.washingtonpost.com/powerpost/booker-and-four-2020-presidential-rivals-endorse-marijuana-legalization/2019/02/28/f8a97026-3ae2-11e9-a06c-3ec8ed509d15_story.html). *Washington Post*.
* Schiller, Melissa (July 6, 2018). ["Here's the 2017-2018 Federal Legislation That Could Affect Your Cannabis Business"](https://www.cannabisbusinesstimes.com/article/2017-2018-federal-legislation-cannabis/). Cannabis Business Times.
* Berke, Jeremy (April 20, 2018). ["Top Democrats have introduced a number of bills to push for the federal legalization of marijuana"](https://www.businessinsider.com/marijuana-justice-act-marijuana-legalization-bill-introduced-in-house-2018-1). [*Business Insider*](https://en.wikipedia.org/wiki/Business_Insider).
* Buck, Rebecca (February 28, 2019). ["Cory Booker to re-introduce marijuana legalization bill, highlighting issue's importance for 2020 Democrats"](https://www.cnn.com/2019/02/28/politics/booker-marijuana-legalization-bill/index.html). CNN.

**Further reading**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Justice_Act&action=edit&section=4)]

* ["Why Cory Booker cares so much about legal weed"](https://www.rollingstone.com/politics/politics-features/2020-cory-booker-legal-weed-pot-cannabis-why-826232/). *Rolling Stone*. May 2, 2019.
* ["Marijuana Justice Act of 2017: Senator Cory Booker Introduces Act to Repair the Harms Exacted by Marijuana Prohibition."](https://harvardlawreview.org/2018/01/marijuana-justice-act-of-2017/), [*Harvard Law Review*](https://en.wikipedia.org/wiki/Harvard_Law_Review), vol. 131, pp. 926–933, January 10, 2018 [as PDF](https://harvardlawreview.org/wp-content/uploads/2018/01/926-933_Online.pdf)

**External links**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Justice_Act&action=edit&section=5)]

* [All Info - S.597 - 116th Congress (2019-2020): Marijuana Justice Act of 2019](https://www.congress.gov/bill/116th-congress/senate-bill/597/all-info)

# Marijuana Freedom and Opportunity Act

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**Appearance** hide

Text

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Width

* Standard
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Color (beta)

* Automatic
* Light
* Dark

From Wikipedia, the free encyclopedia

The **Marijuana Freedom and Opportunity Act** is legislation that was introduced in the [115](https://en.wikipedia.org/wiki/115th_U.S._Congress) and [116th U.S. Congresses](https://en.wikipedia.org/wiki/116th_U.S._Congress) to [remove cannabis from the Controlled Substances Act](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act) and to establish a Marijuana Opportunity Trust Fund. The legislation was sponsored by U.S. Senator [Chuck Schumer](https://en.wikipedia.org/wiki/Chuck_Schumer), minority leader at the time, and Representative [Hakeem Jeffries](https://en.wikipedia.org/wiki/Hakeem_Jeffries).[[1]](https://en.wikipedia.org/wiki/Marijuana_Freedom_and_Opportunity_Act#cite_note-1)

**References**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Freedom_and_Opportunity_Act&action=edit&section=1)]

* [**^**](https://en.wikipedia.org/wiki/Marijuana_Freedom_and_Opportunity_Act#cite_ref-1) [Top Democrats to Introduce Bill Removing Marijuana from Controlled Substances List](https://www.usnews.com/news/national-news/articles/2019-05-09/top-democrats-to-introduce-bill-removing-marijuana-from-controlled-substances-list) U.S. News

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* [Senate Bill 1552](https://www.congress.gov/bill/116th-congress/senate-bill/1552/)
* [S. 3174](https://www.congress.gov/bill/115th-congress/senate-bill/3174)

# SAFE Banking Act

**1 language**

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* [Permanent link](https://en.wikipedia.org/w/index.php?title=SAFE_Banking_Act&oldid=1239479963)
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Text

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| Great Seal of the United States | |
| --- | --- |
| **Long title** | An Act to protections for depository institutions that provide financial services to cannabis-related legitimate businesses and service providers for such businesses, and for other purposes. |
| **Announced in** | the [118th United States Congress](https://en.wikipedia.org/wiki/118th_United_States_Congress) |
| [**Legislative history**](https://www.congress.gov/bill/118th-congress/house-bill/2891/all-actions) | |
| * **Introduced** in the House of Representatives as [H.R. 2891](https://www.congress.gov/bill/118th-congress/house-bill/2891/) by [David Joyce](https://en.wikipedia.org/wiki/David_Joyce_(politician)) ([R](https://en.wikipedia.org/wiki/Republican_Party_(United_States))–[OH](https://en.wikipedia.org/wiki/Ohio)) on April 26, 2023 * **Committee consideration** by [Financial Services](https://en.wikipedia.org/wiki/United_States_House_Committee_on_Financial_Services), [Judiciary](https://en.wikipedia.org/wiki/United_States_House_Committee_on_the_Judiciary) | |

The **SAFE Banking Act**, officially **H.R. 1595**, full title **Secure and Fair Enforcement (SAFE) Act**, also referred to as the **SAFE Banking Act of 2019**, and as of 2023 the **Secure and Fair Enforcement Regulation (SAFER) Banking Act**, is proposed legislation regarding disposition of funds gained through the [cannabis industry](https://en.wikipedia.org/wiki/Cannabis_industry) in the United States.

**History**[[edit source](https://en.wikipedia.org/w/index.php?title=SAFE_Banking_Act&action=edit&section=1)]

**116th Congress**[[edit source](https://en.wikipedia.org/w/index.php?title=SAFE_Banking_Act&action=edit&section=2)]

On March 7, 2019, the bill was introduced in [U.S. House of Representatives](https://en.wikipedia.org/wiki/United_States_House_of_Representatives) by [Ed Perlmutter](https://en.wikipedia.org/wiki/Ed_Perlmutter) (D-CO) and was referred to the [Judiciary](https://en.wikipedia.org/wiki/United_States_House_Committee_on_the_Judiciary) and [Financial Services Committees](https://en.wikipedia.org/wiki/United_States_House_Committee_on_Financial_Services).[[1]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-House_Actions_Congress.gov-1) On March 28, 2019, the Financial Services Committee voted 45 to 15 to advance the bill to the full House.[[1]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-House_Actions_Congress.gov-1)[[2]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-2)[[3]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-3)

The bill had "broad bipartisan support",[[4]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-4) and there were 152 cosponsors at the time of the committee vote – over a third of the entire House.[[5]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-5) Perlmutter, along with Washington Representative [Denny Heck](https://en.wikipedia.org/wiki/Denny_Heck), "have introduced similar bills every Congress since 2013".[[6]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-6) On April 11, 2019, Oregon Senator [Jeff Merkley](https://en.wikipedia.org/wiki/Jeff_Merkley) introduced a companion bill in the [U.S. Senate](https://en.wikipedia.org/wiki/United_States_Senate) and the bill was referred to the [Senate Banking, Housing, and Urban Affairs Committee](https://en.wikipedia.org/wiki/United_States_Senate_Committee_on_Banking,_Housing,_and_Urban_Affairs).[[7]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-7) On June 6, 2019, the House bill moved out of committee and was placed on the [Union Calendar](https://en.wikipedia.org/wiki/Union_Calendar) for a vote.[[8]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-8)

As of September 18, 2019, the House bill had 206 cosponsors (including [U.S. House Judiciary Committee Chair](https://en.wikipedia.org/wiki/United_States_House_Committee_on_the_Judiciary) [Jerry Nadler](https://en.wikipedia.org/wiki/Jerry_Nadler) and [U.S. House Financial Services Committee Chair](https://en.wikipedia.org/wiki/United_States_House_Committee_on_Financial_Services) [Maxine Waters](https://en.wikipedia.org/wiki/Maxine_Waters)),[[9]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-9) and the Senate bill had 33 cosponsors (including [Senate Minority Whip](https://en.wikipedia.org/wiki/Party_leaders_of_the_United_States_Senate) [Dick Durbin](https://en.wikipedia.org/wiki/Dick_Durbin)).[[10]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-10)

On September 20, 2019, [House Majority Leader](https://en.wikipedia.org/wiki/House_Majority_Leader) [Steny Hoyer](https://en.wikipedia.org/wiki/Steny_Hoyer) announced the bill was scheduled for a floor vote for the week of September 23 under [suspension of the rules](https://en.wikipedia.org/wiki/Suspension_of_the_rules_in_the_United_States_Congress). Under suspension of House rules, the bill may not be amended, and must be approved by two thirds of the House of Representatives.[[11]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-11)[[12]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-12)

The bill was passed by the House on September 25, 2019.[[13]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-13)

The bill was originally drafted exclusively with banking institutions within its scope. However, the National Association of Professional Insurance Agents and other lobbying organizations achieved the addition of language from the "Clarifying Law Around Insurance of Marijuana" (CLAIM) Act, which existed in similar versions in both the House and the Senate. The added language rules out criminal and civil prosecution for both the entities and their employees or officers for the business of insuring cannabis-related industry when such industry is located in states which have legalized such activity.[[14]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-14)[[15]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-15)

The SAFE Banking Act provisions were included in the [HEROES Act](https://en.wikipedia.org/wiki/HEROES_Act), a [COVID-19](https://en.wikipedia.org/wiki/COVID-19) relief bill passed in the U.S. House in May 2020.[[16]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-16) They were again included in a bill approved by the house 214–207 in October.[[17]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-17)[[18]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-18) A push to include the SAFE Banking Act provisions in the end-of-year COVID-19 stimulus failed, though hope remained it could pass in 2021 if reintroduced.[[19]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-SkinnerExlus20-19)

**117th Congress**[[edit source](https://en.wikipedia.org/w/index.php?title=SAFE_Banking_Act&action=edit&section=3)]

The SAFE Banking Act was reintroduced in the 117th Congress in 2021 by a bipartisan group of over 100 members of the House.[[20]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-20) In late October 2022, Senate Majority Leader [Chuck Schumer](https://en.wikipedia.org/wiki/Chuck_Schumer) said a bill in his chamber was "very close".[[21]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-yahoofinance20221031-21) The Senate bill had additional provisions regarding expungements and was being called "SAFE Banking Plus".[[21]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-yahoofinance20221031-21) Industry publication *Marijuana Business Daily* asserted that SAFE Banking Plus was likely to be on the agenda in the [lame-duck session](https://en.wikipedia.org/wiki/Lame-duck_session) following the November elections,[[22]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-22) as did Dow Jones' [MarketWatch](https://en.wikipedia.org/wiki/MarketWatch),[[23]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-23) while [*Kiplinger's Personal Finance*](https://en.wikipedia.org/wiki/Kiplinger%27s_Personal_Finance) said it had "some probability" of passage.[[24]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-24) In late November, Beacon Policy Advisors and Cowen Washington Research Group gave it a 70 and 75% chance of passage respectively.[[25]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-25)

In early December it was reported that Majority Leader Chuck Schumer, with bipartisan support, planned to attach the legislation to a "must pass" bill like the [2023 National Defense Authorization Act](https://en.wikipedia.org/wiki/National_Defense_Authorization_Act_for_Fiscal_Year_2023) during the lame-duck session.[[26]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-26)

**Amendment to National Defense Authorization Act**[[edit source](https://en.wikipedia.org/w/index.php?title=SAFE_Banking_Act&action=edit&section=4)]

The bill's language was added to the [National Defense Authorization Act for Fiscal Year 2022](https://en.wikipedia.org/wiki/National_Defense_Authorization_Act_for_Fiscal_Year_2022) (NDAA) by amendment on September 21, 2021.[[27]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-27)[[28]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-28) A letter to Congress by a bipartisan group of just one fewer than half of U.S. state governors urged passage through the NDAA.[[29]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-29) The SAFE Banking provisions were removed from the NDAA prior to its being signed into law on December 27, 2021.[[30]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-30)[[31]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-31)

The bill was included in the [National Defense Authorization Act](https://en.wikipedia.org/wiki/National_Defense_Authorization_Act) for fiscal year 2023 passed by the House on July 14, 2022.[[32]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-32)

**Amendment to America COMPETES Act**[[edit source](https://en.wikipedia.org/w/index.php?title=SAFE_Banking_Act&action=edit&section=5)]



Senator [Patty Murray](https://en.wikipedia.org/wiki/Patty_Murray) advocates for passage of the SAFE Banking Act on April 20, 2022

In January 2022, Perlmutter introduced an amendment to the [America COMPETES Act of 2022](https://en.wikipedia.org/wiki/America_COMPETES_Act_of_2022) that incorporated the SAFE Banking Act.[[33]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-33) It was passed by the House on February 4.[[34]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-34) On April 20, 2022, Senator [Patty Murray](https://en.wikipedia.org/wiki/Patty_Murray) said that the banking amendment was likely to get passed in the America COMPETES Act "in a little over a month" through conference committee negotiations.[[35]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-35) Murray became the third-ranking member of the party in control of the U.S. Senate in 2016,[[36]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-36) and is a member of the conference committee.[[37]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-37)

**118th Congress**[[edit source](https://en.wikipedia.org/w/index.php?title=SAFE_Banking_Act&action=edit&section=6)]

The bill was reintroduced during the 118th Congress on April 26, 2023 in both chambers. Senators [Jeff Merkley](https://en.wikipedia.org/wiki/Jeff_Merkley) (D) and [Steve Daines](https://en.wikipedia.org/wiki/Steve_Daines) (R), and Representatives [Dave Joyce](https://en.wikipedia.org/wiki/David_Joyce_(politician)) (R) and [Earl Blumenauer](https://en.wikipedia.org/wiki/Earl_Blumenauer) (D) were the lead sponsors.[[38]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-38)[[39]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-Schroyer2023-39) The [Senate Banking Committee](https://en.wikipedia.org/wiki/Senate_Banking_Committee) chair, [Sherrod Brown](https://en.wikipedia.org/wiki/Sherrod_Brown), said the bill could get a hearing in the first half of May, 2023,[[40]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-40) and the first Senate hearing was held on May 11.[[41]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-41)[[42]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-42) The bill was scheduled for markup by the Senate Banking Committee in June.[[43]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-43) *Politico* and other sources reported it was scheduled for a Banking Committee vote on September 27, where it was expected to pass.[[44]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-MarketWatch-44)[[45]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-45)

Senators including Majority Leader Chuck Schumer introduced a new version of the bill called Secure and Fair Enforcement Regulation (SAFER) Banking Act on September 20.[[46]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-46)[[47]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-47) The bill was passed by the committee on September 27, clearing it for a Senate floor vote.[[48]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-48)[[49]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-X1707044353871376718-49)

Following the apparent intention of the US government to [reschedule marijuana from Schedule I to Schedule III](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act) in late April, 2024, Majority Leader Schumer reiterated the need for new banking regulations around cannabis and said he "remain[s] strongly committed" to both SAFER Banking and the [Cannabis Administration and Opportunity Act](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act).[[50]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-50)

**Provisions**[[edit source](https://en.wikipedia.org/w/index.php?title=SAFE_Banking_Act&action=edit&section=7)]

The following is the [bill](https://en.wikipedia.org/wiki/Bill_(law)) summary authorized by the [Congressional Research Service](https://en.wikipedia.org/wiki/Congressional_Research_Service) (CRS) for the SAFE Banking Act, the version which passed the House in 2021:[[51]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-51)

This bill generally prohibits a federal banking regulator from penalizing a depository institution for providing banking services to a legitimate cannabis-related business. Prohibited penalties include terminating or limiting the deposit insurance or share insurance of a depository institution solely because the institution provides financial services to a legitimate cannabis-related business and prohibiting or otherwise discouraging a depository institution from offering financial services to such a business.

Additionally, proceeds from a transaction involving activities of a legitimate cannabis-related business are not considered proceeds from unlawful activity. Proceeds from unlawful activity are subject to anti-money laundering laws.

Furthermore, a depository institution is not, under federal law, liable or subject to asset forfeiture for providing a loan or other financial services to a legitimate cannabis-related business.

The bill also provides that a federal banking agency may not request or order a depository institution to terminate a customer account unless (1) the agency has a valid reason for doing so, and (2) that reason is not based solely on reputation risk. Valid reasons for terminating an account include threats to national security and involvement in terrorist financing, including state sponsorship of terrorism.

Finally, the bill decreases the cap on the surplus funds of the Federal Reserve banks. (Amounts exceeding this cap are deposited in the general fund of the Treasury.)

**Legislative history**[[edit source](https://en.wikipedia.org/w/index.php?title=SAFE_Banking_Act&action=edit&section=8)]

As of August 2, 2024:

| **Congress** | **Short title** | **Bill number(s)** | **Date introduced** | **Sponsor(s)** | **# of cosponsors** | **Latest status** |
| --- | --- | --- | --- | --- | --- | --- |
| [116th Congress](https://en.wikipedia.org/wiki/116th_United_States_Congress) | SAFE Banking Act of 2019 | [H.R. 1595](https://www.congress.gov/bill/116th-congress/house-bill/1595/) | March 7, 2019 | [Ed Perlmutter](https://en.wikipedia.org/wiki/Ed_Perlmutter)  (D-CO) | 206 | Passed in the House (321-103) [[52]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-52) |
| [S.1200](https://www.congress.gov/bill/116th-congress/senate-bill/1200) | April 19, 2019 | [Jeff Merkley](https://en.wikipedia.org/wiki/Jeff_Merkley)  (D-OR) | 34 | Died in Committee |
| [117th Congress](https://en.wikipedia.org/wiki/117th_United_States_Congress) | SAFE Banking Act of 2021 | [H.R. 1996](https://www.congress.gov/bill/117th-congress/house-bill/1996) | March 18, 2021 | [Ed Perlmutter](https://en.wikipedia.org/wiki/Ed_Perlmutter)  (D-CO) | 180 | Passed in the House (321-101)[[53]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-53) |
| [S.910](https://www.congress.gov/bill/117th-congress/senate-bill/910/) | March 23, 2021 | [Jeff Merkley](https://en.wikipedia.org/wiki/Jeff_Merkley)  (D-OR) | 42 | Died in Committee. |
| [118th Congress](https://en.wikipedia.org/wiki/118th_United_States_Congress) | SAFE Banking Act of 2023 | [H.R. 2891](https://www.congress.gov/bill/118th-congress/house-bill/2891) | April 26, 2023 | [Dave Joyce](https://en.wikipedia.org/wiki/David_Joyce_(politician))  (R-OH) | 128 | Referred to Committees of Jurisdiction. |
| [S.1323](https://www.congress.gov/bill/118th-congress/senate-bill/1323) | April 26, 2023 | [Jeff Merkley](https://en.wikipedia.org/wiki/Jeff_Merkley)  (D-OR) | 42 | Senate Banking Committee hearings held May 11, 2023 |
| SAFER Banking Act | [S.2860](https://www.congress.gov/bill/118th-congress/senate-bill/2860) | September 20, 2023 | [Jeff Merkley](https://en.wikipedia.org/wiki/Jeff_Merkley)  (D-OR) | 36 including Schumer | Passed by Senate Banking Committee on September 27, 2023[[49]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-X1707044353871376718-49) |

**Polling**[[edit source](https://en.wikipedia.org/w/index.php?title=SAFE_Banking_Act&action=edit&section=9)]

A November 2022 poll of over 1,200 likely U.S. voters by [Data for Progress](https://en.wikipedia.org/wiki/Data_for_Progress) showed strong support for many provisions of the bill. Making banking system accessible to the cannabis industry was supported by a 57-point margin.[[54]](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_note-54)

**See also**[[edit source](https://en.wikipedia.org/w/index.php?title=SAFE_Banking_Act&action=edit&section=10)]

* [List of 2022 United States cannabis reform proposals](https://en.wikipedia.org/wiki/List_of_2022_United_States_cannabis_reform_proposals)
* [List of 2023 United States cannabis reform proposals](https://en.wikipedia.org/wiki/List_of_2023_United_States_cannabis_reform_proposals)

**References**[[edit source](https://en.wikipedia.org/w/index.php?title=SAFE_Banking_Act&action=edit&section=11)]

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* [***a***](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_ref-House_Actions_Congress.gov_1-0) [***b***](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_ref-House_Actions_Congress.gov_1-1) ["Actions - H.R.1595 - 116th Congress (2019–2020): SAFE Banking Act of 2019"](https://www.congress.gov/bill/116th-congress/house-bill/1595/all-actions). *www.congress.gov*. Retrieved May 8, 2019.
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* [***a***](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_ref-X1707044353871376718_49-0) [***b***](https://en.wikipedia.org/wiki/SAFE_Banking_Act#cite_ref-X1707044353871376718_49-1) Senate Banking and Housing Democrats [@SenateBanking] (September 27, 2023). ["The SAFER Banking Act has passed the Committee with a bipartisan majority"](https://x.com/SenateBanking/status/1707044353871376718) ([Tweet](https://en.wikipedia.org/wiki/Tweet_(social_media))) – via [Twitter](https://en.wikipedia.org/wiki/Twitter).
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# Marijuana Opportunity Reinvestment and Expungement Act

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| Great Seal of the United States | |
| --- | --- |
| **Long title** | To decriminalize and deschedule cannabis, to provide for reinvestment in certain persons adversely impacted by the War on Drugs, to provide for expungement of certain cannabis offenses, and for other purposes. |
| [**Legislative history**](https://www.congress.gov/bill/117th-congress/house-bill/3617/actions) | |
| * **Introduced** in the [House of Representatives](https://en.wikipedia.org/wiki/United_States_House_of_Representatives) as [H.R. 3617](https://www.congress.gov/bill/117th-congress/house-bill/3617) by [Jerry Nadler](https://en.wikipedia.org/wiki/Jerry_Nadler) ([D](https://en.wikipedia.org/wiki/Democratic_Party_(United_States))–[NY](https://en.wikipedia.org/wiki/New_York_(state))) on May 28, 2021 * **Passed the House of Representatives** on April 1, 2022 ([220-204](https://clerk.house.gov/Votes/2022107)) | |

The **Marijuana Opportunity Reinvestment and Expungement Act**, also known as the **MORE Act**, is a proposed piece of U.S. federal legislation that would [deschedule cannabis from the Controlled Substances Act](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act) and enact various [criminal](https://en.wikipedia.org/wiki/Criminal_justice_reform_in_the_United_States) and [social justice](https://en.wikipedia.org/wiki/Social_justice) reforms related to [cannabis](https://en.wikipedia.org/wiki/Cannabis_(drug)), including the [expungement](https://en.wikipedia.org/wiki/Expungement_in_the_United_States) of prior convictions.

Introduced by [Jerry Nadler](https://en.wikipedia.org/wiki/Jerry_Nadler) on May 28, 2021, the [House of Representatives](https://en.wikipedia.org/wiki/United_States_House_of_Representatives) passed the bill for the second time on April 1, 2022.

**Provisions**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Opportunity_Reinvestment_and_Expungement_Act&action=edit&section=1)]

Provisions of the act include:[[1]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-1)[[2]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-2)[[3]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-3)

* Federal legalization of marijuana by [removing marijuana (cannabis) and THC from the Controlled Substances Act](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act) and directing [expungement](https://en.wikipedia.org/wiki/Expungement) of related convictions
* Expressly prohibits the denial of federal benefits based on a would-be recipient's "use or possession of cannabis, or on the basis of a conviction or adjudication of juvenile delinquency for a cannabis offense". Specifically, it would prohibit the denial of any [Federal public benefit](https://en.wikipedia.org/wiki/Federal_public_benefit) including federal loans, [federal grants](https://en.wikipedia.org/wiki/Federal_grants_in_the_United_States), and contracts as well as benefits such as welfare, unemployment, and food assistance—or any "benefit or protection under the immigration laws". The bill would also bar certain federally-funded programs from declining to provide services or financial assistance to an otherwise eligible small business because the business operates in the cannabis industry.
* Creates cannabis tax and grant programs funded by a 5% tax on cannabis products (excluding prescription medications derived from cannabis)
  + Community Reinvestment Grant Program providing services for "individuals most adversely impacted by the [War on Drugs](https://en.wikipedia.org/wiki/War_on_Drugs)", including job training, health education, mentoring, literacy programs, and substance use treatment programs
  + Cannabis Opportunity Program providing funds for eligible states to make loans to assist small businesses in the cannabis industry that are owned and controlled by socially and economically disadvantaged individuals
  + An Equitable Licensing Grant Program providing funds for eligible states to develop and implement equitable cannabis licensing programs that "minimize barriers to cannabis licensing and employment for individuals most adversely impacted by the War on Drugs
* Directs the Bureau of Labor Statistics to gather demographic data about cannabis business owners and employees

According to [*USA Today*](https://en.wikipedia.org/wiki/USA_Today), "[t]he trust funds the Act would create include the Community Reinvestment Grant, which would provide funding for services such as job training, re-entry services and legal aid; the Cannabis Opportunity Grant, which would provides funds to assist small businesses in the pot industry; and the Equitable Licensing Grant, which minimizes barriers to gain access to marijuana licensing and employment for those most impacted by the so-called war on drugs."[[4]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-4) States would maintain their own laws regarding the substance, including whether to legalize it locally.[[5]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-:0-5)

Due to reduced law enforcement activity and prison costs associated with marijuana-related crimes, the bill would reduce federal expenditures by hundreds of millions of dollars, according to the New York Times. The [Congressional Budget Office](https://en.wikipedia.org/wiki/Congressional_Budget_Office) (CBO) estimates that the bill would reduce the deficit by almost $3 billion over ten years.[[6]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-6)

**History**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Opportunity_Reinvestment_and_Expungement_Act&action=edit&section=2)]

**Marijuana Opportunity Reinvestment and Expungement Act of 2019/2020**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Opportunity_Reinvestment_and_Expungement_Act&action=edit&section=3)]

Matching bills were introduced to the [House of Representatives](https://en.wikipedia.org/wiki/United_States_House_of_Representatives) by [Jerry Nadler](https://en.wikipedia.org/wiki/Jerry_Nadler) and to the Senate by [Kamala Harris](https://en.wikipedia.org/wiki/Kamala_Harris) on July 23, 2019. At the time, Harris was a [2020 Democratic Party candidate](https://en.wikipedia.org/wiki/2020_Democratic_Party_presidential_primaries) for U.S. president.[[7]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-7)

The act was passed with a 24–10 majority by the [House Judiciary Committee](https://en.wikipedia.org/wiki/House_Judiciary_Committee) following [markup](https://en.wikipedia.org/wiki/Markup_(legislation)) on November 20, 2019.[[8]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-8)[[9]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-9) Only two Republicans voted in favor.[[5]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-:0-5) This was the first time in history a congressional committee approved a bill to end federal marijuana prohibition.[[10]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-10)[[11]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-11) The legislation was scheduled for a hearing by the [House Energy and Commerce Committee](https://en.wikipedia.org/wiki/House_Energy_and_Commerce_Committee) Subcommittee on Health on January 15, 2020, titled "Cannabis Policies For The New Decade".[[12]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-12)[[13]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-13)

According to a message released by Majority Whip [Jim Clyburn](https://en.wikipedia.org/wiki/Jim_Clyburn)'s (D-SC) office, the House would vote on the bill in September 2020.[[5]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-:0-5) House Majority Leader [Steny Hoyer](https://en.wikipedia.org/wiki/Steny_Hoyer), in a letter to colleagues, confirmed that the vote would occur by the end of September.[[14]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-14) This was later delayed until later in the year as a result on needing to focus on [COVID-19-related spending](https://en.wikipedia.org/wiki/U.S._federal_government_response_to_the_COVID-19_pandemic#Congressional_response).[[15]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-15)

Following the [November 2020 elections](https://en.wikipedia.org/wiki/2020_United_States_elections), Hoyer announced the bill would get a floor vote in December.[[16]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-16) Following debate on the House floor on December 3, a vote was scheduled for December 4,[[17]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-MJMoment2020dec-17) when the bill passed with a 228–164 majority, mostly along party lines, marking the first time a chamber of Congress approved legislation to [end federal marijuana prohibition](https://en.wikipedia.org/wiki/Legalization_of_non-medical_cannabis_in_the_United_States).[[18]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-18)

222 Democrats voted for the bill, while [Cheri Bustos](https://en.wikipedia.org/wiki/Cheri_Bustos), [Henry Cuellar](https://en.wikipedia.org/wiki/Henry_Cuellar), [Conor Lamb](https://en.wikipedia.org/wiki/Conor_Lamb), [Dan Lipinski](https://en.wikipedia.org/wiki/Dan_Lipinski), [Chris Pappas](https://en.wikipedia.org/wiki/Chris_Pappas_(American_politician)), and [Collin Peterson](https://en.wikipedia.org/wiki/Collin_Peterson) were the six Democrats voting against.[[19]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-cnn-passed-19) 158 Republicans voted against the bill, while [Matt Gaetz](https://en.wikipedia.org/wiki/Matt_Gaetz), [Brian Mast](https://en.wikipedia.org/wiki/Brian_Mast), [Tom McClintock](https://en.wikipedia.org/wiki/Tom_McClintock), [Denver Riggleman](https://en.wikipedia.org/wiki/Denver_Riggleman), and [Don Young](https://en.wikipedia.org/wiki/Don_Young) were the five Republicans voting in favor.[[20]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-20) The sole Libertarian in the House, [Justin Amash](https://en.wikipedia.org/wiki/Justin_Amash), also voted for the bill.[[19]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-cnn-passed-19)

**Marijuana Opportunity Reinvestment and Expungement Act of 2021**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Opportunity_Reinvestment_and_Expungement_Act&action=edit&section=4)]

Nadler reintroduced the bill to Congress on May 28, 2021, with some changes.[[21]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-Hutzler2021-21) On September 30, 2021, the [House Committee on the Judiciary](https://en.wikipedia.org/wiki/House_Committee_on_the_Judiciary) referred the bill for a vote by the House.[[22]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-nj20210930-22)[[23]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-23) On March 24, it was scheduled to be considered for a House floor vote sometime the following week, pending a [House Rules Committee](https://en.wikipedia.org/wiki/House_Rules_Committee) hearing.[[24]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-24)[[25]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-25)[[26]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-26) On March 30, the Rules Committee cleared the bill for a House floor vote with amendments related to immigration, studies on workplace and traffic safety, and security clearances.[[27]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-27)[[28]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-28) On April 1, the bill passed in the House on a 220–204 vote.[[29]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-29)

**Legislative history**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Opportunity_Reinvestment_and_Expungement_Act&action=edit&section=5)]

As of May 6, 2024:

| **Congress** | **Short title** | **Bill number(s)** | **Date introduced** | **Sponsor(s)** | **# of cosponsors** | **Latest status** |
| --- | --- | --- | --- | --- | --- | --- |
| [116th Congress](https://en.wikipedia.org/wiki/116th_United_States_Congress) | MORE Act of 2019 | [H.R. 3884](https://www.congress.gov/bill/116th-congress/house-bill/3884) | July 23, 2019 | [Jerry Nadler](https://en.wikipedia.org/wiki/Jerry_Nadler) (D-NY) | 120 | Passed in the House |
| [S.2227](https://www.congress.gov/bill/116th-congress/senate-bill/2227) | July 23, 2019 | [Kamala Harris](https://en.wikipedia.org/wiki/Kamala_Harris) (D-CA) | 8 | Died in Committee |
| [117th Congress](https://en.wikipedia.org/wiki/117th_United_States_Congress) | MORE Act of 2021 | [H.R. 3617](https://www.congress.gov/bill/117th-congress/house-bill/3617?s=2&r=4) | May 28, 2021 | [Jerry Nadler](https://en.wikipedia.org/wiki/Jerry_Nadler) (D-NY) | 114 | Passed in the House |
| [118th Congress](https://en.wikipedia.org/wiki/118th_United_States_Congress) | MORE Act of 2023 | [H.R. 5601](https://www.congress.gov/bill/118th-congress/house-bill/5601) | September 20, 2023 | [Jerry Nadler](https://en.wikipedia.org/wiki/Jerry_Nadler) (D-NY) | 87 | Referred to committees of jurisdiction |

**Support and opposition**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Opportunity_Reinvestment_and_Expungement_Act&action=edit&section=6)]

In August 2020, on the behalf of a long list of civil rights and drug policy activist groups, [Vanita Gupta](https://en.wikipedia.org/wiki/Vanita_Gupta) sent a letter to Democratic congressional leaders calling for a vote on the act. The letter states that "In the face of the evolving [COVID-19 pandemic](https://en.wikipedia.org/wiki/COVID-19_pandemic_in_the_United_States) and a growing [national dialogue on unjust law enforcement practices](https://en.wikipedia.org/wiki/George_Floyd_protests), marijuana reform as a modest first step at chipping away at the War on Drugs is more relevant and more pressing than ever before."[[30]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-30)[[31]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-31)

On June 1, 2021, [Amazon](https://en.wikipedia.org/wiki/Amazon_(company))'s consumer CEO announced the company's support for the bill and that it would no longer test non-transportation workers for cannabis use.[[32]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-32) Amazon also announced that it would use its "public policy team" (lobbying resources) to back the bill.[[33]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-33) On June 4, the [Leadership Conference on Civil and Human Rights](https://en.wikipedia.org/wiki/Leadership_Conference_on_Civil_and_Human_Rights) published a letter urging Congress to pass the bill.[[34]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-34)

In comparison to the first iteration of the MORE Act in 2019/2020, the Act of 2021 had less GOP support. [Thomas Massie](https://en.wikipedia.org/wiki/Thomas_Massie) (R-KY), a supporter of cannabis legalization, criticized the bill stating that it would create "new marijuana crimes" with each violation punishable by up to five years in prison and a $10,000 fine.[[35]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-35) Senate Majority Leader [Chuck Schumer](https://en.wikipedia.org/wiki/Chuck_Schumer) (D-NY) proposed the [Cannabis Administration and Opportunity Act](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act) that would, in addition to legalizing cannabis, implement a federal excise tax on marijuana starting at 10 percent and rising to 25 percent by the fifth year, which would be in addition to the state and local taxes and additional taxes and regulations.[[36]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-36) Proponents of cannabis legalization are skeptical that this or similar bills will pass as so called "Liberty Republicans", such as Massie who would support cannabis legalization, have expressed that they will not support legislation that broadens government authority over the regulation of the plant.[[37]](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act#cite_note-37)

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| *Great Seal of the United States* | |
| --- | --- |
| **Long title** | A bill to decriminalize and deschedule cannabis, to provide for reinvestment in certain persons adversely impacted by the War on Drugs, to provide for expungement of certain cannabis offenses, and for other purposes. |
| [**Acronyms**](https://en.wikipedia.org/wiki/Acronym)(colloquial) | CAOA |
| [**Legislative history**](https://www.congress.gov/bill/118th-congress/senate-bill/4226/all-actions) | |
| * **Introduced** in the Senate as [S. 4226](https://www.congress.gov/bill/118th-congress/senate-bill/4226) by [Cory Booker](https://en.wikipedia.org/wiki/Cory_Booker) on May 1, 2024 | |

The **Cannabis Administration and Opportunity Act** (S.4226 in the 118th Congress) is a proposed bill in the United States Congress to recognize [legalization of cannabis](https://en.wikipedia.org/wiki/Legalization_of_cannabis) by the states. The authors are Senate Majority Leader [Chuck Schumer](https://en.wikipedia.org/wiki/Chuck_Schumer), Senator [Cory Booker](https://en.wikipedia.org/wiki/Cory_Booker), and Senator [Ron Wyden](https://en.wikipedia.org/wiki/Ron_Wyden).

**History**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_Administration_and_Opportunity_Act&action=edit&section=1)]

**117th Congress**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_Administration_and_Opportunity_Act&action=edit&section=2)]

On March 31, 2021, following New York legalization under the 2021 [Marijuana Regulation and Taxation Act](https://en.wikipedia.org/wiki/Marijuana_Regulation_and_Taxation_Act), Senate Majority Leader Chuck Schumer announced he would soon introduce a federal bill to deschedule cannabis, similar to his 2018 [Marijuana Freedom and Opportunity Act](https://en.wikipedia.org/wiki/Marijuana_Freedom_and_Opportunity_Act).[[1]](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act#cite_note-1) Sources told [*Politico*](https://en.wikipedia.org/wiki/Politico) and other media that a draft of the bill would be introduced on July 14.[[2]](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act#cite_note-2)

On July 14, 2021, Senator Schumer introduced a [discussion draft](https://en.wikipedia.org/wiki/Draft_Bill) of the bill.[[3]](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act#cite_note-3)[[4]](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act#cite_note-4)

On February 4, 2022, Schumer said the legislation would be introduced in the U.S. Senate in April of that year.[[5]](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act#cite_note-5) Later in February, Schumer circulated a letter asking other senators to "join the process of perfecting" the draft, and for their support.[[6]](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act#cite_note-6) The bill was said to be likely to be introduced by its sponsors on or around the unofficial [420 cannabis holiday](https://en.wikipedia.org/wiki/420_(cannabis_culture)), i.e. April 20, 2022,[[7]](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act#cite_note-7) but it was later postponed to "before August recess".[[8]](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act#cite_note-8)

The bill was introduced in the United States Senate on July 21, 2022 as S.4591.[[9]](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act#cite_note-:0-9)[[10]](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act#cite_note-10) In addition to decriminalizing cannabis at the federal level, the bill would expunge federal cannabis-related criminal records. It would add new funding for law enforcement to go after illegal marijuana operations.[[9]](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act#cite_note-:0-9)



Schumer, Booker, and Wyden at a press conference for the reintroduction of the bill in May 2024

**118th Congress**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_Administration_and_Opportunity_Act&action=edit&section=3)]

In a [Dear Colleague letter](https://en.wikipedia.org/wiki/Dear_Colleague_letter_(United_States)), Senate Majority Leader Chuck Schumer and others announced plans to reintroduce the Cannabis Administration and Opportunity Act before April 20, 2024.[[11]](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act#cite_note-11) Schumer announced the introduction of the bill on May 1, 2024,[[12]](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act#cite_note-12) and it was enrolled as S.4226 that day.[[13]](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act#cite_note-13)

**Reception and analysis**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_Administration_and_Opportunity_Act&action=edit&section=4)]

The bill was called by ABC News in 2021 "the first time in history [senators from a major party] introduced a bill to decriminalize marijuana at the federal level and remove cannabis from the federal list of controlled substances" and end federal prohibition.[[14]](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act#cite_note-14)[[a]](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act#cite_note-16)

*The New York Times* wrote that the bill was unlikely to become law, but was significant because "[t]he suggestion that the Senate's top leader and the chairman of the powerful Finance Committee would sponsor major decriminalization legislation would have been fantastical in the not-too-distant past".[[16]](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act#cite_note-17)

The Associated Press wrote that the support of the Senate Majority Leader for ending prohibition "underscor[es] how a once-fringe idea is increasingly mainstream".[[17]](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act#cite_note-18)

**See also**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_Administration_and_Opportunity_Act&action=edit&section=5)]

* [List of 2021 United States cannabis reform proposals](https://en.wikipedia.org/wiki/List_of_2021_United_States_cannabis_reform_proposals)
* [List of 2022 United States cannabis reform proposals](https://en.wikipedia.org/wiki/List_of_2022_United_States_cannabis_reform_proposals)

**Notes**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_Administration_and_Opportunity_Act&action=edit&section=6)]

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* [**^**](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act#cite_ref-2) Victor Reklaitis (July 13, 2021). ["Schumer, other Democrats to unveil draft bill for cannabis decriminalization on Wednesday"](https://www.marketwatch.com/story/schumer-other-democrats-to-unveil-draft-bill-for-cannabis-decriminalization-on-wednesday-11626193788). [*MarketWatch*](https://en.wikipedia.org/wiki/MarketWatch). Dow Jones.
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* [Jump up to:](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act#cite_ref-:0_9-0)
* [***a***](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act#cite_ref-:0_9-0) [***b***](https://en.wikipedia.org/wiki/Cannabis_Administration_and_Opportunity_Act#cite_ref-:0_9-1) Natalie Fertig (July 21, 2022). ["Schumer's legal weed bill is finally here"](https://www.politico.com/news/2022/07/21/schumer-legal-weed-bill-00047058). Politico.
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**Further reading**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_Administration_and_Opportunity_Act&action=edit&section=8)]

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**External links**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_Administration_and_Opportunity_Act&action=edit&section=9)]

* [Draft bill](https://www.booker.senate.gov/imo/media/doc/caoa.pdf) at Senator Booker's official website
* [Legislation to End Federal Prohibition of Marijuana (July 14, 2021)](https://www.c-span.org/video/?513404-1/legislation-end-federal-prohibition-marijuana) at [C-Span](https://en.wikipedia.org/wiki/C-Span)

# Medical Marijuana and Cannabidiol Research Expansion Act

**1 language**

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Text

* Small
* Standard
* Large

Width

* Standard
* Wide

Color (beta)

* Automatic
* Light
* Dark

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| Great Seal of the United States | |
| --- | --- |
| **Long title** | To expand research on cannabidiol and marijuana, and for other purposes. |
| **Enacted by** | the [117th United States Congress](https://en.wikipedia.org/wiki/117th_United_States_Congress) |
| **Effective** | December 2, 2022 |
| **Citations** | |
| **Public law** | [Pub. L.](https://en.wikipedia.org/wiki/Act_of_Congress#Public_law,_private_law,_designation) [117–215 (text)](https://www.govinfo.gov/link/plaw/117/public/215?link-type=html) [(PDF)](https://www.govinfo.gov/link/plaw/117/public/215?link-type=pdf&.pdf) |
| [**Statutes at Large**](https://en.wikipedia.org/wiki/United_States_Statutes_at_Large) | 136 [Stat.](https://en.wikipedia.org/wiki/United_States_Statutes_at_Large) [2257](https://legislink.org/us/stat-136-2257) |
| [**Legislative history**](https://www.congress.gov/bill/117th-congress/house-bill/8454) | |
| * **Introduced** in the House as [H.R. 8454](https://www.congress.gov/bill/117th-congress/house-bill/8454) by [Earl Blumenauer](https://en.wikipedia.org/wiki/Earl_Blumenauer) ([D](https://en.wikipedia.org/wiki/Democratic_Party_(United_States))–[OR](https://en.wikipedia.org/wiki/Oregon)) on July 21, 2022 * **Passed the House** on July 26, 2022 ([325–95](https://clerk.house.gov/evs/2022/roll392.xml)) * **Passed the Senate** on November 16, 2022 ([voice vote](https://en.wikipedia.org/wiki/Voice_vote)) * **Signed into law** by President [Joe Biden](https://en.wikipedia.org/wiki/Joe_Biden) on December 2, 2022 | |

The **Medical Marijuana and Cannabidiol Research Expansion Act** is an [Act of Congress](https://en.wikipedia.org/wiki/Act_of_Congress) allowing [medical research on cannabis](https://en.wikipedia.org/wiki/Medical_cannabis). The act is "the first standalone marijuana-related bill approved by both chambers of the United States Congress".[[1]](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_note-Fertig20221116-1)

**History**[[edit source](https://en.wikipedia.org/w/index.php?title=Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act&action=edit&section=1)]

The bill was introduced in the Senate February 4, 2021, by Senators Dianne Feinstein (D) of California, Brian Schatz (D) of Hawaii, and Chuck Grassley (R) of Iowa as S.253;[[2]](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_note-2)[[3]](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_note-3) it was forwarded unanimously by the [Senate Committee on the Judiciary](https://en.wikipedia.org/wiki/Senate_Committee_on_the_Judiciary) and passed by Senate unanimously on March 24, 2022.[[4]](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_note-Jaeger20220324-4) A new bill with minor changes was introduced in House on July 21, 2022, by four Republicans and two Democrats; Rep. [Earl Blumenauer](https://en.wikipedia.org/wiki/Earl_Blumenauer) of Oregon was the lead sponsor.[[5]](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_note-5) It was passed by House under suspension of the rules 395-25 five days later.[[6]](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_note-Feinstein20221116-6) On November 16, 2022, the Senate passed the House bill by voice vote and sent it to the President to be signed into law.[[1]](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_note-Fertig20221116-1)[[6]](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_note-Feinstein20221116-6) President Biden signed the bill into law on December 2, 2022.[[7]](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_note-Biden-7)

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The act requires the [Drug Enforcement Administration](https://en.wikipedia.org/wiki/Drug_Enforcement_Administration) to register researchers and suppliers of cannabis for medical research in a timely manner, who will then be able to legally manufacture, distribute, dispense and possess the substance.[[8]](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_note-8) It also creates a mechanism for FDA approval of drugs derived from the cannabis plant and "[p]rotects doctors who may now discuss the harms and benefits of using cannabis and cannabis derivatives."[[9]](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_note-9)[[a]](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_note-10) It also requires the Department of Health and Human Services to investigate the medical utility of cannabis and barriers that exist to conducting research, and requires the Attorney General to conduct an annual review to ensure that cannabis is being adequately produced for research purposes.[[7]](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_note-Biden-7)[[10]](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_note-11)[[11]](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_note-12)

**See also**[[edit source](https://en.wikipedia.org/w/index.php?title=Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act&action=edit&section=3)]

* [List of 2022 United States cannabis reform proposals](https://en.wikipedia.org/wiki/List_of_2022_United_States_cannabis_reform_proposals)
* [Cannabis policy of the Joe Biden administration](https://en.wikipedia.org/wiki/Cannabis_policy_of_the_Joe_Biden_administration)

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**Notes**[[edit source](https://en.wikipedia.org/w/index.php?title=Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act&action=edit&section=4)]

* [**^**](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_ref-10) Title III states "It shall not be a violation of the Controlled Substances Act (21 U.S.C. 801 et seq.) for a State-licensed physician to discuss—(1) the currently known potential harms and benefits of marijuana derivatives, including cannabidiol, as a treatment with the legal guardian of the patient of the physician if the patient is a child; or (2) the currently known potential harms and benefits of marijuana and marijuana derivatives, including cannabidiol, as a treatment with the patient or the legal guardian of the patient of the physician if the patient is a legal adult."

**References**[[edit source](https://en.wikipedia.org/w/index.php?title=Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act&action=edit&section=5)]

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* [Jump up to:](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_ref-Fertig20221116_1-0)
* [***a***](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_ref-Fertig20221116_1-0) [***b***](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_ref-Fertig20221116_1-1) Natalie Fertig (November 16, 2022). ["Congress sends first weed bill to Biden"](https://www.politico.com/amp/news/2022/11/16/congress-sends-first-weed-bill-to-biden-00068082). *Politico*. Passage of the legislation signaled a new era in federal cannabis policy: It's the first standalone marijuana-related bill approved by both chambers of Congress.
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* [**^**](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_ref-5) ["H.R.8454 - Medical Marijuana and Cannabidiol Research Expansion Act"](https://www.congress.gov/bill/117th-congress/house-bill/8454/cosponsors). *congress.gov*.
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* [Jump up to:](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_ref-Feinstein20221116_6-0)
* [***a***](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_ref-Feinstein20221116_6-0) [***b***](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_ref-Feinstein20221116_6-1) [*Senate Passes Bipartisan Marijuana Research Bill – Bill passed House in July, now goes to President Biden for signature*](https://www.feinstein.senate.gov/public/index.cfm/press-releases?id=F72220B0-7431-4762-9ED9-0DFF7A8EB66A) (press release), Office of Senator Dianne Feinstein, November 16, 2022
* ^
* [Jump up to:](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_ref-Biden_7-0)
* [***a***](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_ref-Biden_7-0) [***b***](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act#cite_ref-Biden_7-1) Kyle Jaeger (December 2, 2022). ["Biden Signs Marijuana Research Bill, A Historic First For Federal Cannabis Reform"](https://www.marijuanamoment.net/biden-signs-marijuana-research-bill-a-historic-first-for-federal-cannabis-reform/). *Marijuana Moment*.
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**Further reading**[[edit source](https://en.wikipedia.org/w/index.php?title=Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act&action=edit&section=6)]

* Purcell, John M.; Passley, Tija M.; Leheste, Joerg R. (October 2022), "The cannabidiol and marijuana research expansion act: Promotion of scientific knowledge to prevent a national health crisis", *The Lancet Regional Health Americas*, **14** (100325): 100325, [doi](https://en.wikipedia.org/wiki/Doi_(identifier)):[10.1016/j.lana.2022.100325](https://doi.org/10.1016%2Fj.lana.2022.100325), [PMC](https://en.wikipedia.org/wiki/PMC_(identifier)) [9903742](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9903742), [PMID](https://en.wikipedia.org/wiki/PMID_(identifier)) [36777382](https://pubmed.ncbi.nlm.nih.gov/36777382), [S2CID](https://en.wikipedia.org/wiki/S2CID_(identifier)) [250543365](https://api.semanticscholar.org/CorpusID:250543365)

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* [Medical Marijuana and Cannabidiol Research Expansion Act](https://www.govinfo.gov/link/plaw/117/public/215?link-type=uslm) ([PDF](https://www.govinfo.gov/link/plaw/117/public/215?link-type=pdf)/[details](https://www.govinfo.gov/link/plaw/117/public/215?link-type=details)) as enacted in the [US Statutes at Large](https://en.wikipedia.org/wiki/United_States_Statutes_at_Large)
* [H.R.8454 - Medical Marijuana and Cannabidiol Research Expansion Act](https://www.congress.gov/bill/117th-congress/house-bill/8454) on [Congress.gov](https://en.wikipedia.org/wiki/Congress.gov)

### COURT CASES ###

# *Leary v. United States*

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| ***Leary v. United States*** | |
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| [**Supreme Court of the United States**](https://en.wikipedia.org/wiki/Supreme_Court_of_the_United_States) | |
| **Argued December 11–12, 1968**  **Decided May 19, 1969** | |
| **Full case name** | [*Timothy Leary*](https://en.wikipedia.org/wiki/Timothy_Leary) *v. United States* |
| **Citations** | 395 [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) [6](https://supreme.justia.com/us/395/6/case.html) ([*more*](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_395))  89 S. Ct. 1532; 23 [L. Ed. 2d](https://en.wikipedia.org/wiki/L._Ed._2d) 57; 1969 [U.S. LEXIS](https://en.wikipedia.org/wiki/U.S._LEXIS) 3271; 69-2 U.S. Tax Cas. ([CCH](https://en.wikipedia.org/wiki/CCH_(company))) ¶ 15,900; 23 A.F.T.R.2d (RIA) 2006 |
| **Case history** | |
| **Prior** | On writ of certiorari to the United States Court of Appeals for the Fifth Circuit |
| **Holding** | |
| The Marihuana Tax Act required self-incrimination, thus violating the Fifth Amendment of Constitution. Leary's conviction reversed. | |
| **Court membership** | |
| **Chief Justice**  [Earl Warren](https://en.wikipedia.org/wiki/Earl_Warren)  **Associate Justices**  [Hugo Black](https://en.wikipedia.org/wiki/Hugo_Black) **·** [William O. Douglas](https://en.wikipedia.org/wiki/William_O._Douglas)  [John M. Harlan II](https://en.wikipedia.org/wiki/John_Marshall_Harlan_(born_1899)) **·** [William J. Brennan Jr.](https://en.wikipedia.org/wiki/William_J._Brennan_Jr.)  [Potter Stewart](https://en.wikipedia.org/wiki/Potter_Stewart) **·** [Byron White](https://en.wikipedia.org/wiki/Byron_White)  [Thurgood Marshall](https://en.wikipedia.org/wiki/Thurgood_Marshall) | |
| **Case opinions** | |
| **Majority** | Harlan, joined by Douglas, Brennan, Stewart, White, Marshall; Warren (in part) |
| **Concurrence** | Stewart |
| **Concurrence** | Black (in judgment) |
| **Laws applied** | |
| [U.S. Const. amend. V](https://en.wikipedia.org/wiki/Fifth_Amendment_to_the_United_States_Constitution), [Marihuana Tax Act](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937) | |



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[***Leary v. United States* (395 U.S. 6)**](https://en.wikisource.org/wiki/Leary_v._United_States_(395_U.S._6))

***Leary v. United States***, 395 U.S. 6 (1969), is a [U.S. Supreme Court](https://en.wikipedia.org/wiki/Supreme_Court_of_the_United_States) case dealing with the [constitutionality](https://en.wikipedia.org/wiki/Constitutionality) of the [Marihuana Tax Act of 1937](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937). [Timothy Leary](https://en.wikipedia.org/wiki/Timothy_Leary), a professor and activist, was arrested for the possession of [marijuana](https://en.wikipedia.org/wiki/Marijuana) in violation of the Marihuana Tax Act. Leary challenged the act on the ground that the act required [self-incrimination](https://en.wikipedia.org/wiki/Self-incrimination), which violated the [Fifth Amendment](https://en.wikipedia.org/wiki/Fifth_Amendment_to_the_United_States_Constitution). The unanimous opinion of the court was penned by Justice [John Marshall Harlan II](https://en.wikipedia.org/wiki/John_Marshall_Harlan_II) and declared the Marihuana Tax Act [unconstitutional](https://en.wikipedia.org/wiki/Unconstitutional). Thus, Leary's conviction was overturned. Congress responded shortly thereafter by replacing the Marihuana Tax Act with the newly written [Controlled Substances Act](https://en.wikipedia.org/wiki/Controlled_Substances_Act) while continuing the [prohibition of certain drugs](https://en.wikipedia.org/wiki/Federal_drug_policy_of_the_United_States) in the United States.[[1]](https://en.wikipedia.org/wiki/Leary_v._United_States#cite_note-FaheyMiller2013-1)

**Background**[[edit source](https://en.wikipedia.org/w/index.php?title=Leary_v._United_States&action=edit&section=1)]

On December 20, 1965, Leary left New York by automobile, intending to take a vacation trip to the Mexican state of [Yucatán](https://en.wikipedia.org/wiki/Yucat%C3%A1n_(state)). He was accompanied by his daughter and son, both teenagers, and two others. On December 22, 1965, the party drove across the [International Bridge](https://en.wikipedia.org/wiki/International_bridges_in_Laredo,_Texas) between the United States and Mexico at [Laredo, Texas](https://en.wikipedia.org/wiki/Laredo,_Texas). They stopped at the Mexican customs station and, after apparently being denied entry, drove back across the bridge. They halted at the American secondary inspection area, explained the situation to a customs inspector, and stated that they had nothing from Mexico to declare. The inspector asked to search the car, examined its interior, and saw what appeared to be [marijuana](https://en.wikipedia.org/wiki/Marijuana) seeds on the floor. Small amounts of marijuana were also found on the car floor and in the glove compartment. A personal search of Leary's daughter revealed a silver snuff box containing semi-refined marijuana and three partially smoked [marijuana cigarettes](https://en.wikipedia.org/wiki/Joint_(cannabis)). Though Leary was arrested for violating the Marijuana Tax Act, it was also illegal in the state of Texas to possess marijuana. Hence, compliance under federal law would have provided self-incriminating evidence.

**Legal decision**[[edit source](https://en.wikipedia.org/w/index.php?title=Leary_v._United_States&action=edit&section=2)]

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a. If read according to its terms, the Marijuana Tax Act compelled petitioner to expose himself to a "real and appreciable" risk of self-incrimination;  
b. [The statute] required him, in the course of obtaining an order form, to identify himself not only as a transferee of marijuana but as a transferee who had not registered and paid the occupational tax;  
c. Compliance with the transfer tax provisions would have required petitioner unmistakably to identify himself as a member of [a]..."selective" and "suspect" group, we can only decide that when read according to their terms these provisions created a "real and appreciable" hazard of incrimination.

**Later development**[[edit source](https://en.wikipedia.org/w/index.php?title=Leary_v._United_States&action=edit&section=3)]

The Marihuana Tax Act ultimately was repealed by the [United States Congress](https://en.wikipedia.org/wiki/United_States_Congress) in the Comprehensive Drug Abuse Prevention and Control Act of 1970.[[2]](https://en.wikipedia.org/wiki/Leary_v._United_States#cite_note-2)

**References**[[edit source](https://en.wikipedia.org/w/index.php?title=Leary_v._United_States&action=edit&section=4)]

* [**^**](https://en.wikipedia.org/wiki/Leary_v._United_States#cite_ref-FaheyMiller2013_1-0) Fahey, David M.; Miller, Jon S. (2013). [*Alcohol and Drugs in North America: A Historical Encyclopedia [2 volumes]*](https://books.google.com/books?id=UXHYAQAAQBAJ&pg=PA210). ABC-CLIO. pp. 210–. [ISBN](https://en.wikipedia.org/wiki/ISBN_(identifier)) [978-1-59884-479-5](https://en.wikipedia.org/wiki/Special:BookSources/978-1-59884-479-5).
* [**^**](https://en.wikipedia.org/wiki/Leary_v._United_States#cite_ref-2) See Pub. L. No. 91-513, 84 Stat. 1236, 1292 (October 27, 1970). See also *Lynn v. West*, 134 F.3d 582 (4th Cir. 1998).

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* Text of *Leary v. United States*, [395](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_395) [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) 6 (1969) is available from: [Findlaw](https://caselaw.findlaw.com/us-supreme-court/395/6.html) [Justia](https://supreme.justia.com/cases/federal/us/395/6/) [Library of Congress](http://cdn.loc.gov/service/ll/usrep/usrep395/usrep395006/usrep395006.pdf) [Oyez (oral argument audio)](https://www.oyez.org/cases/1968/65)

# *Ravin v. State*

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| ***Ravin v. State*** | |
| --- | --- |
| **Court** | [Alaska Supreme Court](https://en.wikipedia.org/wiki/Alaska_Supreme_Court) |
| **Decided** | May 28, 1975 |
| **Citation** | 537 [P.2d](https://en.wikipedia.org/wiki/P.2d) [494](https://www.courtlistener.com/opinion/1170252/ravin-v-state/) |
| **Court membership** | |
| **Judges sitting** | [Jay Andrew Rabinowitz](https://en.wikipedia.org/wiki/Jay_Rabinowitz_(jurist)), [Roger George Connor](https://en.wikipedia.org/wiki/Roger_George_Connor), [Robert Cecil Erwin](https://en.wikipedia.org/wiki/Robert_Cecil_Erwin), [Robert Boochever](https://en.wikipedia.org/wiki/Robert_Boochever), [James Martin Fitzgerald](https://en.wikipedia.org/wiki/James_Martin_Fitzgerald) |
| **Case opinions** | |
| **Decision by** | Rabinowitz |
| **Concurrence** | Boochever, Connor |

***Ravin v. State***, 537 P.2d 494 (Ak. 1975),[[1]](https://en.wikipedia.org/wiki/Ravin_v._State#cite_note-1) was a unanimous decision by the [Alaska Supreme Court](https://en.wikipedia.org/wiki/Alaska_Supreme_Court). Decided on May 27, 1975, the Court held that the [Alaska Constitution](https://en.wikipedia.org/wiki/Constitution_of_Alaska)'s right to [privacy](https://en.wikipedia.org/wiki/Privacy) protects an adult's ability to use and possess a small amount of marijuana in the home for personal use.[[2]](https://en.wikipedia.org/wiki/Ravin_v._State#cite_note-FOOTNOTEBrandeis2012175-2) The Alaska Supreme Court thereby became the first—and only—state or federal court to announce a constitutional privacy right that protects some level of marijuana use and possession.[[2]](https://en.wikipedia.org/wiki/Ravin_v._State#cite_note-FOOTNOTEBrandeis2012175-2)

**History**[[edit source](https://en.wikipedia.org/w/index.php?title=Ravin_v._State&action=edit&section=1)]

It was brought about by Irwin Ravin, an attorney who caused his own arrest in [Anchorage](https://en.wikipedia.org/wiki/Anchorage,_Alaska) for refusing to sign a traffic ticket while in possession of marijuana in order to challenge the existing law. Ravin felt that the case was more about privacy, saying

Marijuana has never been an issue for me. The fight was always for privacy, our territory and now state has traditionally been the home of people who prize their individuality and who have chosen to achieve a measure of control over their own lifestyles which is now virtually unattainable in many of our sister states.[[3]](https://en.wikipedia.org/wiki/Ravin_v._State#cite_note-3)

The court ruled:[[4]](https://en.wikipedia.org/wiki/Ravin_v._State#cite_note-4)

... we conclude that no adequate justification for the state's intrusion into the citizen's right to privacy by its prohibition of possession of marijuana by an adult for personal consumption in the home has been shown. The privacy of the individual's home cannot be breached absent a persuasive showing of a close and substantial relationship of the intrusion to a legitimate governmental interest. Here, mere scientific doubts will not suffice. The state must demonstrate a need based on proof that the public health or welfare will in fact suffer if the controls are not applied.

**Subsequent law**[[edit source](https://en.wikipedia.org/w/index.php?title=Ravin_v._State&action=edit&section=2)]

Alaskan voters approved a [ballot initiative recriminalizing marijuana possession in 1990](https://en.wikipedia.org/wiki/Alaska_Measure_2_(1990)), but in [*Noy v. State*](https://en.wikipedia.org/wiki/Noy_v._State), the Alaska Court of Appeals held that ballot initiatives are subject to the same constitutional limitations as legislative enactments, and thus the portion of the amended statutes criminalizing possession of less than four ounces of marijuana in the home was unconstitutional.[[5]](https://en.wikipedia.org/wiki/Ravin_v._State#cite_note-Story-5) In June 2006, the Alaska Legislature amended the law to prohibit the possession of more than one ounce of marijuana and to make possession of more than one ounce of marijuana a class A misdemeanor.[[6]](https://en.wikipedia.org/wiki/Ravin_v._State#cite_note-ACLU-6) In July 2006, Juneau Superior Court Judge Patricia Collins struck down the law, ruling it unconstitutional. In April 2009, in a 3-2 ruling, the Supreme Court of Alaska vacated the lower court's ruling, finding that the plaintiffs lacked standing to sue in the first place.[[6]](https://en.wikipedia.org/wiki/Ravin_v._State#cite_note-ACLU-6)

In November 2014, Alaskan voters approved a ballot measure to legalize the possession and sale of marijuana, regulating it in a manner similar to alcohol sales.[[7]](https://en.wikipedia.org/wiki/Ravin_v._State#cite_note-7)

**Notes**[[edit source](https://en.wikipedia.org/w/index.php?title=Ravin_v._State&action=edit&section=3)]

* [**^**](https://en.wikipedia.org/wiki/Ravin_v._State#cite_ref-1) *Ravin v. State*, [537 P.2d 494](https://www.courtlistener.com/opinion/1170252/ravin-v-state/) (Ak. 1975).
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* [**^**](https://en.wikipedia.org/wiki/Ravin_v._State#cite_ref-3) ["Friends, family pay tribute to man who fought for individual's right to privacy *Michael Armstrong, Homer News, 4-14-10"*](http://www.homernews.com/stories/041410/news_1_003.shtml)*. Homernews.com. Retrieved April 20, 2011.*
* [**^**](https://en.wikipedia.org/wiki/Ravin_v._State#cite_ref-4) Doug Linder (May 27, 1975). ["Ravin v State"](http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/ravin.html). Law.umkc.edu. Retrieved April 20, 2011.
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* Brandeis, Jason (2012). ["The Continuing Vitality of Ravin v. State: Alaskans Still Have a Constitutional Right to Possess Marijuana in the Privacy of Their Homes"](http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1343&context=alr). [*Alaska Law Review*](https://en.wikipedia.org/wiki/Alaska_Law_Review). **29** (2): 175–236.

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* Text of *Ravin v. State*, 537 P.2d 494 (Ak. 1975) is available from: [CourtListener](https://www.courtlistener.com/opinion/1170252/ravin-v-state/) [Google Scholar](https://scholar.google.com/scholar_case?case=6713928512369047560)

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| ***Conant v. Walters*** | |
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|  | |
| **Court** | [United States Court of Appeals for the Ninth Circuit](https://en.wikipedia.org/wiki/United_States_Court_of_Appeals_for_the_Ninth_Circuit) |
| **Full case name** | *Dr. Marcus Conant, et al. v. John P. Walters, Director of the White House Office of National Drug Control Policy, et al.* |
| **Argued** | April 8, 2002 |
| **Decided** | October 29, 2002 |
| **Citation** | 309 [F.3d](https://en.wikipedia.org/wiki/F.3d) [629](https://law.justia.com/cases/federal/appellate-courts/F3/309/629/506182/) |
| **Case history** | |
| **Prior history** | *Conant v. McCaffrey*, 2000 [WL](https://en.wikipedia.org/wiki/Westlaw) 1281174 ([N.D. Cal.](https://en.wikipedia.org/wiki/N.D._Cal.) Sept. 7, 2000) |
| **Subsequent history** | [Certiorari](https://en.wikipedia.org/wiki/Certiorari) denied, [540](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_540) [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) 946 (2003) |
| **Court membership** | |
| **Judges sitting** | [Mary M. Schroeder](https://en.wikipedia.org/wiki/Mary_M._Schroeder), [Betty Binns Fletcher](https://en.wikipedia.org/wiki/Betty_Binns_Fletcher), [Alex Kozinski](https://en.wikipedia.org/wiki/Alex_Kozinski) |
| **Case opinions** | |
| **Majority** | Schroeder, joined by a unanimous court |
| **Concurrence** | Kozinski |

***Conant v. Walters***, 309 F.3d 629 (9th Cir. 2002),[[1]](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_note-Appeal-1) is a legal case decided by the [United States Court of Appeals for the Ninth Circuit](https://en.wikipedia.org/wiki/United_States_Court_of_Appeals_for_the_Ninth_Circuit), which affirmed the right of physicians to recommend [medical marijuana](https://en.wikipedia.org/wiki/Medical_marijuana).[[2]](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_note-2) The Court of Appeals affirmed the earlier decision of the [United States District Court for the Northern District of California](https://en.wikipedia.org/wiki/United_States_District_Court_for_the_Northern_District_of_California), which was filed under the caption *Conant v. McCaffrey*.[[3]](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_note-dcopinion-3) Though the case involved [chronic](https://en.wikipedia.org/wiki/Chronic_(medicine)) patients with untreatable diseases, the decision does not name these conditions as a prerequisite, nor does it limit drugs which may or may not be illegal.

**Background**[[edit source](https://en.wikipedia.org/w/index.php?title=Conant_v._Walters&action=edit&section=1)]

The plaintiffs created a [class action suit](https://en.wikipedia.org/wiki/Class_action_suit) on behalf of licensed California physicians treating patients with any of several severe and chronic conditions[[4]](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_note-4) who discuss, recommend, or approve the medical use of marijuana for medical reasons. The class also includes all such patients. The named plaintiffs include eleven physicians,[[5]](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_note-5) a physician group,[[6]](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_note-6) an AIDS patient organization,[[7]](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_note-7) and six patients with terminal illnesses, including one who died during the course of the suit.[[8]](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_note-8)

The case arose from two events: the November 1996 passage of [California Proposition 215](https://en.wikipedia.org/wiki/California_Proposition_215_(1996)) which authorized medical marijuana, and a December 30, 1996 response to the law by the director of the [Office of National Drug Control Policy](https://en.wikipedia.org/wiki/Office_of_National_Drug_Control_Policy) which said

a practitioner's action of recommending or prescribing Schedule I controlled substances is not consistent with the 'public interest' (as that phrase is used in the federal Controlled Substances Act) and will lead to administrative action by the [Drug Enforcement Administration](https://en.wikipedia.org/wiki/Drug_Enforcement_Administration) to revoke the practitioner's registration.[[3]](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_note-dcopinion-3)

The statement accompanied authorization for the U.S. Inspector General for Health and Human Services to exclude individuals from participation in Medicare and Medicaid programs, such as physicians who recommend marijuana to patients for medical purposes. Clarification two months later affirmed that mere discussion of any drugs with a patient was not grounds for sanction, but affirmed that physicians "may not intentionally provide their patients with oral or written statements in order to enable them to obtain controlled substances in violation of federal law."

**District Court decision**[[edit source](https://en.wikipedia.org/w/index.php?title=Conant_v._Walters&action=edit&section=2)]

The district court's decision acknowledged that the government has a legitimate concern that physicians might recommend marijuana in bad faith. However, physicians in good faith using honest medical judgment should not fear DEA sanctions.[[3]](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_note-dcopinion-3) Furthermore,

Given the doctrine of constitutional doubt, the government's construction of the Controlled Substances Act cannot stand. The government should be permanently enjoined from (i) revoking any physician class member's DEA registration merely because the doctor makes a recommendation for the use of medical marijuana based on a sincere medical judgment and (ii) from initiating any investigation solely on that ground. The injunction should apply whether or not the doctor anticipates that the patient will, in turn, use his or her recommendation to obtain marijuana in violation of federal law.[[3]](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_note-dcopinion-3)

**Court of Appeals decision**[[edit source](https://en.wikipedia.org/w/index.php?title=Conant_v._Walters&action=edit&section=3)]

The government appealed the District Court decision to the [Ninth Circuit Court of Appeals](https://en.wikipedia.org/wiki/Ninth_Circuit_Court_of_Appeals), which issued its decision in 2002.[[1]](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_note-Appeal-1)

Again the doctors and patients won and the federal government lost, while Judge [Alex Kozinski](https://en.wikipedia.org/wiki/Alex_Kozinski)'s concurrence also brought in the First Amendment right of patients to hear accurate information from their doctors, and the state of California's right to make its own laws without being subverted by federal [commandeering](https://en.wikipedia.org/wiki/Commandeering). The ruling set a precedent protecting doctors, patients, and state medical marijuana programs in the ten states of the Ninth Circuit. The government again appealed the case, but the Supreme Court declined to take the appeal in a brief notice dated October 14, 2003.[[9]](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_note-9)

**See also**[[edit source](https://en.wikipedia.org/w/index.php?title=Conant_v._Walters&action=edit&section=4)]

* [Cannabis in Oregon](https://en.wikipedia.org/wiki/Cannabis_in_Oregon)
* [List of class action lawsuits](https://en.wikipedia.org/wiki/List_of_class_action_lawsuits)

**References**[[edit source](https://en.wikipedia.org/w/index.php?title=Conant_v._Walters&action=edit&section=5)]

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* [***a***](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_ref-Appeal_1-0) [***b***](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_ref-Appeal_1-1) *Conant v. Walters*, [309 F.3d 629](https://law.justia.com/cases/federal/appellate-courts/F3/309/629/506182/) (9th Cir. 2002).
* [**^**](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_ref-2) ["Physicians' Right to Recommend Medical Marijuana: Conant v. Walters"](https://www.cannalawblog.com/physicians-right-to-recommend-medical-marijuana-conant-v-walters-9th-cir-2002-309-f-3d-629-cert-denied-oct-14-2003/). *Canna Law Blog*. Harris Bricken. March 4, 2016. Retrieved May 11, 2018.
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* [Jump up to:](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_ref-dcopinion_3-0)
* [***a***](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_ref-dcopinion_3-0) [***b***](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_ref-dcopinion_3-1) [***c***](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_ref-dcopinion_3-2) [***d***](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_ref-dcopinion_3-3) *Conant v. McCaffrey*, [2000 WL 1281174](https://www.aclu.org/FilesPDFs/conant_courtdecision.pdf) (N.D. Cal. September 7, 2000).
* [**^**](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_ref-4) The complaint enumerates:
  + severe nausea (commonly associated with HIV/AIDS and cancer)
  + wasting syndrome or anorexia (commonly associated with HIV/AIDS)
  + increased intraocular pressure (commonly associated with glaucoma)
  + seizures or muscle spasms associated with a chronic, debilitating condition (commonly associated with epilepsy, multiple sclerosis, and paraplegia/quadriplegia/hemiplegia)
  + severe chronic pain (commonly associated with paraplegia/quadriplegia/ hemiplegia, HIV/AIDS, metastasized cancers, and cervical disk disease)
* [**^**](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_ref-5) The physicians include Dr. Marcus Conant, Dr. Donald Northfelt, Dr. Arnold Leff, Dr. Debasish Tripathy, Dr. Neil Flynn, Dr. Stephen Follansbee, Dr. Robert Scott III, Dr. Stephen O'Brien, Dr. Milton Estes, Dr. Howard Maccabee, and Dr. Allan Joseph Flach.
* [**^**](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_ref-6) Bay Area Physicians for Human Rights
* [**^**](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_ref-7) Being Alive: People with HIV/AIDS Action Coalition, Inc.
* [**^**](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_ref-8) Patients include Keith Vines, Judith Cushner, Valerie Corral, Dan Kane, Michael Ferrucci, and Jo Daily, who died from cancer after this suit was filed.
* [**^**](https://en.wikipedia.org/wiki/Conant_v._Walters#cite_ref-9) [540](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_540) [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) 946 (2003).

**External links**[[edit source](https://en.wikipedia.org/w/index.php?title=Conant_v._Walters&action=edit&section=6)]

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# *United States v. Oakland Cannabis Buyers' Cooperative*

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| ***United States v. Oakland Cannabis Buyers' Cooperative*** | |
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| [**Supreme Court of the United States**](https://en.wikipedia.org/wiki/Supreme_Court_of_the_United_States) | |
| **Argued March 28, 2001**  **Decided May 14, 2001** | |
| **Full case name** | *United States of America v. Oakland Cannabis Buyers' Cooperative* |
| **Citations** | 532 [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) [483](https://supreme.justia.com/us/532/483/case.html) ([*more*](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_532))  121 S. Ct. 1711; 149 [L. Ed. 2d](https://en.wikipedia.org/wiki/L._Ed._2d) 722; 2001 [U.S. LEXIS](https://en.wikipedia.org/wiki/U.S._LEXIS) 3518 |
| **Case history** | |
| **Prior** | *United States v. Cannabis Cultivators Club*, 5 [F. Supp. 2d](https://en.wikipedia.org/wiki/F._Supp._2d) [1086](https://www.leagle.com/decision/199810915fsupp2d10861952) ([N.D. Cal.](https://en.wikipedia.org/wiki/N.D._Cal.) 1998); reversed *sub. nom.*, *United States v. Oakland Cannabis Buyers' Cooperative*, 190 [F.3d](https://en.wikipedia.org/wiki/F.3d) [1109](https://law.justia.com/cases/federal/appellate-courts/F3/190/1109/516703/) ([9th Cir.](https://en.wikipedia.org/wiki/9th_Cir.) 1999); cert. granted, [531](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_531) [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) 1010 (2000). |
| **Holding** | |
| There is no medical necessity defense to a charge under the Controlled Substances Act, [21 U.S.C.](https://en.wikipedia.org/wiki/Title_21_of_the_United_States_Code) [§ 841](https://www.law.cornell.edu/uscode/text/21/841) *et seq*. | |
| **Court membership** | |
| **Chief Justice**  [William Rehnquist](https://en.wikipedia.org/wiki/William_Rehnquist)  **Associate Justices**  [John P. Stevens](https://en.wikipedia.org/wiki/John_Paul_Stevens) **·** [Sandra Day O'Connor](https://en.wikipedia.org/wiki/Sandra_Day_O%27Connor)  [Antonin Scalia](https://en.wikipedia.org/wiki/Antonin_Scalia) **·** [Anthony Kennedy](https://en.wikipedia.org/wiki/Anthony_Kennedy)  [David Souter](https://en.wikipedia.org/wiki/David_Souter) **·** [Clarence Thomas](https://en.wikipedia.org/wiki/Clarence_Thomas)  [Ruth Bader Ginsburg](https://en.wikipedia.org/wiki/Ruth_Bader_Ginsburg) **·** [Stephen Breyer](https://en.wikipedia.org/wiki/Stephen_Breyer) | |
| **Case opinions** | |
| **Majority** | Thomas, joined by Rehnquist, O'Connor, Scalia, Kennedy |
| **Concurrence** | Stevens (in judgment), joined by Souter, Ginsburg |
| Breyer took no part in the consideration or decision of the case. | |
| **Laws applied** | |
| [21 U.S.C.](https://en.wikipedia.org/wiki/Title_21_of_the_United_States_Code) [§ 841](https://www.law.cornell.edu/uscode/text/21/841) *et seq*. | |

In ***United States v. Oakland Cannabis Buyers' Cooperative***, 532 U.S. 483 (2001), the [United States Supreme Court](https://en.wikipedia.org/wiki/Supreme_Court_of_the_United_States) rejected the common-law [medical necessity](https://en.wikipedia.org/wiki/Medical_necessity) defense to crimes enacted under the federal [Controlled Substances Act of 1970](https://en.wikipedia.org/wiki/Controlled_Substances_Act_of_1970),[[1]](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative#cite_note-1) regardless of their legal status under the laws of states such as [California](https://en.wikipedia.org/wiki/California) that recognize a medical use for [marijuana](https://en.wikipedia.org/wiki/Marijuana).[[2]](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative#cite_note-2) Oakland Cannabis Buyers' Cooperative was represented by [Gerald Uelmen](https://en.wikipedia.org/wiki/Gerald_Uelmen).

**Background**[[edit source](https://en.wikipedia.org/w/index.php?title=United_States_v._Oakland_Cannabis_Buyers%27_Cooperative&action=edit&section=1)]

This case would not have arisen without the passage of [Proposition 215](https://en.wikipedia.org/wiki/California_Proposition_215_(1996)). California's Compassionate Use Act, allowed a patient or his primary caregiver to cultivate or possess [marijuana](https://en.wikipedia.org/wiki/Marijuana) on the advice of a physician. Bolstered by the enactment, certain groups organized to supply marijuana patients in a manner consistent with the Act. The [Oakland Cannabis Buyers' Cooperative](https://en.wikipedia.org/wiki/Oakland_Cannabis_Buyers%27_Cooperative) is one such group.

In January 1998, the U.S. Government sued the OCBC to stop the cultivation and distribution of marijuana in violation of federal law. The Government based its argument on the provisions of the Controlled Substances Act, which forbade the distribution, manufacture, and possession with intent to distribute or manufacture a controlled substance (including marijuana). The lawsuit began in the U.S. District Court for the Northern District of California, and came before District Judge [Charles R. Breyer](https://en.wikipedia.org/wiki/Charles_R._Breyer). He concluded that the government would likely prevail on the merits and issued the injunction.[[3]](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative#cite_note-3)

The OCBC believed, however, that ceasing the distribution of marijuana to patients would be harmful to it and so violated Judge Breyer's injunction. The Government brought contempt proceedings against the OCBC. The OCBC argued that the distributions were medically necessary. Judge Breyer found OCBC in contempt, denied OCBC's request to authorize medically necessary distributions of marijuana, and authorized the U.S. Marshals to seize OCBC's premises. Then, the OCBC agreed to stop distributing marijuana. It also appealed Judge Breyer's decision to the [Ninth Circuit](https://en.wikipedia.org/wiki/U.S._Court_of_Appeals_for_the_Ninth_Circuit).

The Ninth Circuit reversed and held that medical necessity was a legally cognizable defense to charges under the Controlled Substances Act.[[4]](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative#cite_note-4) Accordingly, the district court could have fashioned an injunction that was more limited in scope than a total ban on distributing marijuana. The Ninth Circuit ordered the district court to consider the criteria by which OCBC could distribute marijuana under the rubric of medical necessity. The government then asked the U.S. Supreme Court to review the case, and the Court granted certiorari.[[5]](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative#cite_note-5)

When the case came before the Court, Justice [Stephen Breyer](https://en.wikipedia.org/wiki/Stephen_Breyer) recused himself from deciding the case because his brother Charles had been the district judge in the case.

**Decision**[[edit source](https://en.wikipedia.org/w/index.php?title=United_States_v._Oakland_Cannabis_Buyers%27_Cooperative&action=edit&section=2)]

[Justice Thomas](https://en.wikipedia.org/wiki/Clarence_Thomas) wrote for the majority. The OCBC contended that the Controlled Substances Act was susceptible of a medical necessity exception to the ban on distribution and manufacture of marijuana. The Court concluded otherwise.

In 1812, the Court had held in [*United States v. Hudson and Goodwin*](https://en.wikipedia.org/wiki/United_States_v._Hudson_and_Goodwin) that there were no common-law crimes in federal law.[[6]](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative#cite_note-6) The law thus required Congress, rather than the federal courts, to define federal crimes. The Controlled Substances Act did not recognize a medical necessity exception.

Thus, "a medical necessity exception for marijuana is at odds with the terms of the Controlled Substances Act."[[7]](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative#cite_note-7) When it passed the Controlled Substances Act, Congress made a value judgment that marijuana had "no currently accepted medical use."[[8]](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative#cite_note-8) It was not the province of the Court to usurp the value judgment made by the legislature. Thus, it was wrong for the Ninth Circuit to hold that the Controlled Substances Act contained a medical necessity defense. It was also wrong for the Ninth Circuit to order the district court to fashion a more limited injunction that would take into account the fact that marijuana was necessary for certain people to obtain relief from symptoms of chronic illnesses.

**Subsequent history**[[edit source](https://en.wikipedia.org/w/index.php?title=United_States_v._Oakland_Cannabis_Buyers%27_Cooperative&action=edit&section=3)]

The Court expressly noted that it did not decide another important issue of federal law: whether federal law could override a California law that allowed the purely-local cultivation and distribution of marijuana. It ordered the Ninth Circuit to address that argument in the first instance, and the Ninth Circuit in turn asked the district court to do so.

After further proceedings in the district court, the OCBC appealed to the Ninth Circuit again. The Ninth Circuit stayed its decision pending the Supreme Court's decision in [*Gonzales v. Raich*](https://en.wikipedia.org/wiki/Gonzales_v._Raich), which was issued in June 2005.[[9]](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative#cite_note-9) The Ninth Circuit remanded the case to the district court, which rejected the claim, and OCBC appealed again to the Ninth Circuit. The Ninth Circuit stayed the proceedings in this case. The stay expired October 16, 2006.

**Aftermath**[[edit source](https://en.wikipedia.org/w/index.php?title=United_States_v._Oakland_Cannabis_Buyers%27_Cooperative&action=edit&section=4)]

Since the decision in this case and the US Congress's passage of the [Rohrabacher–Farr amendment](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment), allowing state [medical cannabis](https://en.wikipedia.org/wiki/Medical_cannabis) programs, the OCBC has gone on to become the largest distributor of medical marijuana ID cards in California. Currently,[[*when?*](https://en.wikipedia.org/wiki/Wikipedia:Manual_of_Style/Dates_and_numbers#Chronological_items)] over 100,000 patients throughout the state are registered members of the OCBC's ID program.

**See also**[[edit source](https://en.wikipedia.org/w/index.php?title=United_States_v._Oakland_Cannabis_Buyers%27_Cooperative&action=edit&section=5)]

* [List of United States Supreme Court cases, volume 532](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_532)
* [List of United States Supreme Court cases](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases)

**References**[[edit source](https://en.wikipedia.org/w/index.php?title=United_States_v._Oakland_Cannabis_Buyers%27_Cooperative&action=edit&section=6)]

* [**^**](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative#cite_ref-1) [21 U.S.C.](https://en.wikipedia.org/wiki/Title_21_of_the_United_States_Code) [§ 841](https://www.law.cornell.edu/uscode/text/21/841) *et seq*.
* [**^**](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative#cite_ref-2) *United States v. Oakland Cannabis Buyers' Cooperative*, [532](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_532) [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) [483](https://supreme.justia.com/cases/federal/us/532/483/) (2001). Public domain *This article incorporates* [*public domain material from this U.S government document*](https://en.wikipedia.org/wiki/Copyright_status_of_works_by_the_federal_government_of_the_United_States)*.*
* [**^**](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative#cite_ref-3) *United States v. Cannabis Cultivators Club*, [5 F. Supp. 2d 1086](https://www.leagle.com/decision/199810915fsupp2d10861952) ([N.D. Cal.](https://en.wikipedia.org/wiki/N.D._Cal.) 1998).
* [**^**](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative#cite_ref-4) *United States v. Oakland Cannabis Buyers' Cooperative*, [190 F.3d 1109](https://law.justia.com/cases/federal/appellate-courts/F3/190/1109/516703/) ([9th Cir.](https://en.wikipedia.org/wiki/9th_Cir.) 1999).
* [**^**](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative#cite_ref-5) [531](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_531) [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) 1010 (2000).
* [**^**](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative#cite_ref-6) [*United States v. Hudson and Goodwin*](https://en.wikipedia.org/wiki/United_States_v._Hudson), [11](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_11) [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) (7 [Cranch](https://en.wikipedia.org/wiki/Reporter_of_Decisions_of_the_Supreme_Court_of_the_United_States)) [32](https://supreme.justia.com/cases/federal/us/11/32/) (1812).
* [**^**](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative#cite_ref-7) *Oakland Cannabis Buyers' Cooperative*, 532 U.S. at 491.
* [**^**](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative#cite_ref-8) *Oakland Cannabis Buyers' Cooperative*, 532 U.S. at 493.
* [**^**](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative#cite_ref-9) [*Gonzales v. Raich*](https://en.wikipedia.org/wiki/Gonzales_v._Raich), [545](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_545) [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) [1](https://supreme.justia.com/cases/federal/us/545/1/) (2005).

**External links**[[edit source](https://en.wikipedia.org/w/index.php?title=United_States_v._Oakland_Cannabis_Buyers%27_Cooperative&action=edit&section=7)]

* Text of *United States v. Oakland Cannabis Buyers' Cooperative*, [532](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_532) [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) 483 (2001) is available from: [Cornell](https://www.law.cornell.edu/supct/html/00-151.ZS.html) [CourtListener](https://www.courtlistener.com/opinion/118426/united-states-v-oakland-cannabis-buyerscooperative/) [Findlaw](https://caselaw.findlaw.com/us-supreme-court/532/483.html) [Google Scholar](https://scholar.google.com/scholar_case?case=3688851671868228331) [Justia](https://supreme.justia.com/cases/federal/us/532/483/case.html) [Library of Congress](http://cdn.loc.gov/service/ll/usrep/usrep532/usrep532483/usrep532483.pdf) [Oyez (oral argument audio)](https://www.oyez.org/cases/2000/00-151)
* [Transcript of the oral argument in the Supreme Court](http://a257.g.akamaitech.net/7/257/2422/11apr20010800/www.supremecourtus.gov/oral_arguments/argument_transcripts/00-151.pdf#search=%22united%20states%20v%20oakland%20cannabis%20buyers%20cooperative%22)
* [Decision of the Ninth Circuit Court of Appeals](http://www.ca9.uscourts.gov/ca9/newopinions.nsf/04485f8dcbd4e1ea882569520074e698/9f59b881451a778f88256e5a007183be?OpenDocument)
* [Schaffer Library of Drug Policy, Legal Documents from *U.S. Oakland Cannabis Buyers’ Cooperative et al.*](http://www.druglibrary.org/ocbc/default.htm)
* [Oakland Cannabis Buyers’ Cooperative, Legal Documents from *U.S. v. Oakland Cannabis Buyers’ Cooperative et al.*](http://www.rxcbc.org/legal/index.html)
* [Drug Policy Alliance, “Medical Marijuana Cases: *US v. Oakland Cannabis Buyers Cooperative*”](http://www.drugpolicy.org/marijuana/medical/challenges/cases/ocbc/)
* [Brief of the Solicitor General](https://justice.gov/osg/briefs/2000/3mer/2mer/2000-0151.mer.rep.html)

# *Gonzales v. Raich*

**1 language**

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* Wide

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| ***Gonzales v. Raich*** | |
| --- | --- |
| [**Supreme Court of the United States**](https://en.wikipedia.org/wiki/Supreme_Court_of_the_United_States) | |
| **Argued November 29, 2004**  **Decided June 6, 2005** | |
| **Full case name** | [*Alberto Gonzales*](https://en.wikipedia.org/wiki/Alberto_Gonzales)*, Attorney General, et al. v. Angel McClary Raich, et al.* |
| **Citations** | 545 [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) [1](https://supreme.justia.com/us/545/1/case.html) ([*more*](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_545))  125 S. Ct. 2195; 162 [L. Ed. 2d](https://en.wikipedia.org/wiki/L._Ed._2d) 1; 2005 [U.S. LEXIS](https://en.wikipedia.org/wiki/U.S._LEXIS) 4656; 73 U.S.L.W. 4407; 18 Fla. L. Weekly Fed. S 327 |
| **Argument** | [Oral argument](https://www.oyez.org/cases/2000-2009/2004/2004_03_1454/argument/) |
| **Opinion announcement** | [Opinion announcement](https://apps.oyez.org/player/#/rehnquist10/opinion_announcement_audio/22198) |
| **Case history** | |
| **Prior** | *Raich v. Ashcroft*, 248 [F. Supp. 2d](https://en.wikipedia.org/wiki/F._Supp._2d) [918](https://www.leagle.com/decision/20031166248fsupp2d91811082) ([N.D. Cal.](https://en.wikipedia.org/wiki/N.D._Cal.)), *rev'd*, 352 [F.3d](https://en.wikipedia.org/wiki/F.3d) [1222](https://law.justia.com/cases/federal/appellate-courts/F3/352/1222/478670/) ([9th Cir.](https://en.wikipedia.org/wiki/9th_Cir.) 2003), *cert. granted*, [542](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_542) [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) 936 (2004) |
| **Subsequent** | None |
| **Holding** | |
| [Congress](https://en.wikipedia.org/wiki/United_States_Congress) may ban the use of [cannabis](https://en.wikipedia.org/wiki/Cannabis_(drug)) even if states approve it for [medicinal](https://en.wikipedia.org/wiki/Medical_cannabis) purposes. | |
| **Court membership** | |
| **Chief Justice**  [William Rehnquist](https://en.wikipedia.org/wiki/William_Rehnquist)  **Associate Justices**  [John P. Stevens](https://en.wikipedia.org/wiki/John_Paul_Stevens) **·** [Sandra Day O'Connor](https://en.wikipedia.org/wiki/Sandra_Day_O%27Connor)  [Antonin Scalia](https://en.wikipedia.org/wiki/Antonin_Scalia) **·** [Anthony Kennedy](https://en.wikipedia.org/wiki/Anthony_Kennedy)  [David Souter](https://en.wikipedia.org/wiki/David_Souter) **·** [Clarence Thomas](https://en.wikipedia.org/wiki/Clarence_Thomas)  [Ruth Bader Ginsburg](https://en.wikipedia.org/wiki/Ruth_Bader_Ginsburg) **·** [Stephen Breyer](https://en.wikipedia.org/wiki/Stephen_Breyer) | |
| **Case opinions** | |
| **Majority** | Stevens, joined by Kennedy, Souter, Ginsburg, Breyer |
| **Concurrence** | Scalia (in judgment) |
| **Dissent** | O'Connor, joined by Rehnquist, Thomas (all but Part III) |
| **Dissent** | Thomas |
| **Laws applied** | |
| U.S. Const. art. I, § 8, cl. 3, 18 (the [Commerce](https://en.wikipedia.org/wiki/Commerce_Clause) and [Necessary and Proper](https://en.wikipedia.org/wiki/Necessary_and_Proper_Clause) Clauses); [Controlled Substances Act](https://en.wikipedia.org/wiki/Controlled_Substances_Act), 21 U.S.C. §§ 801–971 (2000); [California Compassionate Use Act of 1996](https://en.wikipedia.org/wiki/California_Proposition_215_(1996)), [California Health & Safety Code § 11362.5](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11362.5&lawCode=HSC) (West Supp. 2005) | |

***Gonzales v. Raich*** (previously ***Ashcroft v. Raich***), 545 U.S. 1 (2005), was a decision by the [U.S. Supreme Court](https://en.wikipedia.org/wiki/U.S._Supreme_Court) ruling that, under the [Commerce Clause](https://en.wikipedia.org/wiki/Commerce_Clause) of the [U.S. Constitution](https://en.wikipedia.org/wiki/U.S._Constitution), Congress may criminalize the production and use of homegrown [cannabis](https://en.wikipedia.org/wiki/Cannabis_(drug)) even if state law allows its use for [medicinal purposes](https://en.wikipedia.org/wiki/Medical_cannabis).[[1]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-:0-1)

**Background**[[edit source](https://en.wikipedia.org/w/index.php?title=Gonzales_v._Raich&action=edit&section=1)]

[California](https://en.wikipedia.org/wiki/California) voters passed [Proposition 215](https://en.wikipedia.org/wiki/California_Proposition_215_(1996)) in 1996, legalizing the use of [medical cannabis](https://en.wikipedia.org/wiki/Medical_marijuana). The [Federal government of the United States](https://en.wikipedia.org/wiki/Federal_government_of_the_United_States) has limited the use of cannabis since the [Marihuana Tax Act of 1937](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937) was enacted.

Defendant Angel Raich used homegrown medical cannabis, which was legal under California law but illegal under federal law. On August 15, 2002, [Butte County Sheriff's Department](https://en.wikipedia.org/wiki/Butte_County_Sheriff%27s_Department) officers and agents from the federal [Drug Enforcement Administration](https://en.wikipedia.org/wiki/Drug_Enforcement_Administration) destroyed all six of California resident Diane Monson's cannabis plants, facing light resistance. The cannabis plants were illegal Schedule I drugs under the federal [Controlled Substances Act](https://en.wikipedia.org/wiki/Controlled_Substances_Act) (CSA), which is Title II of the [Comprehensive Drug Abuse Prevention and Control Act of 1970](https://en.wikipedia.org/wiki/Comprehensive_Drug_Abuse_Prevention_and_Control_Act_of_1970).

Monson and Raich sued, claiming that enforcing federal law against them would violate the [Commerce Clause](https://en.wikipedia.org/wiki/Commerce_Clause), the Due Process Clause of the [Fifth Amendment](https://en.wikipedia.org/wiki/Fifth_Amendment_to_the_United_States_Constitution), the [Ninth Amendment](https://en.wikipedia.org/wiki/Ninth_Amendment_to_the_United_States_Constitution), the [Tenth Amendment](https://en.wikipedia.org/wiki/Tenth_Amendment_to_the_United_States_Constitution), and the doctrine of [medical necessity](https://en.wikipedia.org/wiki/Medical_necessity).[[1]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-:0-1) Raich's physician stated that without cannabis, Raich is threatened by excruciating pain. California was one of 14 states at the time (36 as of 2021)[[2]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-2) that allowed medicinal use of cannabis. [California's Compassionate Use Act](https://en.wikipedia.org/wiki/1996_California_Proposition_215) allows limited use of cannabis for medicinal purposes.

**Raich and Monson's case**[[edit source](https://en.wikipedia.org/w/index.php?title=Gonzales_v._Raich&action=edit&section=2)]

Raich of [Oakland, California](https://en.wikipedia.org/wiki/Oakland,_California), Monson of [Oroville, California](https://en.wikipedia.org/wiki/Oroville,_California), and two anonymous caregivers sued the government for [injunctive](https://en.wikipedia.org/wiki/Injunction) and [declaratory relief](https://en.wikipedia.org/wiki/Declaratory_judgment) on October 9, 2002, to stop the government from interfering with their right to produce and use medical cannabis claiming that the Controlled Substances Act was not constitutional, as applied to their conduct. Raich and Monson were represented by [Randy Barnett](https://en.wikipedia.org/wiki/Randy_Barnett).[[3]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-3)

Raich claimed she used cannabis to keep herself alive. She and her doctor also claimed to have tried dozens of [prescription drugs](https://en.wikipedia.org/wiki/Prescription_drug) for her numerous medical conditions and that she was allergic to most of them. Her doctor [declared under oath](https://en.wikipedia.org/wiki/Sworn_testimony)[[4]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-4) that Raich's life was at stake if she could not continue to use cannabis.

Monson suffered from chronic pain from a car accident a decade before the case. She used cannabis to relieve the pain and muscle spasms around her spine.

**Government's case**[[edit source](https://en.wikipedia.org/w/index.php?title=Gonzales_v._Raich&action=edit&section=3)]

The Controlled Substances Act does not recognize the medical use of cannabis. Agents from the federal Drug Enforcement Administration were assigned to break up California's medical cannabis co-ops and to seize their assets. That was the result of the fact that federal law pre-empted, under the [Supremacy Clause](https://en.wikipedia.org/wiki/Supremacy_Clause), the law of California. The government argued that if a single exception were made to the Controlled Substances Act, it would become unenforceable in practice. The government also contended that consuming one's locally grown cannabis for medical purposes affects the interstate market of cannabis and the federal government may thus regulate and prohibit such consumption.

That argument stems from the landmark [New Deal](https://en.wikipedia.org/wiki/New_Deal) case [*Wickard v. Filburn*](https://en.wikipedia.org/wiki/Wickard_v._Filburn), which held that the government may regulate personal cultivation and consumption of crops because of the aggregate effect of individual consumption on the government's legitimate statutory framework governing the interstate wheat market.

**Litigation**[[edit source](https://en.wikipedia.org/w/index.php?title=Gonzales_v._Raich&action=edit&section=4)]

On December 16, 2003, the [Ninth Circuit Court of Appeals](https://en.wikipedia.org/wiki/Ninth_Circuit_Court_of_Appeals) granted a preliminary [injunction](https://en.wikipedia.org/wiki/Injunction) to prevent the federal government from interfering with Raich and Monson: "We find that the appellants have demonstrated a strong likelihood of success on their claim that, as applied to them, the [Controlled Substances Act](https://en.wikipedia.org/wiki/Controlled_Substances_Act) is an unconstitutional exercise of Congress' Commerce Clause authority."

**Organizations involved**[[edit source](https://en.wikipedia.org/w/index.php?title=Gonzales_v._Raich&action=edit&section=5)]

[Partnership for a Drug-Free America](https://en.wikipedia.org/wiki/Partnership_for_a_Drug-Free_America), several other antidrug organizations,[[5]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-5) and an alliance of seven [Representatives](https://en.wikipedia.org/wiki/United_States_House_of_Representatives), including [Mark Souder](https://en.wikipedia.org/wiki/Mark_Souder) and [Katherine Harris](https://en.wikipedia.org/wiki/Katherine_Harris), all filed [amicus briefs](https://en.wikipedia.org/wiki/Amicus_briefs) for the side of federal government.[[6]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-6) An environmentalist group, [Community Rights Council](https://en.wikipedia.org/wiki/Community_Rights_Council), also filed a brief for the government for fear that limitation of federal power would undermine its agenda.[[7]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-7)

The [Cato Institute](https://en.wikipedia.org/wiki/Cato_Institute),[[8]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-8) [Institute for Justice](https://en.wikipedia.org/wiki/Institute_for_Justice),[[9]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-9) many [libertarian](https://en.wikipedia.org/wiki/Libertarianism) organizations, and the [National Organization for the Reform of Marijuana Laws](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws), along with other groups opposing the [War on Drugs](https://en.wikipedia.org/wiki/War_on_Drugs), filed briefs for Raich and Monson. The governments of [California](https://en.wikipedia.org/wiki/California), [Maryland](https://en.wikipedia.org/wiki/Maryland), and [Washington](https://en.wikipedia.org/wiki/Washington_(U.S._state)) also filed briefs supporting Raich. The [attorneys general](https://en.wikipedia.org/wiki/Attorney_general) of [Alabama](https://en.wikipedia.org/wiki/Alabama), [Louisiana](https://en.wikipedia.org/wiki/Louisiana), and [Mississippi](https://en.wikipedia.org/wiki/Mississippi), three strongly antidrug states from the conservative [South](https://en.wikipedia.org/wiki/Southern_United_States), filed a brief supporting Raich, on the grounds of [states' rights](https://en.wikipedia.org/wiki/States%27_rights).[[10]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-10)

**Decision**[[edit source](https://en.wikipedia.org/w/index.php?title=Gonzales_v._Raich&action=edit&section=6)]

The ruling was 6–3 with Justice Stevens writing the opinion of the court, joined by Justices Kennedy, Ginsburg, Souter and Breyer. A concurring opinion was filed by Justice Scalia.

The opinion began by pointing out that the respondents did not dispute that Congress had the power to control or ban cannabis for non-medical uses:

Respondents in this case do not dispute that passage of the CSA, as part of the Comprehensive Drug Abuse Prevention and Control Act, was well within Congress' commerce power. Nor do they contend that any provision or section of the CSA amounts to an unconstitutional exercise of congressional authority. Rather, respondents' challenge is actually quite limited; they argue that the CSA's categorical prohibition of the manufacture and possession of marijuana as applied to the intrastate manufacture and possession of marijuana for medical purposes pursuant to California law exceeds Congress' authority under the Commerce Clause.

Banning the growing of cannabis for medical use, the Court reasoned, was a permissible way of preventing or limiting access to cannabis for other uses:

Even respondents acknowledge the existence of an illicit market in marijuana; indeed, Raich has personally participated in that market, and Monson expresses a willingness to do so in the future. More concretely, one concern prompting inclusion of wheat grown for home consumption in the 1938 Act was that rising market prices could draw such wheat into the interstate market, resulting in lower market prices. Wickard, 317 U.S., at 128. The parallel concern making it appropriate to include marijuana grown for home consumption in the CSA is the likelihood that the high demand in the interstate market will draw such marijuana into that market. While the diversion of homegrown wheat tended to frustrate the federal interest in stabilizing prices by regulating the volume of commercial transactions in the interstate market, the diversion of homegrown marijuana tends to frustrate the federal interest in eliminating commercial transactions in the interstate market in their entirety. In both cases, the regulation is squarely within Congress' commerce power because production of the commodity meant for home consumption, be it wheat or marijuana, has a substantial effect on supply and demand in the national market for that commodity.

The relevant precedents for the Court's analysis are [*Wickard v. Filburn*](https://en.wikipedia.org/wiki/Wickard_v._Filburn) (1942), [*United States v. Lopez*](https://en.wikipedia.org/wiki/United_States_v._Lopez) (1995), and [*United States v. Morrison*](https://en.wikipedia.org/wiki/United_States_v._Morrison) (2000).

**Scalia's opinion**[[edit source](https://en.wikipedia.org/w/index.php?title=Gonzales_v._Raich&action=edit&section=7)]

[Justice Scalia](https://en.wikipedia.org/wiki/Antonin_Scalia) wrote a separate concurrence that had the effect of differentiating the decision from the previous results of [*United States v. Lopez*](https://en.wikipedia.org/wiki/United_States_v._Lopez) and [*United States v. Morrison*](https://en.wikipedia.org/wiki/United_States_v._Morrison). In a departure from his [Originalist](https://en.wikipedia.org/wiki/Originalism)[[11]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-11) interpretation of the Constitution (he voted for limits on the Commerce Clause in the *Lopez* and *Morrison* decisions), Scalia said his understanding of the [Necessary and Proper Clause](https://en.wikipedia.org/wiki/Necessary_and_Proper_Clause) caused him to vote for the [Commerce Clause](https://en.wikipedia.org/wiki/Commerce_Clause) with *Raich* for the following reason:

Unlike the power to regulate activities that have a substantial effect on interstate commerce, the power to enact laws enabling effective regulation of interstate commerce can only be exercised in conjunction with congressional regulation of an interstate market, and it extends only to those measures necessary to make the interstate regulation effective. As Lopez itself states, and the Court affirms today, Congress may regulate noneconomic intrastate activities only where the failure to do so "could … undercut" its regulation of interstate commerce. ... This is not a power that threatens to obliterate the line between "what is truly national and what is truly local."[[12]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-12)

**Dissenting opinions**[[edit source](https://en.wikipedia.org/w/index.php?title=Gonzales_v._Raich&action=edit&section=8)]

[Justice O'Connor](https://en.wikipedia.org/wiki/Sandra_Day_O%27Connor) dissented joined by Chief Justice [William Rehnquist](https://en.wikipedia.org/wiki/William_Rehnquist), who authored the majority opinions in [*United States v. Lopez*](https://en.wikipedia.org/wiki/United_States_v._Lopez) and [*United States v. Morrison*](https://en.wikipedia.org/wiki/United_States_v._Morrison). O'Connor began her opinion by citing Lopez, which she followed with a reference to Justice [Louis Brandeis](https://en.wikipedia.org/wiki/Louis_Brandeis)'s dissenting opinion in [*New State Ice Co. v. Liebmann*](https://en.wikipedia.org/wiki/New_State_Ice_Co._v._Liebmann):

We enforce the "outer limits" of Congress' Commerce Clause authority not for their own sake, but to protect historic spheres of state sovereignty from excessive federal encroachment and thereby to maintain the distribution of power fundamental to our federalist system of government. United States v. Lopez, 514 U. S. 549, 557 (1995); NLRB v. Jones & Laughlin Steel Corp., 301 U. S. 1, 37 (1937). One of federalism's chief virtues, of course, is that it promotes innovation by allowing for the possibility that "a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country." New State Ice Co. v. Liebmann, 285 U. S. 262, 311 (1932) (Brandeis, J., dissenting).[[13]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-13)

She concluded:

Relying on Congress’ abstract assertions, the Court has endorsed making it a federal crime to grow small amounts of marijuana in one’s own home for one’s own medicinal use. This overreaching stifles an express choice by some States, concerned for the lives and liberties of their people, to regulate medical marijuana differently. If I were a California citizen, I would not have voted for the medical marijuana ballot initiative; if I were a California legislator I would not have supported the Compassionate Use Act. But whatever the wisdom of California’s experiment with medical marijuana, the federalism principles that have driven our Commerce Clause cases require that room for experiment be protected in this case.

[Justice Thomas](https://en.wikipedia.org/wiki/Clarence_Thomas) also wrote a separate dissent, stating in part:

Respondents Diane Monson and Angel Raich use marijuana that has never been bought or sold, that has never crossed state lines, and that has had no demonstrable effect on the national market for marijuana. If Congress can regulate this under the Commerce Clause, then it can regulate virtually anything—and the Federal Government is no longer one of limited and enumerated powers.

Respondent's local cultivation and consumption of marijuana is not "Commerce ... among the several States."

[...]

Certainly no evidence from the founding suggests that "commerce" included the mere possession of a good or some personal activity that did not involve trade or exchange for value. In the early days of the Republic, it would have been unthinkable that Congress could prohibit the local cultivation, possession, and consumption of marijuana.

[...]

If the Federal Government can regulate growing a half-dozen cannabis plants for personal consumption (not because it is interstate commerce, but because it is inextricably bound up with interstate commerce), then Congress' Article I powers – as expanded by the Necessary and Proper Clause – have no meaningful limits. Whether Congress aims at the possession of drugs, guns, or any number of other items, it may continue to "appropria[te] state police powers under the guise of regulating commerce."

[...]

If the majority is to be taken seriously, the Federal Government may now regulate quilting bees, clothes drives, and potluck suppers throughout the 50 States. This makes a mockery of Madison's assurance to the people of New York that the "powers delegated" to the Federal Government are "few and defined", while those of the States are "numerous and indefinite."[[14]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-14)

**Subsequent events**[[edit source](https://en.wikipedia.org/w/index.php?title=Gonzales_v._Raich&action=edit&section=9)]

Both Raich and Monson have indicated their intention to continue using cannabis for medical use, in spite of the ruling and federal law on the subject.

Two days after the ruling, the [International Narcotics Control Board](https://en.wikipedia.org/wiki/International_Narcotics_Control_Board) issued a statement indicating that the Board "welcomes the decision of the United States Supreme Court, made on 6 June, reaffirming that the cultivation and use of cannabis, even if it is for medical use, should be prohibited." Its president, [Hamid Ghodse](https://en.wikipedia.org/wiki/Hamid_Ghodse), noted, "Cannabis is classified under international conventions as a drug with a number of personal and public health problems" and referred to the drug's Schedule I status, under the [Single Convention on Narcotic Drugs](https://en.wikipedia.org/wiki/Single_Convention_on_Narcotic_Drugs).[[15]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-15)

Soon after the decision in *Raich*, the Supreme Court vacated a lower court decision in [*United States v. Stewart*](https://en.wikipedia.org/wiki/United_States_v._Stewart_(2003)) and remanded it to the court of appeals for reconsideration in light of *Raich*.[[16]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-16) On remand, the Ninth Circuit held that Congress had power under the Commerce Clause to criminalize the possession of [homemade](https://en.wikipedia.org/wiki/Improvised_firearm) [machine guns](https://en.wikipedia.org/wiki/Machine_guns), just as it had the power to criminalize homegrown cannabis.[[17]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-17)

In 2007, the Ninth Circuit decided against Raich, when she renewed her litigation on [substantive due process](https://en.wikipedia.org/wiki/Substantive_due_process) grounds. Judge [Harry Pregerson](https://en.wikipedia.org/wiki/Harry_Pregerson), the author of the opinion, noted that a minority of states had legalized medical cannabis but that under federal law, it is not a recognized "fundamental right" under the due process clause:[[18]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-2007case-18)

For now, federal law is blind to the wisdom of a future day when the right to use medical marijuana to alleviate excruciating pain may be deemed fundamental. Although that day has not yet dawned, considering that during the last ten years eleven states have legalized the use of medical marijuana, that day may be upon us sooner than expected. Until that day arrives, federal law does not recognize a fundamental right to use medical marijuana prescribed by a licensed physician to alleviate excruciating pain and human suffering.[[18]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-2007case-18)

In 2009, the Department of Justice under Attorney General [Eric Holder](https://en.wikipedia.org/wiki/Eric_Holder) issued new guidelines allowing for no longer enforcing of the federal ban in some situations:

It will not be a priority to use federal resources to prosecute patients with serious illnesses or their caregivers who are complying with state laws on medical marijuana, but we will not tolerate drug traffickers who hide behind claims of compliance with state law to mask activities that are clearly illegal.[[19]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-19)[[20]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-20)[[21]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-21)

When [C-SPAN](https://en.wikipedia.org/wiki/C-SPAN)'s [Brian Lamb](https://en.wikipedia.org/wiki/Brian_Lamb) interviewed former Justice [John Paul Stevens](https://en.wikipedia.org/wiki/John_Paul_Stevens) about Stevens' book, *Five Chiefs*, Stevens cited *Gonzales* as a case in which he upheld the law even if he deplored the policy.[[22]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-22)

In Congress, to counter the effect of this ruling, Representative [Maurice Hinchey](https://en.wikipedia.org/wiki/Maurice_Hinchey) (D-NY) and [Dana Rohrabacher](https://en.wikipedia.org/wiki/Dana_Rohrabacher) (R-CA) annually introduced [legislation](https://en.wikipedia.org/wiki/Hinchey-Rohrabacher_medical_marijuana_amendment) to stop the [Department of Justice](https://en.wikipedia.org/wiki/US_Department_of_Justice) from [arresting](https://en.wikipedia.org/wiki/Arrest) and [prosecuting](https://en.wikipedia.org/wiki/Prosecute) medical cannabis patients.[[23]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-23) This effort succeeded for the first time as the [Rohrabacher–Farr amendment](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment) to the omnibus federal spending bill for the 2015 fiscal year (section 538), which was enacted on December 16, 2014.[[24]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-24)

In 2021, Justice Thomas revisited *Gonzales* in a statement in *Standing Akimbo, LLC v. United States*. The case was brought by a Denver, Colorado dispensary by Thorburn Law Group, LLC with respect to 280E. He noted that the reasoning in *Gonzales* was predicated upon the need to prohibit intrastate trafficking of cannabis to "avoid a 'gaping hole' in Congress' 'closed regulatory system'" prohibiting interstate trafficking of cannabis. Justice Thomas observed that the federal government's modern practice of turning a blind eye toward cannabis possession in the 36 states that have legalized it therefore undercut the reasoning in *Gonzales*, suggesting that *Gonzales* should be revisited.[[25]](https://en.wikipedia.org/wiki/Gonzales_v._Raich#cite_note-25)

**See also**[[edit source](https://en.wikipedia.org/w/index.php?title=Gonzales_v._Raich&action=edit&section=10)]

* [Separate sovereigns](https://en.wikipedia.org/wiki/Separate_sovereigns)
* [*Wickard v. Filburn*](https://en.wikipedia.org/wiki/Wickard_v._Filburn) (1942)
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* [Legal history of cannabis in the United States](https://en.wikipedia.org/wiki/Legal_history_of_cannabis_in_the_United_States)
* [List of United States Supreme Court cases, volume 545](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_545)
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* Standard
* Large

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* Standard
* Wide

Color (beta)

* Automatic
* Light
* Dark

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| ***Moncrieffe v. Holder*** | |
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| [**Supreme Court of the United States**](https://en.wikipedia.org/wiki/Supreme_Court_of_the_United_States) | |
| **Argued October 10, 2012**  **Decided April 23, 2013** | |
| **Full case name** | *Adrian Moncrieffe, petitioner, v. Eric H. Holder Jr., Attorney General* |
| **Docket no.** | [11-702](https://www.supremecourt.gov/docketfiles/11-702.htm) |
| **Citations** | 569 [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) 184 ([*more*](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_569))  133 S. Ct. 1678; 185 [L. Ed. 2d](https://en.wikipedia.org/wiki/L._Ed._2d) 727; 2013 [U.S. LEXIS](https://en.wikipedia.org/wiki/U.S._LEXIS) 3313; 81 U.S.L.W. 4265 |
| **Case history** | |
| **Prior** | 662 [F.3d](https://en.wikipedia.org/wiki/F.3d) [387](https://www.leagle.com/decision/infco20111108107) ([5th Cir.](https://en.wikipedia.org/wiki/5th_Cir.) 2011); [cert](https://en.wikipedia.org/wiki/Certiorari). granted, [566](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_566) [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) 920 (2012). |
| **Holding** | |
| If a noncitizen’s conviction for a marijuana distribution offense fails to establish that the offense involved either remuneration or more than a small amount of marijuana, it is not an aggravated felony under the Immigration and Nationality Act. | |
| **Court membership** | |
| **Chief Justice**  [John Roberts](https://en.wikipedia.org/wiki/John_Roberts)  **Associate Justices**  [Antonin Scalia](https://en.wikipedia.org/wiki/Antonin_Scalia) **·** [Anthony Kennedy](https://en.wikipedia.org/wiki/Anthony_Kennedy)  [Clarence Thomas](https://en.wikipedia.org/wiki/Clarence_Thomas) **·** [Ruth Bader Ginsburg](https://en.wikipedia.org/wiki/Ruth_Bader_Ginsburg)  [Stephen Breyer](https://en.wikipedia.org/wiki/Stephen_Breyer) **·** [Samuel Alito](https://en.wikipedia.org/wiki/Samuel_Alito)  [Sonia Sotomayor](https://en.wikipedia.org/wiki/Sonia_Sotomayor) **·** [Elena Kagan](https://en.wikipedia.org/wiki/Elena_Kagan) | |
| **Case opinions** | |
| **Majority** | Sotomayor, joined by Roberts, Scalia, Kennedy, Ginsburg, Breyer, Kagan |
| **Dissent** | Thomas |
| **Dissent** | Alito |
| **Laws applied** | |
| [Immigration and Nationality Act (1952)](https://en.wikipedia.org/wiki/Immigration_and_Nationality_Act_(1952))  [Controlled Substances Act](https://en.wikipedia.org/wiki/Controlled_Substances_Act) | |

***Moncrieffe v. Holder***, 569 U.S. 184 (2013), is a [United States Supreme Court](https://en.wikipedia.org/wiki/United_States_Supreme_Court) decision in which the court ruled in a 7–2 decision that "social sharing of a small amount of [marijuana](https://en.wikipedia.org/wiki/Marijuana_in_the_United_States)" by a legal immigrant does not constitute [aggravated felony](https://en.wikipedia.org/wiki/Aggravated_felony) and so does not require mandatory [deportation](https://en.wikipedia.org/wiki/Deportation).[[1]](https://en.wikipedia.org/wiki/Moncrieffe_v._Holder#cite_note-1)[[2]](https://en.wikipedia.org/wiki/Moncrieffe_v._Holder#cite_note-huffpo-2)

**Background**[[edit source](https://en.wikipedia.org/w/index.php?title=Moncrieffe_v._Holder&action=edit&section=1)]

Adrian Moncrieffe is a [Jamaican](https://en.wikipedia.org/wiki/Jamaica) national who has lived in the United States since he moved there in 1984 at the age of three. In 2008 he was stopped by police in [Georgia](https://en.wikipedia.org/wiki/State_of_Georgia) for a traffic violation when they found 1.3 grams of [marijuana](https://en.wikipedia.org/wiki/Marijuana) in his car.[[3]](https://en.wikipedia.org/wiki/Moncrieffe_v._Holder#cite_note-scotusblog-op-3) Moncrieffe pleaded guilty to the charge of marijuana possession with intent to distribute and agreed to a deal with no jail time. Two years later, immigration officials discovered the arrest and decided to detain and finally deport him, as drug trafficking charge is treated as an aggravated felony under immigration policies.[[4]](https://en.wikipedia.org/wiki/Moncrieffe_v._Holder#cite_note-chattanoogan-4) After Moncrieffe lost his challenge in an administrative case, he was deported back to Jamaica.

Georgia's marijuana law, like in most other states, defines possession with intent to distribute marijuana for no remuneration and distributing a small amount of marijuana charge under the same statute, which made his case. Under federal marijuana law, the prior charge is treated as a possession case if it involves a small amount of marijuana, which cleared Moncrieffe from having committing an aggravated felony of drug trafficking under immigration law.

The [Fifth Circuit Court](https://en.wikipedia.org/wiki/Fifth_Circuit_Court) upheld the deportation order, ruling that as the prosecution was not required to prove the amount of marijuana involved, the conviction amounted to a felony under federal law.[[5]](https://en.wikipedia.org/wiki/Moncrieffe_v._Holder#cite_note-5) The Supreme Court granted [writ of certiorari](https://en.wikipedia.org/wiki/Writ_of_certiorari) to clear up confusion in the lower courts. The federal government argued that as the distinction based on the amount of marijuana possessed was a sentencing and not a conviction issue and so did not affect the deportation order.

**Decision**[[edit source](https://en.wikipedia.org/w/index.php?title=Moncrieffe_v._Holder&action=edit&section=2)]

[Associate Justice](https://en.wikipedia.org/wiki/Associate_Justice_of_the_Supreme_Court_of_the_United_States) [Sonia Sotomayor](https://en.wikipedia.org/wiki/Sonia_Sotomayor), writing for the majority, agreed with Moncrieffe's lawyers that he was still eligible for the exception for possession of small amounts of marijuana under federal law. He would thus be able to appeal his deportation with immigration officials.

**See also**[[edit source](https://en.wikipedia.org/w/index.php?title=Moncrieffe_v._Holder&action=edit&section=3)]

* [2012 term United States Supreme Court opinions of Sonia Sotomayor](https://en.wikipedia.org/wiki/2012_term_United_States_Supreme_Court_opinions_of_Sonia_Sotomayor)

**References**[[edit source](https://en.wikipedia.org/w/index.php?title=Moncrieffe_v._Holder&action=edit&section=4)]

* [**^**](https://en.wikipedia.org/wiki/Moncrieffe_v._Holder#cite_ref-1) *Moncrieffe v. Holder*, [569](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_569) [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) [184](https://supreme.justia.com/cases/federal/us/569/184/) (2013).
* [**^**](https://en.wikipedia.org/wiki/Moncrieffe_v._Holder#cite_ref-huffpo_2-0) Campbell, Ryan (June 5, 2013). ["Marijuana and Immigration"](http://www.huffingtonpost.com/ryan-campbell/marijuana-and-immigration_b_3387546.html). *Huffington Post*. Retrieved June 7, 2013.
* [**^**](https://en.wikipedia.org/wiki/Moncrieffe_v._Holder#cite_ref-scotusblog-op_3-0) Denniston, Lyle (April 23, 2013). ["Opinion recap: Easing a severe drug law"](http://www.scotusblog.com/?p=162891). SCOTUS Blog. Retrieved June 7, 2013.
* [**^**](https://en.wikipedia.org/wiki/Moncrieffe_v._Holder#cite_ref-chattanoogan_4-0) Davis, Lee (May 11, 2013). ["Supreme Court Says Small Amounts Of Marijuana Not Enough To Warrant Automatic Deportation"](http://www.chattanoogan.com/2013/5/11/251020/Lee-Davis-Supreme-Court-Says-Small.aspx). *The Chattanoogan*. Retrieved June 7, 2013.
* [**^**](https://en.wikipedia.org/wiki/Moncrieffe_v._Holder#cite_ref-5) *Moncrieffe v. Holder*, [662 F.3d 387](https://www.leagle.com/decision/infco20111108107) ([5th Cir.](https://en.wikipedia.org/wiki/5th_Cir.) 2011).

**External links**[[edit source](https://en.wikipedia.org/w/index.php?title=Moncrieffe_v._Holder&action=edit&section=5)]

* Text of *Moncrieffe v. Holder*, [569](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases,_volume_569) [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) 184 (2013) is available from: [CourtListener](https://www.courtlistener.com/opinion/866024/moncrieffe-v-holder/) [Google Scholar](https://scholar.google.com/scholar_case?case=14259105356415331940) [Justia](https://supreme.justia.com/cases/federal/us/569/184/) [Oyez (oral argument audio)](https://www.oyez.org/cases/2012/11-702) [Supreme Court (slip opinion) (archived)](https://web.archive.org/web/0/https://www.supremecourt.gov/opinions/12pdf/11-702_9p6b.pdf)

# *Americans for Safe Access v. Drug Enforcement Administration*

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|  | This article **provides insufficient context for those unfamiliar with the subject**. Please help [improve the article](https://en.wikipedia.org/w/index.php?title=Americans_for_Safe_Access_v._Drug_Enforcement_Administration&action=edit) by [providing more context for the reader](https://en.wikipedia.org/wiki/Wikipedia:Writing_better_articles#Provide_context_for_the_reader). *(July 2014) (*[*Learn how and when to remove this message*](https://en.wikipedia.org/wiki/Help:Maintenance_template_removal)*)* |
| --- | --- |

***Americans for Safe Access v. Drug Enforcement Administration*** was a case in which the [U.S. Court of Appeals for the D.C. Circuit](https://en.wikipedia.org/wiki/U.S._Court_of_Appeals_for_the_D.C._Circuit) held that the [DEA](https://en.wikipedia.org/wiki/Drug_Enforcement_Administration)'s denial of a petition by plaintiff [Americans for Safe Access](https://en.wikipedia.org/wiki/Americans_for_Safe_Access) for [removal of cannabis from Schedule I of the Controlled Substances Act](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act) survives review under the deferential [arbitrary and capricious](https://en.wikipedia.org/wiki/Arbitrary_and_capricious) standard. [21 U.S.C.](https://en.wikipedia.org/wiki/Title_21_of_the_United_States_Code) [§ 812(b)(1)(B)](https://www.law.cornell.edu/uscode/text/21/812#b_1_B) requires that [cannabis](https://en.wikipedia.org/wiki/Cannabis_(drug)) be found to have no "currently accepted medical use" in order to remain in Schedule I. This DEA, pursuant to regulations that the court had approved in [*Alliance for Cannabis Therapeutics v. DEA*](https://en.wikipedia.org/w/index.php?title=Alliance_for_Cannabis_Therapeutics_v._DEA&action=edit&redlink=1), interpreted this to require "adequate and well-controlled studies proving efficacy" in order for cannabis to be removed from Schedule I. The court deferred to the agency's interpretation and found that substantial evidence supported the DEA's determination that such studies do not exist.[[1]](https://en.wikipedia.org/wiki/Americans_for_Safe_Access_v._Drug_Enforcement_Administration#cite_note-1) This case was the third attempt to get the D.C. Circuit to order that cannabis be rescheduled.[[2]](https://en.wikipedia.org/wiki/Americans_for_Safe_Access_v._Drug_Enforcement_Administration#cite_note-2)

**Further reading**[[edit source](https://en.wikipedia.org/w/index.php?title=Americans_for_Safe_Access_v._Drug_Enforcement_Administration&action=edit&section=1)]

* [*Feds To Debate Marijuana As Medicine*](https://www.npr.org/2012/10/12/162790776/feds-to-debate-marijuana-as-medicine) (Streaming audio [with transcript]). [*Science Friday*](https://en.wikipedia.org/wiki/Science_Friday). NPR. October 12, 2012.

**References**[[edit source](https://en.wikipedia.org/w/index.php?title=Americans_for_Safe_Access_v._Drug_Enforcement_Administration&action=edit&section=2)]

* [**^**](https://en.wikipedia.org/wiki/Americans_for_Safe_Access_v._Drug_Enforcement_Administration#cite_ref-1) *Americans for Safe Access v. DEA* (DC Cir. 2013), [Text](https://scholar.google.com/scholar_case?case=7920687753832005040).
* [**^**](https://en.wikipedia.org/wiki/Americans_for_Safe_Access_v._Drug_Enforcement_Administration#cite_ref-2) Wishnia, Steven (15 October 2012). ["Is marijuana close to being legalized?"](http://www.salon.com/2012/10/15/is_marijuana_close_to_being_legalized/). *Salon*.

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# List of United States cannabis regulatory agencies

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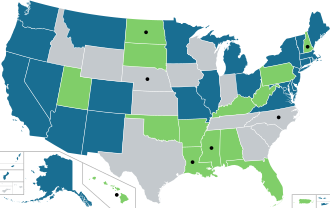
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Legality of [medical](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States) and [non-medical](https://en.wikipedia.org/wiki/Decriminalization_of_non-medical_cannabis_in_the_United_States) cannabis in the United States. Areas under tribal sovereignty not shown.

**Cannabis regulatory agencies** exist in several of the [U.S. states](https://en.wikipedia.org/wiki/U.S._state) and [territories](https://en.wikipedia.org/wiki/Territories_of_the_United_States), the one [federal district](https://en.wikipedia.org/wiki/Federal_district_of_the_United_States), and several areas under [tribal sovereignty](https://en.wikipedia.org/wiki/Tribal_sovereignty_in_the_United_States) in the United States which have legalized cannabis. In November 2020, 19 state agencies formed the Cannabis Regulators Association.[[1]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-1)

The agencies include:

**Federal**[[edit source](https://en.wikipedia.org/w/index.php?title=List_of_United_States_cannabis_regulatory_agencies&action=edit&section=1)]

* [Drug Enforcement Administration](https://en.wikipedia.org/wiki/Drug_Enforcement_Administration)
* [Food and Drug Administration](https://en.wikipedia.org/wiki/Food_and_Drug_Administration)
* [United States Department of Agriculture](https://en.wikipedia.org/wiki/United_States_Department_of_Agriculture) (hemp)
* Cannabis Justice Office (grantmaking office, proposed under [Marijuana Opportunity Reinvestment and Expungement Act](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act) of 2019)[[2]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-2)[[3]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-3)

**Territorial or Federal district**[[edit source](https://en.wikipedia.org/w/index.php?title=List_of_United_States_cannabis_regulatory_agencies&action=edit&section=2)]

* Commonwealth of Northern Mariana Islands Cannabis Commission, in formation as of October 2018 pursuant to [CNMI Cannabis Act of 2018](https://en.wikipedia.org/wiki/CNMI_Cannabis_Act_of_2018).[[4]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-4)
* District of Columbia [Alcoholic Beverage and Cannabis Administration](https://en.wikipedia.org/wiki/Alcoholic_Beverage_and_Cannabis_Administration_(District_of_Columbia)) (ABCA), formerly the Alcoholic Beverage Regulation Administration (ABRA).[[5]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-5) Was the Department of Health Division of Medical Marijuana and Integrative Therapy until October 1, 2020;[[6]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-6) medical cannabis only – there is no regulatory agency for other use.[[a]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-8)
* Puerto Rico Medical Cannabis Regulatory Board (a division of the Puerto Rico Department of Health). The Board was created in 2017 under the MEDICINAL Act of 2017.[[8]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-9)

**State**[[edit source](https://en.wikipedia.org/w/index.php?title=List_of_United_States_cannabis_regulatory_agencies&action=edit&section=3)]

* [Alabama](https://en.wikipedia.org/wiki/Alabama) Medical Cannabis Commission[[9]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-10)[[10]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-11)[[11]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-12)[[12]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-13)[[13]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-14)[[14]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-15) (as of 13 September 2021, since 8/3/2021, agency has met 3x regular, 2x special/called, but does not yet have a website)
* [Alaska Marijuana Control Board](https://en.wikipedia.org/wiki/Alaska_Department_of_Commerce,_Community_and_Economic_Development) (MCB)[[15]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-16)
* [Arizona Department of Health Services](https://en.wikipedia.org/wiki/Arizona_Department_of_Health_Services) (under [2020 Arizona Proposition 207](https://en.wikipedia.org/wiki/2020_Arizona_Proposition_207))
* [California Bureau of Cannabis Control](https://en.wikipedia.org/wiki/California_Bureau_of_Cannabis_Control)
  + [San Francisco Office of Cannabis](https://en.wikipedia.org/wiki/San_Francisco_Office_of_Cannabis)
* [Colorado Department of Revenue](https://en.wikipedia.org/wiki/Colorado_Department_of_Revenue) Enforcement Division Marijuana Enforcement (MED)[[16]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-17)
* Connecticut Department of Consumer Protection[[17]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-18)
* Georgia Access to Medical Cannabis Commission[[18]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-19)
* [Illinois Department of Financial and Professional Regulation](https://en.wikipedia.org/wiki/Illinois_Department_of_Financial_and_Professional_Regulation), Cannabis Regulation Oversight Officer[[19]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-20)
* Iowa Medical Cannabidiol Board[[20]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-21)
* Maine Office of Marijuana Policy[[21]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-22)
* Maryland Medical Cannabis Commission[[22]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-23)
* Massachusetts Cannabis Control Commission[[23]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-24)
* Michigan Cannabis Regulatory Agency[[24]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-25)
* Minnesota Office of Cannabis Management[[25]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-26)
* Montana Department of Revenue[[26]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-27)
* Nevada Department of Taxation[[27]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-28)
* [New Jersey Cannabis Regulatory Commission](https://en.wikipedia.org/wiki/New_Jersey_Cannabis_Regulatory_Commission)[[28]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-29)
* New Mexico Cannabis Control Division
* [New York Office of Cannabis Management](https://en.wikipedia.org/wiki/New_York_Office_of_Cannabis_Management)
* [Ohio Department of Commerce](https://en.wikipedia.org/wiki/Ohio_Department_of_Commerce)
  + Ohio Medical Marijuana Control Program
  + Division of Cannabis Control
* Oklahoma Medical Marijuana Authority[[29]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-30)
* [Oregon Liquor Control Commission](https://en.wikipedia.org/wiki/Oregon_Liquor_Control_Commission)
* Rhode Island Office of Cannabis Regulation[[30]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-31)
* Virginia Cannabis Control Authority[[31]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-32)
* [Washington State Liquor and Cannabis Board](https://en.wikipedia.org/wiki/Washington_State_Liquor_and_Cannabis_Board)
* [West Virginia Department of Health and Human Resources](https://en.wikipedia.org/wiki/West_Virginia_Department_of_Health_and_Human_Resources)
  + Bureau for Public Health
    - Office of Medical Cannabis

**Proposed**[[edit source](https://en.wikipedia.org/w/index.php?title=List_of_United_States_cannabis_regulatory_agencies&action=edit&section=4)]

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* Delaware Office of Marijuana Control Commissioner[[34]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-35)
* Hawaii Department of Taxation[[35]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-36)[[*non-primary source needed*](https://en.wikipedia.org/wiki/Wikipedia:No_original_research#Primary,_secondary_and_tertiary_sources)]
* Indiana Cannabis Compliance Commission[[36]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-37)
* Kentucky Department of Alcoholic Beverage and Cannabis Control[[37]](https://en.wikipedia.org/wiki/List_of_United_States_cannabis_regulatory_agencies#cite_note-38)
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**See also**[[edit source](https://en.wikipedia.org/w/index.php?title=List_of_United_States_cannabis_regulatory_agencies&action=edit&section=6)]

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**Notes**[[edit source](https://en.wikipedia.org/w/index.php?title=List_of_United_States_cannabis_regulatory_agencies&action=edit&section=7)]

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From Wikipedia, the free encyclopedia

**Cannabis product testing** is a form of [product testing](https://en.wikipedia.org/wiki/Product_testing) analyzes the quality of [cannabis](https://en.wikipedia.org/wiki/Cannabis) extracts, edibles, and [THC](https://en.wikipedia.org/wiki/Tetrahydrocannabinol) and [CBD](https://en.wikipedia.org/wiki/Cannabidiol) levels in an emergent consumer market eager to sell adult use products.[[1]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-:0-1) [Analytical chemistry](https://en.wikipedia.org/wiki/Analytical_chemistry) and [microbiology](https://en.wikipedia.org/wiki/Microbiology) laboratories are important entities in consumer protection. These labs not only determine the condition and viability of [cannabinoids](https://en.wikipedia.org/wiki/Cannabinoid), [water content](https://en.wikipedia.org/wiki/Water_content), [heavy metals](https://en.wikipedia.org/wiki/Heavy_metals), [pesticides](https://en.wikipedia.org/wiki/Pesticide),[[2]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-2) [terpenes](https://en.wikipedia.org/wiki/Terpene), [yeast](https://en.wikipedia.org/wiki/Yeast), but also the presence of mold, [mycotoxins](https://en.wikipedia.org/wiki/Mycotoxins), and [solvents](https://en.wikipedia.org/wiki/Solvent).[[3]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-FOOTNOTESmall2016-3)[[4]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-FOOTNOTESt._Louis2018384-4) These laboratories emerged when advocates of cannabis testing raised concerns about potential contaminants.[[5]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-Ferner-5)[[6]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-glasser-6)[[7]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-Parker_Karris-7)

The popularity of cannabis and cannabinoid products continues to escalate following the legalization of cannabinoid products in the United States since 2012.

Since 2012, ten states (Colorado, Oregon, Washington, Alaska, California, Nevada, Maine, Massachusetts, Vermont, and, in November 2018, by popular referendum, Michigan) and the District of Columbia have legalized recreational cannabis consumption and, except for the District of Columbia and Vermont, acted to implement legislation that also legalizes commercial production. By 2016, 23 states had legalized medical cannabis. Additionally, a number of states, as far back as the 1960s, have decriminalized the possession of small quantities of cannabis for personal use.[[8]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-8)

By 2020, the majority of the U.S. population can purchase cannabis and cannabinoid products as easily as alcohol.[[1]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-:0-1) But exposure to contaminants is often overlooked. Limited regulation threatens product safety in the "[gold rush](https://en.wikipedia.org/wiki/Gold_rush)" era of a fast-growing cannabis industry. Analytical chemistry and microbiology testing that protects [consumer safety](https://en.wikipedia.org/wiki/Consumer_protection) and prevents unfair practices becomes an added cost that most startups avoid due to the lack of oversight of recreational and medicinal cannabis in the United States.[[9]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-9) Advanced analytical testing is critical given trade-offs between safety and quality in cannabinoid therapeutics and nutraceuticals. Product or compliance testing determines the chemical makeup and overall quality of the formulation before the sale of products.[[1]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-:0-1)[[10]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-:1-10)

**History**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_product_testing&action=edit&section=1)]

**Colorado**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_product_testing&action=edit&section=2)]

In 2015, the first government standards for testing were proposed in [Colorado's legislature](https://en.wikipedia.org/wiki/Legislature_of_Colorado), when potency and microbial testing became mandatory in the state.[[11]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-Wyatt-11)[[12]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-tdc-12)[[13]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-Leafly-13) Colorado cannabis testing laboratories, such as AgriScience Labs, are regulated by the [Colorado Department of Revenue](https://en.wikipedia.org/wiki/Colorado_Department_of_Revenue)'s Marijuana Enforcement Division and the [Colorado Department of Public Health and Environment](https://en.wikipedia.org/wiki/Colorado_Department_of_Public_Health_and_Environment).[[14]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-cdphe-14) Over the next several years, other tests became mandatory, such as residual solvent analysis and pesticides.[[14]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-cdphe-14)[[15]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-cbt-15)

**Other states**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_product_testing&action=edit&section=3)]

Cannabis testing is also required in other states, such as California,[[16]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-cali-16) Oregon,[[17]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-oregon-17) Massachusetts,[[18]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-18) and Nevada.[[19]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-nev-19) Washington State added routine pesticide testing and random or investigation-driven heavy metal testing, formerly required only for medical cannabis, to its testing suite for all cannabis on March 2, 2022.[[20]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-20)

**Standards**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_product_testing&action=edit&section=4)]

Calls have been made to unify [cannabis industry](https://en.wikipedia.org/wiki/Cannabis_industry) standards with existing testing organizations such as [ASTM International](https://en.wikipedia.org/wiki/ASTM_International) ([ASTM D37](https://en.wikipedia.org/wiki/ASTM_D37))[[21]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-ASA-21) or [International Standards Organization](https://en.wikipedia.org/wiki/International_Standards_Organization) ([ISO/IEC 17025](https://en.wikipedia.org/wiki/ISO_17025)).[[22]](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_note-Black-22)

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* [Jump up to:](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_ref-:0_1-0)
* [***a***](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_ref-:0_1-0) [***b***](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_ref-:0_1-1) [***c***](https://en.wikipedia.org/wiki/Cannabis_product_testing#cite_ref-:0_1-2) Clarke, Vanessa; Lin, Melody (December 1, 2020). ["Cannabis Compliance Testing: Safety vs. Quality"](https://cannabisindustryjournal.com/feature_article/cannabis-compliance-testing-safety-vs-quality/). *Cannabis Industry Journal*. Retrieved December 16, 2022.
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# Removal of cannabis from Schedule I of the Controlled Substances Act

**1 language**

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From Wikipedia, the free encyclopedia

*This article is about cannabis rescheduling in the United States. For other uses, see* [*Cannabis rescheduling (disambiguation)*](https://en.wikipedia.org/wiki/Cannabis_rescheduling_(disambiguation))*.*

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| * [v](https://en.wikipedia.org/wiki/Template:Cannabis_sidebar) * [t](https://en.wikipedia.org/wiki/Template_talk:Cannabis_sidebar) * [e](https://en.wikipedia.org/wiki/Special:EditPage/Template:Cannabis_sidebar) |

In the [United States](https://en.wikipedia.org/wiki/United_States), the **removal of cannabis from Schedule I of the Controlled Substances Act**, the category reserved for drugs that have "no currently accepted medical use", is a proposed legal and administrative change in [cannabis-related law](https://en.wikipedia.org/wiki/Legal_history_of_cannabis_in_the_United_States) at the federal level. After being proposed repeatedly since 1972, the [U.S. Department of Justice](https://en.wikipedia.org/wiki/U.S._Department_of_Justice) initiated 2024 rulemaking to reschedule cannabis to [Schedule III of the Controlled Substances Act](https://en.wikipedia.org/wiki/List_of_Schedule_III_controlled_substances_(U.S.)). The majority of 2024 public comments supported descheduling, decriminalizing, or legalizing marijuana at the federal level.[[1]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-DeAngelo-1)

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| **Schedules of Controlled Substances** |
| --- |
| **Schedule I** |
| * The drug or other substance has a high potential for abuse. * The drug or other substance has no currently accepted medical use in treatment in the United States. * There is a lack of accepted safety for use of the drug or other substance under medical supervision.   *Examples:* [heroin](https://en.wikipedia.org/wiki/Heroin), [LSD](https://en.wikipedia.org/wiki/LSD), [marijuana](https://en.wikipedia.org/wiki/Cannabis_(drug)), [MDMA](https://en.wikipedia.org/wiki/Methylenedioxymethamphetamine) (ecstasy), [methaqualone](https://en.wikipedia.org/wiki/Methaqualone) (quaalude). |
| **Schedule II** |
| * The drug or other substance has a high potential for abuse. * The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions. * Abuse of the drug or other substances may lead to severe psychological or physical dependence.   *Examples:* [cocaine](https://en.wikipedia.org/wiki/Cocaine), [methadone](https://en.wikipedia.org/wiki/Methadone), [methamphetamine](https://en.wikipedia.org/wiki/Methamphetamine), [methylphenidate](https://en.wikipedia.org/wiki/Methylphenidate) (Ritalin), [morphine](https://en.wikipedia.org/wiki/Morphine), [hydrocodone](https://en.wikipedia.org/wiki/Hydrocodone) (Vicodin), [oxycodone](https://en.wikipedia.org/wiki/Oxycodone) (OxyContin), [phencyclidine](https://en.wikipedia.org/wiki/Phencyclidine) (PCP). |
| **Schedule III** |
| * The drug or other substance has a potential for abuse less than the drugs or other substances in schedules I and II. * The drug or other substance has a currently accepted medical use in treatment in the United States. * Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.   *Examples:* [anabolic steroids](https://en.wikipedia.org/wiki/Anabolic_steroid), [ketamine](https://en.wikipedia.org/wiki/Ketamine) (Special K), synthetic THC ([Marinol](https://en.wikipedia.org/wiki/Marinol)). |
| **Schedule IV** |
| * The drug or other substance has a low potential for abuse relative to the drugs or other substances in schedule III. * The drug or other substance has a currently accepted medical use in treatment in the United States. * Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule III.   *Examples:* [alprazolam](https://en.wikipedia.org/wiki/Alprazolam) (Xanax), [diazepam](https://en.wikipedia.org/wiki/Diazepam) (Valium). |
| **Schedule V** |
| * The drug or other substance has a low potential for abuse relative to the drugs or other substances in schedule IV * The drug or other substance has a currently accepted medical use in treatment in the United States * Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule IV.   *Examples:* [pyrovalerone](https://en.wikipedia.org/wiki/Pyrovalerone), [lacosamide](https://en.wikipedia.org/wiki/Lacosamide) (Vimpat) |
| * [v](https://en.wikipedia.org/wiki/Template:Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act) * [t](https://en.wikipedia.org/wiki/Template_talk:Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act) * [e](https://en.wikipedia.org/wiki/Special:EditPage/Template:Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act) |

Schedule I is the only category of controlled substances not allowed to be prescribed by a physician. Under [*21 U.S.C.*](https://en.wikipedia.org/wiki/Title_21_of_the_United_States_Code)[*§ 812*](https://www.law.cornell.edu/uscode/text/21/812), drugs must meet three criteria in order to be placed in Schedule I:

1. The drug or other substance has a high potential for abuse.
2. The drug or other substance has no currently accepted medical use in treatment in the United States.
3. There is a lack of accepted safety for the use of the drug or other substances under medical supervision.

In 1970, Congress placed cannabis into Schedule I on the advice of [Assistant Secretary of Health](https://en.wikipedia.org/wiki/United_States_Department_of_Health,_Education,_and_Welfare) [Roger O. Egeberg](https://en.wikipedia.org/wiki/Roger_O._Egeberg). His letter to [Harley O. Staggers](https://en.wikipedia.org/wiki/Harley_Orrin_Staggers), Chairman of the [House Committee on Interstate and Foreign Commerce](https://en.wikipedia.org/wiki/United_States_House_Committee_on_Interstate_and_Foreign_Commerce), indicates that the classification was intended to be provisional:

Dear Mr. Chairman: In a prior communication, comments requested by your committee on the scientific aspects of the drug classification scheme incorporated in H.R. 18583 were provided. This communication is concerned with the proposed classification of marijuana.

It is presently classed in schedule I(C) along with its active constituents, the tetrahydrocannibinols and other [psychotropic](https://en.wikipedia.org/wiki/Psychoactive_drug) drugs.

Some question has been raised whether the use of the plant itself produces "severe psychological or physical dependence" as required by a schedule I or even schedule II criterion. Since there is still a considerable void in our knowledge of the plant and the effects of the active drug contained in it, our recommendation is that marijuana be retained within schedule I at least until the completion of certain studies now underway to resolve the issue.[[2]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-2)

In 1972, the [National Commission on Marijuana and Drug Abuse](https://en.wikipedia.org/wiki/National_Commission_on_Marijuana_and_Drug_Abuse) released a report favoring decriminalization of cannabis. The [Nixon](https://en.wikipedia.org/wiki/Richard_Nixon) administration took no action to implement the recommendation, however.[[3]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-3)

Rescheduling proponents argue that [cannabis](https://en.wikipedia.org/wiki/Cannabis_(drug)) does not meet the [Controlled Substances Act](https://en.wikipedia.org/wiki/Controlled_Substances_Act)'s strict criteria for placement in [Schedule I](https://en.wikipedia.org/wiki/List_of_Schedule_I_drugs_(US)) and so the government is required by law to permit [medical use](https://en.wikipedia.org/wiki/Medical_cannabis) or to remove the drug from federal control altogether. The US government, on the other hand, until the [August 2023 HHS determination to the contrary](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#2023), maintained that cannabis is dangerous enough to merit [Schedule I](https://en.wikipedia.org/wiki/Schedule_I_controlled_substance) status. The dispute was based on differing views on both how the Act should be interpreted and what kinds of scientific evidence are most relevant to the rescheduling decision.

The Act provides a process for rescheduling controlled substances by petitioning the [Drug Enforcement Administration](https://en.wikipedia.org/wiki/Drug_Enforcement_Administration). The first petition under this process was filed in 1972 to allow cannabis to be legally prescribed by physicians. The petition was ultimately denied after 22 years of court challenges, but a [synthetic pill form](https://en.wikipedia.org/wiki/Dronabinol) of cannabis's [psychoactive](https://en.wikipedia.org/wiki/Psychoactive) ingredient, [THC](https://en.wikipedia.org/wiki/THC), was rescheduled in 1986 to allow prescription under schedule II.[[4]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-4) In 1999, it was again rescheduled to allow prescription under schedule III.

A second petition, based on claims related to clinical studies, was denied in 2001. The most recent rescheduling petition filed by [medical cannabis](https://en.wikipedia.org/wiki/Medical_cannabis) advocates was in 2002, but it was denied by the DEA in July 2011. Subsequently, medical cannabis advocacy group [Americans for Safe Access](https://en.wikipedia.org/wiki/Americans_for_Safe_Access) filed an appeal, [*Americans for Safe Access v. Drug Enforcement Administration*](https://en.wikipedia.org/wiki/Americans_for_Safe_Access_v._Drug_Enforcement_Administration) in January 2012 with the [District of Columbia Circuit](https://en.wikipedia.org/wiki/United_States_Court_of_Appeals_for_the_District_of_Columbia_Circuit), which was heard on 16 October 2012[[5]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-5) and denied on 22 January 2013.[[6]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-6)

As of April 2023, 38 states, 3 territories, and [Washington, D.C.](https://en.wikipedia.org/wiki/Washington,_D.C.) have legalized the use of medical marijuana.[[7]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-7) At a congressional hearing in June 2014, the deputy director for Regulatory Programs at the FDA said the agency was conducting an analysis on whether marijuana should be downgraded, at the request of the DEA.[[8]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-8) In August 2016 the DEA reaffirmed its position and refused to remove Schedule I classification.[[9]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-9) However, the DEA announced that it will end restrictions on the supply of marijuana to researchers and drug companies that had previously only been available from the government's own facility at the University of Mississippi.[[10]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-10)

Advocates of marijuana legalization argue that the budgetary impact of removing cannabis from Schedule I of the Controlled Substances Act and legalizing its use in the United States could save billions by reducing government spending for prohibition enforcement in the criminal justice system. Additionally, they argue that billions in annual tax revenues could be generated through proposed taxation and regulation.[[11]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-11)

**Arguments for and against**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=2)]

**For rescheduling**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=3)]

[Jon Gettman](https://en.wikipedia.org/wiki/Jon_Gettman), former director of the [National Organization for the Reform of Marijuana Laws](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws_(United_States)), has argued that cannabis does not fit each of the three statutory criteria for Schedule I. Gettman believes that "high potential for abuse" means that a drug has a potential for abuse similar to that of [heroin](https://en.wikipedia.org/wiki/Heroin) or [cocaine](https://en.wikipedia.org/wiki/Cocaine).[[12]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-Getman-mmm-12) Gettman argues further that since laboratory animals do not self-administer cannabis, and because cannabis' [toxicity](https://en.wikipedia.org/wiki/Toxicity) is virtually non-existent compared to that of heroin or cocaine, cannabis lacks the high abuse potential required for inclusion in Schedule I or II.[[13]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-13)

Gettman also states: "The acceptance of cannabis' medical use by eight ([now thirty-eight and DC](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States)) states since 1996 and the experiences of patients, doctors, and state officials in these states establish marijuana's accepted medical use in the United States."[[14]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-amu-states-14) Specifically, [Alabama](https://en.wikipedia.org/wiki/Cannabis_in_Alabama), [Alaska](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Alaska), [Arizona](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Arizona), [Arkansas](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Arkansas), [California](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#California_(early_and_mid-1990s)), [Colorado](https://en.wikipedia.org/wiki/Cannabis_in_Colorado), [Connecticut](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Connecticut), [Delaware](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Delaware), [Florida](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Florida), [Georgia](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Georgia), [Hawaii](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Hawaii), [Illinois](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Illinois), [Iowa](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Iowa), [Kentucky](https://en.wikipedia.org/wiki/Cannabis_in_Kentucky), [Louisiana](https://en.wikipedia.org/wiki/Cannabis_in_Louisiana), [Maine](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Maine), [Maryland](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Maryland), [Massachusetts](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Massachusetts), [Michigan](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Michigan), [Minnesota](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Minnesota), [Mississippi](https://en.wikipedia.org/wiki/Cannabis_in_Mississippi), [Missouri](https://en.wikipedia.org/wiki/Cannabis_in_Missouri), [Montana](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Montana), [New Hampshire](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#New_Hampshire), [Nevada](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Nevada), [New Jersey](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#New_Jersey), [New Mexico](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#New_Mexico), [New York](https://en.wikipedia.org/wiki/Cannabis_in_New_York), [North Dakota](https://en.wikipedia.org/wiki/Cannabis_in_North_Dakota), [Ohio](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Ohio), [Oklahoma](https://en.wikipedia.org/wiki/Cannabis_in_Oklahoma), [Oregon](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Oregon), [Pennsylvania](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Pennsylvania), [Puerto Rico](https://en.wikipedia.org/wiki/Cannabis_in_Puerto_Rico), [Rhode Island](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Rhode_Island), [South Dakota](https://en.wikipedia.org/wiki/Cannabis_in_South_Dakota), [Tennessee](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Tennessee), [Utah](https://en.wikipedia.org/wiki/Cannabis_in_Utah), [Vermont](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Vermont), [Virginia](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Virginia), [Washington](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Washington), [Washington DC](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Washington_DC), and [West Virginia](https://en.wikipedia.org/wiki/Cannabis_in_West_Virginia), have enacted legislation allowing the medical use of cannabis by their citizens.[[15]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-15) A minimum of 4 million patients are currently using medical cannabis legally in these states.[[16]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-16)

In his petition, Gettman also argues that cannabis is an acceptably safe medication. He notes that a 1999 [Institute of Medicine](https://en.wikipedia.org/wiki/Institute_of_Medicine) report found that "except for the harms associated with [smoking](https://en.wikipedia.org/wiki/Smoking), the adverse effects of marijuana use are within the range of effects tolerated for other medications." He points out that there are a number of [delivery routes](https://en.wikipedia.org/wiki/Route_of_administration) that were not considered by the institute, such as [transdermal](https://en.wikipedia.org/wiki/Transdermal_patch), sublingual, and even [rectal](https://en.wikipedia.org/wiki/Rectum) administration, in addition to [vaporizers](https://en.wikipedia.org/wiki/Vaporizer_(cannabis)), which release cannabis' active ingredients into the air without burning the plant matter.[[17]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-amu-admin-17)

A study published in the March 1, 1990 issue of the [*Proceedings of the National Academy of Sciences*](https://en.wikipedia.org/wiki/Proceedings_of_the_National_Academy_of_Sciences) stated that "there are virtually no reports of fatal cannabis [overdose](https://en.wikipedia.org/wiki/Drug_overdose) in humans" and attributed this safety to the low density of [cannabinoid receptors](https://en.wikipedia.org/wiki/Cannabinoid_receptor) in areas of the [brain](https://en.wikipedia.org/wiki/Human_brain) controlling breathing and the heart.[[18]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-18)[[19]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-dopamine-19) Gettman claims that the discovery of the cannabinoid receptor system in the late 1980s revolutionized scientific understanding of cannabis' effects and provided further evidence that it does not belong in Schedule I.

In 2003, the United States government patented cannabinoids, including those in marijuana that cause users to get "high" (such as [THC](https://en.wikipedia.org/wiki/THC)) based on these chemicals' prevention of trauma- and age-related brain damage.[[20]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-20)

In January 2008, the [American College of Physicians](https://en.wikipedia.org/wiki/American_College_of_Physicians) called for a review of cannabis's Schedule I classification in its position paper titled "Supporting Research into the Therapeutic Role of Marijuana" It stated therein: "Position 4: ACP urges an evidence-based review of marijuana's status as a Schedule I controlled substance to determine whether it should be reclassified to a different schedule. This review should consider the scientific findings regarding marijuana's safety and efficacy in some clinical conditions as well as evidence on the health risks associated with marijuana consumption, particularly in its crude smoked form."[[21]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-21)

From 2008 to 2012, the American Patients Rights Association, in cooperation with Medical Marijuana expert Kim Quiggle, lobbied the federal government over what is now known as the "Mary Lou Eimer Criteria" based on a medical study performed by Quiggle on over 10,000 chronically ill and terminally ill patients' use of medical marijuana in Southern California. This study provided conclusive evidence that medical marijuana provided a safer and alternative application to many current pharmaceutical products available for patients, especially those with cancer and HIV/AIDS. The "Mary Lou Eimer Criteria" were instrumental in the issuance of the Cole Memorandum, which has set federal guidelines over states with medical marijuana laws and has urged the federal government to reschedule marijuana to a Class IV or Class V controlled substance based on the results of the Quiggle Study.[[*citation needed*](https://en.wikipedia.org/wiki/Wikipedia:Citation_needed)]

**Against rescheduling**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=4)]

In 1992, DEA Administrator [Robert Bonner](https://en.wikipedia.org/wiki/Robert_C._Bonner) promulgated five criteria, based somewhat on the Controlled Substances Act's legislative history, for determining whether a drug has an accepted medical use.[[22]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-22) The DEA claims that cannabis has no accepted medical use because it does not meet all of these criteria:[[23]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-frwebgate-23)

* The drug's chemistry is known and reproducible;
* There are adequate safety studies;
* There are adequate and well-controlled studies proving efficacy;
* The drug is accepted by qualified experts; and
* The scientific evidence is widely available.

These criteria are not binding; they were created by DEA and may be altered at any time. Judicial deference to agency decisions is what has kept them in effect, despite the difference between these and the statutory criteria. Cannabis is one of several plants with unproven abuse potential and toxicity that Congress placed in Schedule I. The DEA interprets the [Controlled Substances Act](https://en.wikipedia.org/wiki/Controlled_Substances_Act) to mean that if a drug with even a low potential for abuse — say, equivalent to a Schedule V drug — has no accepted medical use, then it must remain in Schedule I:[[23]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-frwebgate-23)

When it comes to a drug that is currently listed in Schedule I, if it is undisputed that such drug has no currently accepted medical use in treatment in the United States and a lack of accepted safety for use under medical supervision, and it is further undisputed that the drug has at least some potential for abuse sufficient to warrant control under the CSA, the drug must remain in schedule I. In such circumstances, placement of the drug in schedules II through V would conflict with the CSA since such drug would not meet the criterion of "a currently accepted medical use in treatment in the United States." 21 USC 812(b). Therefore, even if one were to assume, theoretically, that your assertions about marijuana's potential for abuse were correct (i.e., that marijuana had some potential for abuse but less than the "high potential for abuse" commensurate with schedules I and II), marijuana would not meet the criteria for placement in schedules III through V since it has no currently accepted medical use in treatment in the United States—a determination that is reaffirmed by HHS in the attached medical and scientific evaluation.

The U.S. Government argues that human studies are more relevant than studies showing animals do not self-administer cannabis.

The [Department of Health and Human Services](https://en.wikipedia.org/wiki/United_States_Department_of_Health_and_Human_Services) rejects the argument that laboratory animals' failure to self-administer cannabis is conclusive proof of its low potential for abuse:[[23]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-frwebgate-23)

The Secretary disagrees with Mr. Gettman's assertion that "[t]he accepted contemporary legal convention for evaluating the abuse potential of a drug or substance is the relative degree of self-administration the drug induces in animal subjects." As discussed above, self-administration tests that identify whether a substance is reinforcing in animals are but one component of the scientific assessment of the abuse potential of a substance. Positive indicators of human abuse liability for a particular substance, whether from laboratory studies or epidemiological data, are given greater weight than animal studies suggesting the same compound has no abuse potential.

The [Food and Drug Administration](https://en.wikipedia.org/wiki/Food_and_Drug_Administration) elaborates on this, arguing that the widespread use of cannabis, and the existence of some heavy users, is evidence of its "high potential for abuse," despite the drug's lack of physiological addictiveness:[[23]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-frwebgate-23)

[P]hysical dependence and toxicity are not the only factors to consider in determining a substance's abuse potential. A large number of individuals using marijuana on a regular basis and the vast amount of marijuana that is available for illicit use are indicative of widespread use. In addition, there is evidence that marijuana use can result in [psychological dependence](https://en.wikipedia.org/wiki/Psychological_dependence) in a certain proportion of the population.

The [Department of Justice](https://en.wikipedia.org/wiki/United_States_Department_of_Justice) (DOJ) also considers the fact that people are willing to risk scholastic, career, and legal problems to use cannabis to be evidence of its high potential for abuse:[[23]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-frwebgate-23)

Throughout his petition, Mr. Gettman argues that while many people "use" cannabis, few "abuse" it. He appears to equate abuse with the level of physical dependence and toxicity resulting from cannabis use. Thus, he appears to be arguing that a substance that causes only low levels of physical dependence and toxicity must be considered to have a low potential for abuse. The Secretary does not agree with this argument. Physical dependence and toxicity are not the only factors that are considered in determining a substance's abuse potential. The actual use and frequency of use of a substance, especially when that use may result in harmful consequences such as failure to fulfill major obligations at work or school, physical risk-taking, or even substance-related legal problems, are indicative of a substance's abuse potential.

**Process**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=5)]

Cannabis could be rescheduled either [legislatively](https://en.wikipedia.org/wiki/Legislature), through Congress, or through the [executive branch](https://en.wikipedia.org/wiki/United_States_Federal_Executive_Departments). Congress has so far rejected all bills to reschedule cannabis. However, it is not unheard of for Congress to intervene in the drug scheduling process; in February 2000, for instance, the 105th Congress, in its second official session, passed *Public Law 106-172*, also known as the *Hillory J. Farias and Samantha Reed Date-Rape Drug Prohibition Act of 2000*,[[24]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-24) adding [GHB](https://en.wikipedia.org/wiki/Gamma-hydroxybutyrate) to Schedule I.[[25]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-25) On June 23, 2011, Rep. [Barney Frank](https://en.wikipedia.org/wiki/Barney_Frank) and Rep. [Ron Paul](https://en.wikipedia.org/wiki/Ron_Paul) introduced [H.R. 2306](https://www.congress.gov/bill/112th-congress/house-bill/2306),[[26]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-26) legislation that would completely remove cannabis from the federal schedules, limiting the federal government's role to policing cross-border or interstate transfers into states where it remains illegal.

The [Controlled Substances Act](https://en.wikipedia.org/wiki/Controlled_Substances_Act) also provides for a rulemaking process by which the [United States Attorney General](https://en.wikipedia.org/wiki/United_States_Attorney_General) can reschedule cannabis administratively. These proceedings represent the only means of legalizing medical cannabis without an act of Congress. Rescheduling supporters have often cited the lengthy petition review process as a reason why cannabis is still illegal.[[12]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-Getman-mmm-12) The first petition took 22 years to review, the second took 7 years, the third was denied 9 years later. A 2013 petition by two state governors is still pending.

**Rulemaking proceedings**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=6)]

| **Stages in rescheduling proceedings** |
| --- |
| * Filing of Petition with DEA * Acceptance of Petition by DEA * Initial Review by DEA * Referral to HHS * Scientific and Medical Evaluation by HHS * HHS Report to DEA * Evaluation of Additional Information by DEA * Publication of DEA Decision * ([Judicial review](https://en.wikipedia.org/wiki/Judicial_review) by the [U.S. Court of Appeals](https://en.wikipedia.org/wiki/United_States_courts_of_appeals)) * (Public Hearing on Disputed Matters of Fact) |

The [United States Code](https://en.wikipedia.org/wiki/United_States_Code), under Section 811 of [Title 21](https://en.wikipedia.org/wiki/Title_21_of_the_United_States_Code),[[27]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-CSA-27) sets out a process by which cannabis could be administratively transferred to a less-restrictive category or removed from Controlled Substances Act regulation altogether. The [Drug Enforcement Administration](https://en.wikipedia.org/wiki/Drug_Enforcement_Administration) (DEA) evaluates petitions to reschedule cannabis. However, the Controlled Substances Act gives the [Department of Health and Human Services](https://en.wikipedia.org/wiki/United_States_Department_of_Health_and_Human_Services) (HHS), as the successor agency of the [Department of Health, Education, and Welfare](https://en.wikipedia.org/wiki/United_States_Department_of_Health,_Education,_and_Welfare), great power over rescheduling decisions.

After the DEA accepts the filing of a petition, the agency must request from the HHS Secretary "a scientific and medical evaluation, and his recommendations, as to whether such drug or other substance should be so controlled or removed as a controlled substance." The Secretary's findings on scientific and medical issues are binding on the DEA.[[28]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-28) The HHS Secretary can even unilaterally legalize cannabis: "[I]f the Secretary recommends that a drug or other substance not be controlled, the Attorney General shall not control the drug or other substance." [*21 U.S.C.*](https://en.wikipedia.org/wiki/Title_21_of_the_United_States_Code)[*§ 811(b)*](https://www.law.cornell.edu/uscode/text/21/811(b)).

**Factors**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=7)]

Unless an international treaty requires controlling a substance, the Attorney General must, in finding whether the drug meets the three criteria for placement in a particular schedule, consider the following factors:[[29]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-29)

* The drug's actual or relative potential for abuse.
* [Scientific evidence](https://en.wikipedia.org/wiki/Scientific_evidence) of its pharmacological effect, if known.
* The state of current scientific knowledge regarding the drug or other substance.
* Its history and current pattern of abuse.
* The scope, duration, and significance of abuse.
* What, if any, risk there is to the [public health](https://en.wikipedia.org/wiki/Public_health).
* Its psychological or [physiological](https://en.wikipedia.org/wiki/Physical_dependence) dependence liability.
* Whether the substance is an immediate [precursor](https://en.wikipedia.org/wiki/Precursor_(chemistry)) of a controlled substance.

**International treaty scheduling**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=8)]



The [Single Convention on Narcotic Drugs](https://en.wikipedia.org/wiki/Single_Convention_on_Narcotic_Drugs) requires governments to regulate cannabis cultivation, but does not ban medical use.

*Main article:* [*Removal of cannabis and cannabis resin from Schedule IV of the Single Convention on narcotic drugs, 1961*](https://en.wikipedia.org/wiki/Removal_of_cannabis_and_cannabis_resin_from_Schedule_IV_of_the_Single_Convention_on_narcotic_drugs,_1961)

The [Single Convention on Narcotic Drugs, 1961](https://en.wikipedia.org/wiki/Single_Convention_on_Narcotic_Drugs) is the main [international treaty](https://en.wikipedia.org/wiki/Treaty) establishing [international law](https://en.wikipedia.org/wiki/International_law) provisions related to marijuana. It was ratified by the United States in 1967.[[30]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-lexlata-30) When a [treaty](https://en.wikipedia.org/wiki/Treaty) [ratified](https://en.wikipedia.org/wiki/Ratification) by the U.S. mandates that a drug be controlled, the [Attorney General](https://en.wikipedia.org/wiki/United_States_Attorney_General) is required to "issue an order controlling such drug under the schedule he deems most appropriate to carry out such obligations" without regard to scientific or medical findings, per [21 U.S.C.](https://en.wikipedia.org/wiki/Title_21_of_the_United_States_Code) [§ 811d](https://www.law.cornell.edu/uscode/text/21/811d). Under the [United Nations](https://en.wikipedia.org/wiki/United_Nations)' [Single Convention on Narcotic Drugs](https://en.wikipedia.org/wiki/Single_Convention_on_Narcotic_Drugs), cannabis and [cannabis resin](https://en.wikipedia.org/wiki/Hashish) were traditionally classified under Schedule IV (treaty's most strictly controlled category of drugs[[31]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-SCND-31)[[32]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-processstakeholdershistory-32)) since 1961.

However, [in 2020, world nations voted to lower the scheduling status of marijuana to the less-restrictive Schedule I](https://en.wikipedia.org/wiki/Removal_of_cannabis_and_cannabis_resin_from_Schedule_IV_of_the_Single_Convention_on_narcotic_drugs,_1961). The decision became legally-effective worldwide in April 2021, taking "cannabis and cannabis resin" out of Schedule IV to leave it only in Schedule I.[[33]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-historysciencepolitics-33) After "cannabis and cannabis resin" have been removed from Schedule IV, further steps to reschedule or deschedule marijuana (such as taking it out of the treaty's Schedule I) would now require amendment of the treaty.[[33]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-historysciencepolitics-33) The principal features of the international legal regime of Schedule I are:

* Limitation to medical and scientific purposes of all phases of trade (manufacture, domestic trade, both wholesale and retail, and [international trade](https://en.wikipedia.org/wiki/International_trade)) in, and of the possession and use of, drugs, except drugs that are used in industry for other than medical and scientific purposes (article 2(9)[[30]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-lexlata-30));
* Requirement of governmental authorization (licensing or state ownership) for the participation in any phase of the production or trade, specific import and export authorization for each individual international transaction;
* Obligation of all participants in the trade to keep detailed records of their transactions;
* Requirement of a [medical prescription](https://en.wikipedia.org/wiki/Medical_prescription) for the supply or dispensation of drugs to individuals;
* A system of limiting the quantities of drugs available, by manufacture or import or both, in each country and territory, to those needed for medical and scientific purposes.

| **Schedule** | **Period in effect** | **Description** |
| --- | --- | --- |
| **IV** | 1968–2021 | Corresponds to drugs that are deemed to be particularly liable to abuse and to produce ill effects, and such liability is not offset by substantial therapeutic advantages – article 3(5)[[35]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-:1-35) |
| **I** | 2021–present | "Constitute the standard regime under the Single Convention"[[36]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-drugtext1-36) corresponding to drugs deemed liable to abuse and productive of ill-effects – article 3(3)[[35]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-:1-35) |

In the [United States](https://en.wikipedia.org/wiki/United_States), *21 U.S.C. § 811(d)(2)(B)* of the [Controlled Substances Act](https://en.wikipedia.org/wiki/Controlled_Substances_Act) states that if the [United Nations](https://en.wikipedia.org/wiki/United_Nations) [Commission on Narcotic Drugs](https://en.wikipedia.org/wiki/Commission_on_Narcotic_Drugs) proposes rescheduling a drug, the HHS Secretary "shall evaluate the proposal and furnish a recommendation to the [Secretary of State](https://en.wikipedia.org/wiki/United_States_Secretary_of_State) which shall be binding on the representative of the United States in discussions and negotiations relating to the proposal".[[27]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-CSA-27)

However, "[s]cheduling pursuant to international treaty obligations does not require the factual findings that are necessary for other administrative scheduling actions, and may be implemented without regard to the procedures outlined for regular administrative scheduling."[[37]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-37) For this reason, some have argued that changes in cannabis scheduling at the U.S. federal level may be fast-tracked after the change in treaty scheduling, on these grounds.[[38]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-38)[[39]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-39)

**History**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=9)]

**1972 petition**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=10)]

In 1972 the [National Organization for the Reform of Marijuana Laws](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws_(United_States)) (NORML) petitioned the [Bureau of Narcotics and Dangerous Drugs](https://en.wikipedia.org/wiki/Bureau_of_Narcotics_and_Dangerous_Drugs) (BNDD) (now the [Drug Enforcement Administration](https://en.wikipedia.org/wiki/Drug_Enforcement_Administration) (DEA)) to transfer cannabis to Schedule II so that it could be legally prescribed by physicians. The BNDD declined to initiate proceedings on the basis of their interpretation of U.S. treaty commitments.

In 1974, the [United States Court of Appeals for the District of Columbia Circuit](https://en.wikipedia.org/wiki/United_States_Court_of_Appeals_for_the_District_of_Columbia_Circuit) ruled against the government and ordered them to process the petition ([*NORML v. Ingersoll*](https://en.wikipedia.org/wiki/Case_citation) 497 F.2d 654). The government continued to rely on treaty commitments in their interpretation of scheduling-related issues concerning the NORML petition. In 1977, the Court issued a decision clarifying that the Controlled Substances Act requires a full scientific and medical evaluation and the fulfillment of the rescheduling process before treaty commitments can be evaluated (*NORML v. DEA 559 F.2d 735*). On October 16, 1980, the Court ordered the government to start the scientific and medical evaluations required by the NORML petition (*NORML v. DEA Unpublished Disposition, U.S. App. LEXIS 13100*).

Meanwhile, some members of Congress were taking action to reschedule the drug legislatively. In 1981, the late Rep. [Stuart McKinney](https://en.wikipedia.org/wiki/Stewart_McKinney_(politician)) introduced a bill to transfer cannabis to Schedule II.[[40]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-40) It was co-sponsored by a [bipartisan](https://en.wikipedia.org/wiki/Bipartisanship) coalition of 84 [House](https://en.wikipedia.org/wiki/United_States_House_of_Representatives) members, including prominent [Republicans](https://en.wikipedia.org/wiki/Republican_Party_(United_States)) [Newt Gingrich](https://en.wikipedia.org/wiki/Newt_Gingrich) ([GA](https://en.wikipedia.org/wiki/Georgia_(U.S._state))), [Bill McCollum](https://en.wikipedia.org/wiki/Bill_McCollum) ([FL](https://en.wikipedia.org/wiki/Florida)), [John Porter](https://en.wikipedia.org/wiki/John_Edward_Porter) ([IL](https://en.wikipedia.org/wiki/Illinois)), and [Frank Wolf](https://en.wikipedia.org/wiki/Frank_Wolf_(politician)) ([VA](https://en.wikipedia.org/wiki/Virginia)).[[41]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-41) After the bill died in committee, Rep. [Barney Frank](https://en.wikipedia.org/wiki/Barney_Frank) began annually introducing nearly identical legislation.[[42]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-42) All of Frank's bills have suffered the same fate, though, without attracting more than a handful of co-sponsors.

On October 18, 1985, the DEA issued a Notice of Proposed Rulemaking to transfer "Synthetic [Dronabinol](https://en.wikipedia.org/wiki/Dronabinol) in Sesame Oil and Encapsulated in Soft Gelatin Capsules" — a pill form of Δ9-[tetrahydrocannabinol](https://en.wikipedia.org/wiki/Tetrahydrocannabinol), the main psychoactive component of cannabis, sold under the brand name [Marinol](https://en.wikipedia.org/wiki/Dronabinol) — from Schedule I to Schedule II (*DEA 50 FR 42186-87*). The government issued its final rule rescheduling the drug on July 13, 1986 (*DEA 51 FR 17476-78*). The disparate treatment of cannabis and the expensive, [patentable](https://en.wikipedia.org/wiki/Patent) Marinol prompted reformers to question the DEA's consistency.[[43]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-43)[[44]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-44)

| **1986 Hearings** |
| --- |
| **Parties supporting rescheduling** |
| * [NORML](https://en.wikipedia.org/wiki/NORML), a membership-funded educational organization, founded in 1970, which opposes all criminal prohibitions against cannabis and cannabis smoking. * The [Alliance for Cannabis Therapeutics](https://en.wikipedia.org/wiki/Alliance_for_Cannabis_Therapeutics), a nonprofit organization founded in 1980 to make cannabis available by prescription. * The [Cannabis Corporation of America](https://en.wikipedia.org/w/index.php?title=Cannabis_Corporation_of_America&action=edit&redlink=1), a pharmaceutical firm established with the intention of extracting natural cannabinoids for therapeutic use when cannabis is placed in Schedule II. * The [Ethiopian Zion Coptic Church](https://en.wikipedia.org/wiki/Ethiopian_Zion_Coptic_Church), which considers cannabis a sacred plant essential to its religious rituals. |
| **Parties opposing rescheduling** |
| * The [Drug Enforcement Administration](https://en.wikipedia.org/wiki/Drug_Enforcement_Administration). * The [International Association of Chiefs of Police](https://en.wikipedia.org/wiki/International_Association_of_Chiefs_of_Police). * The [National Federation of Parents for Drug-Free Youth](https://en.wikipedia.org/wiki/National_Federation_of_Parents_for_Drug-Free_Youth), a membership-funded educational organization. |

In the summer of 1986, the DEA administrator initiated public hearings on cannabis rescheduling. The hearings lasted two years, involving many witnesses and thousands of pages of documentation. On September 6, 1988, DEA Chief Administrative Law Judge [Francis L. Young](https://en.wikipedia.org/w/index.php?title=Francis_L._Young&action=edit&redlink=1) ruled that cannabis did not meet the legal criteria of a Schedule I prohibited drug and should be reclassified. He declared that cannabis in its natural form is "one of the safest therapeutically active substances known to man. (T)he provisions of the (Controlled Substances) Act permit and require the transfer of marijuana from Schedule I to Schedule II".[[45]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-45)

Then-DEA Administrator [John Lawn](https://en.wikipedia.org/wiki/John_C._Lawn) overruled Young's determination. Lawn said he decided against rescheduling cannabis based on testimony and comments from numerous medical doctors who had conducted detailed research and were widely considered experts in their respective fields. Later Administrators agreed. "Those who insist that marijuana has medical uses would serve society better by promoting or sponsoring more legitimate research," former DEA Administrator [Robert Bonner](https://en.wikipedia.org/wiki/Robert_C._Bonner) opined in 1992. This statement was quoted by the [Multidisciplinary Association for Psychedelic Studies](https://en.wikipedia.org/wiki/Multidisciplinary_Association_for_Psychedelic_Studies) (MAPS) in its membership drives.[[46]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-46)

In 1994, the [D.C. Court of Appeals](https://en.wikipedia.org/wiki/United_States_Court_of_Appeals_for_the_District_of_Columbia_Circuit) finally affirmed the DEA Administrator's power to overrule Judge Young's decision (*Alliance for Cannabis Therapeutics v. DEA. 15 F.3d 1131*). The petition was officially dead. "Each of the doctors testifying on behalf of NORML claimed that his opinion was based on scientific studies, yet with one exception, none could identify, under oath, the scientific studies they relied on," DEA Administrator [Thomas A. Constantine](https://en.wikipedia.org/wiki/Thomas_A._Constantine) remarked in 1995.[[47]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-47)

**1980 congressional hearings**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=11)]

| [icon] | This section **needs expansion** with: details of testimony from the hearings and their relevance to this article. You can help by [adding to it](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=). *(December 2021)* |
| --- | --- |

On May 20, 1980, Representative [Sam Neal](https://en.wikipedia.org/w/index.php?title=Sam_Neal&action=edit&redlink=1) (D-NC) convened hearings on Schedule I drugs.[[*citation needed*](https://en.wikipedia.org/wiki/Wikipedia:Citation_needed)][[48]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-48)

**1995 petition**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=12)]

On July 10, 1995, Jon Gettman and [*High Times*](https://en.wikipedia.org/wiki/High_Times) Magazine filed another rescheduling petition with the DEA. This time, instead of focusing on cannabis' medical uses, the petitioners claimed that cannabis did not have the "high potential for abuse" required for Schedule I or Schedule II status. They based their claims on studies of the brain's [cannabinoid receptor](https://en.wikipedia.org/wiki/Cannabinoid_receptor) system conducted by the [National Institute of Mental Health](https://en.wikipedia.org/wiki/National_Institute_of_Mental_Health) (NIMH) between 1988 and 1994. In particular, they claim that a 1992 study by M. Herkenham et al.,[[49]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-49) "using a lesion-technique, established that there are no cannabinoid receptors in the [dopamine](https://en.wikipedia.org/wiki/Dopamine)-producing areas of the brain".[[19]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-dopamine-19) Other studies, summarized in Gettman's 1997 report *Dopamine and the Dependence Liability of Marijuana*, showed that cannabis has only an indirect effect on dopamine transmission.[[19]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-dopamine-19) This suggested that cannabis' psychoactive effects are produced by a different mechanism than addictive drugs such as [amphetamine](https://en.wikipedia.org/wiki/Amphetamine), [cocaine](https://en.wikipedia.org/wiki/Cocaine), [ethanol](https://en.wikipedia.org/wiki/Ethanol), [nicotine](https://en.wikipedia.org/wiki/Nicotine), and [opiates](https://en.wikipedia.org/wiki/Opiate). The [National Institute on Drug Abuse](https://en.wikipedia.org/wiki/National_Institute_on_Drug_Abuse), however, continued to publish literature denying this finding. For instance, NIDA claims the following in its youth publication *The Science Behind Drug Abuse*:[[50]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-50)

*A chemical in marijuana, THC, triggers brain cells to release the chemical* [*dopamine*](https://en.wikipedia.org/wiki/Dopamine)*. Dopamine creates good feelings — for a short time. Here's the thing: Once dopamine starts flowing, a user feels the urge to smoke marijuana again, and then again, and then again. Repeated use could lead to addiction, and addiction is a brain disease.*

In January 1997, the White House [Office of National Drug Control Policy](https://en.wikipedia.org/wiki/Office_of_National_Drug_Control_Policy) (ONDCP) asked the [Institute of Medicine](https://en.wikipedia.org/wiki/Institute_of_Medicine) (IOM) to conduct a review of the scientific evidence to assess the potential health benefits and risks of cannabis and its constituent [cannabinoids](https://en.wikipedia.org/wiki/Cannabinoid).[[51]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-51) In 1999, the IOM recommended that medical cannabis use be allowed for certain patients in the short term, and that preparations of isolated cannabinoids be developed as a safer alternative to smoked cannabis. The IOM also found that the [gateway drug theory](https://en.wikipedia.org/wiki/Gateway_drug_theory) was "beyond the issues normally considered for medical uses of drugs and should not be a factor in evaluating the therapeutic potential of marijuana or cannabinoids."

Both sides claimed that the IOM report supported their position. The DEA publication *Exposing the Myth of Smoked Medical Marijuana* interpreted the IOM's statement, "While we see a future in the development of chemically defined cannabinoid drugs, we see little future in smoked marijuana as a medicine," as meaning that smoking cannabis is not recommended for the treatment of any disease condition.[[52]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-52) Cannabis advocates pointed out that the IOM did not study [vaporizers](https://en.wikipedia.org/wiki/Vaporizer_(cannabis)), devices which, by heating cannabis to 185 °C, release therapeutic cannabinoids while reducing or eliminating ingestion of various [carcinogens](https://en.wikipedia.org/wiki/Carcinogen).[[53]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-53)

On July 2, 1999, Marinol was again rescheduled, this time from Schedule II to the even less-restrictive Schedule III, while cannabis remained in Schedule I (*64 FR 35928*).[[54]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-54) The petitioners argued that the distinction between the two drugs was arbitrary, and that cannabis should be rescheduled as well. The DEA, however, continued to support Marinol as a method of THC ingestion without harmful smoke inhalation.

The DEA published a final denial of Gettman's petition on April 18, 2001.[[23]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-frwebgate-23) The U.S. Court of Appeals for the D.C. Circuit upheld the agency's decision on May 24, 2002, ruling that the petitioners were not sufficiently injured to have standing to challenge DEA's determinations in federal court (*290 F.3d 430*).[[55]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-55) Since the appeal was dismissed on a technicality, it is unknown what position the Court would have taken on the merits of the case.

**2002 petition**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=13)]

On October 9, 2002, the [Coalition for Rescheduling Cannabis](https://en.wikipedia.org/wiki/Coalition_for_Rescheduling_Cannabis) filed another petition for rescheduling.[[56]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-56)[[57]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-57) The new organization consisted of medical cannabis patients and other petitioners who would be more directly affected by the DEA's decision. On April 3, 2003, the DEA accepted the filing of that petition. According to Jon Gettman, "In accepting the petition the DEA has acknowledged that the Coalition has established a legally significant argument in support of the recognition of the accepted medical use of cannabis in the United States."

(In a 2005 footnote to the majority decision in [*Gonzales v. Raich*](https://en.wikipedia.org/wiki/Gonzales_v._Raich), Justice [John Paul Stevens](https://en.wikipedia.org/wiki/John_Paul_Stevens) said that if the scientific evidence offered by medical cannabis supporters is true, it would "cast serious doubt" on the Schedule I classification.)[[58]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-58)

After nine years of delay, on May 23, 2011, the Coalition filed suit in the District of Columbia Circuit Court of Appeals to compel the DEA to formally respond to its 2002 rescheduling petition. The [writ of mandamus](https://en.wikipedia.org/wiki/Writ_of_mandamus) request alleged that the lack of decision by DEA, "presents a paradigmatic example of unreasonable delay under *Telecommunications Research & Action Ctr. v. FCC*."[[59]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-59) After DEA responded by denying the rescheduling petition, the mandamus request was dismissed as moot by the D.C. Circuit Court of Appeals on October 14, 2011.[[60]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-60)

The DEA denied the Petition for Rescheduling on July 8, 2011.[[61]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-iowadeny-61)[[62]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-62)[[63]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-63)

In response to the petition's denial, [medical cannabis](https://en.wikipedia.org/wiki/Medical_cannabis) advocacy group [Americans for Safe Access](https://en.wikipedia.org/wiki/Americans_for_Safe_Access) appealed to the D.C. Circuit on January 23, 2012.[[64]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-64) Oral arguments in the case *Americans for Safe Access v. DEA* were heard on October 16, 2012.[[65]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-Americans_for_Safe_Access-65) On the same day the case was heard, the court ordered the plaintiffs (ASA) to clarify their arguments on standing.[[66]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-66) In response, ASA filed a supplemental brief on October 22, 2012, detailing how plaintiff Michael Krawitz was harmed by the federal government's policy on medical marijuana due to being denied treatment by the Department of Veterans Affairs.[[67]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-67) A ruling that acknowledged Krawitz's standing, but ultimately stood by the DEA was made on January 22, 2013.[[68]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-68)

**2009 petition**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=14)]

On December 17, 2009, Rev. Bryan A. Krumm, CNP, filed a rescheduling petition for Cannabis with the DEA arguing that "because marijuana does not have the abuse potential for placement in Schedule I of the CSA, and because marijuana now has accepted medical use in 13 states, and because the DEA's own Administrative Law Judge has already determined that marijuana is safe for use under medical supervision, the federal definition for a schedule I controlled substance, 21 U.S.C. § 812(b)(1)(A)-(C), no longer applies to marijuana and federal law must be amended to reflect these changes." Krumm demanded an expedited ruling in order to protect his health and welfare, as well as that of all citizens of the United States who may benefit from this safe and effective medication.

Rev. Krumm did not request that cannabis be moved to any specific schedule of control under the Controlled Substances Act (CSA) and has reserved his right to challenge any incorrect findings by the FDA and/or DEA whether Cannabis should even be regulated under the CSA.

DEA denied Rev. Krumm's petition on July 19, 2016 and published the denial in the Federal Register on August 12, 2016.[[69]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-krummdeny-69)

**2011 petition**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=15)]

On November 30, 2011, Washington State [Governor Christine Gregoire](https://en.wikipedia.org/wiki/Christine_Gregoire) announced the filing of a petition[[70]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-70)[[71]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-71) with the U.S. Drug Enforcement Administration asking the agency to reclassify marijuana as a Schedule 2 drug, which will allow its use for treatment – prescribed by doctors and filled by pharmacists. Gov. [Lincoln Chafee](https://en.wikipedia.org/wiki/Lincoln_Chafee) (I-Rhode Island) also signed the petition.

On December 23, 2015, Tom Angell reported that the FDA had finally issued a recommendation to the DEA regarding both the 2009 and 2011 petitions.[[72]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-72) On August 12, 2016, DEA denied the governors' petition.[[73]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-govdeny-73)

**2011 bill**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=16)]

On June 23, 2011, Rep. Barney Frank (D-MA), along with 1 Republican and 19 Democratic cosponsors, introduced the Ending Federal Marijuana Prohibition Act of 2011, which would have removed marijuana and THC from the list of Schedule I controlled substances and would have provided that the Controlled Substances Act not apply to marijuana except when transported to a jurisdiction where its use is illegal.[[74]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-2011-Frank-74) The bill was referred to committee but died when no further action was taken.[[74]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-2011-Frank-74)

**2012 bill**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=17)]

On November 27, 2012, after voters in the states of CO and WA voted to legalize recreational use of marijuana, Rep. [Diana DeGette](https://en.wikipedia.org/wiki/Diana_DeGette) (D-CO) introduced a bill referred to as the 'Respect States and Citizens Rights Act' which aimed to amend the Controlled Substances Act to exclude any state that has legalized marijuana (for medical OR recreational use) from marijuana provisions of the CSA, effectively giving state law precedence over federal law in cases where an individual (or commercial enterprise) is acting within the letter of state law regarding marijuana/cannabis.[[75]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-2012-DeGette-75) The bill was referred to committee but died when no further action was taken.[[75]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-2012-DeGette-75) The same bill was reintroduced later in the 113th and 114th Congresses, where it died each time.[[76]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-76)

**2015–2017**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=18)]

On February 20, 2015, Rep. [Jared Polis](https://en.wikipedia.org/wiki/Jared_Polis) (D-CO), along with 1 Republican and 18 Democratic cosponsors, introduced the Regulate Marijuana Like Alcohol Act, which would have, among other provisions, directed the Attorney General to remove marijuana from all schedules of controlled substances under the Controlled Substances Act; prohibited transport of marijuana into a jurisdiction in which its possession, use, or sale is prohibited; and granted the Food and Drug Administration the same authorities with respect to marijuana as it has for alcohol.[[77]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-2015-Polis-77) The bill was referred to committee but died when no further action was taken.[[77]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-2015-Polis-77)

In August 2016, the DEA rejected calls to reschedule marijuana, but indicated an increase in availability for research.[[78]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-78)

The [2016 platform](https://en.wikipedia.org/wiki/2016_Democratic_National_Convention) of the [Democratic Party](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) called for removal of marijuana from Schedule I of the Controlled Substances Act, "providing a reasoned pathway for future [legalization](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States)" of marijuana.[[79]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-79) This language was approved in a close vote (81–80 vote) in the platform committee.[[80]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-80)

In February 2017, [Morgan Griffith](https://en.wikipedia.org/wiki/Morgan_Griffith), a Virginia Republican, introduced H.R. 714, Legitimate Use of Medicinal Marijuana Act, that would move cannabis to Schedule II.[[81]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-81) Griffith had introduced a bill under the same name in 2014.[[82]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-82)

In April 2017, [Matt Gaetz](https://en.wikipedia.org/wiki/Matt_Gaetz), a Florida Republican, cosponsored [House Resolution 2020](https://www.congress.gov/bill/115th-congress/house-bill/2020) to move cannabis to Schedule III.[[83]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-83)[[84]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-84)

In May 2017, following a resolution adopted at the 2016 annual convention to support cannabis to treat veterans with [posttraumatic stress disorder](https://en.wikipedia.org/wiki/Posttraumatic_stress_disorder) (PTSD), the [American Legion](https://en.wikipedia.org/wiki/American_Legion) petitioned the White House for a meeting to discuss rescheduling or descheduling cannabis and allowing it to be used medically.[[85]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-85)[[86]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-86)[[87]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-87)

In July 2017, a lawsuit was brought in U.S. District Court against the heads of the DEA and Justice Department on the grounds that Schedule I listing of cannabis is "so irrational that it violates the U.S. Constitution".[[88]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-88) This lawsuit was dismissed by Judge Alvin K. Hellerstein who ruled that the DEA has authority and before bringing the lawsuit the plaintiffs were required to exhaust administrative remedies including petitioning the DEA to reschedule cannabis.[[89]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-89)

**2018–2019**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=19)]

*Further information:* [*2018 United States farm bill*](https://en.wikipedia.org/wiki/2018_United_States_farm_bill) *and* [*Hemp Farming Act of 2018*](https://en.wikipedia.org/wiki/Hemp_Farming_Act_of_2018)

The [2018 United States farm bill](https://en.wikipedia.org/wiki/2018_United_States_farm_bill) descheduled some cannabis products from the Controlled Substances Act for the first time.[[90]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-90)[[91]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-91)[[92]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-92)

In May 2019, A federal appeals court has re-instated a case against the federal government over the Schedule I status of cannabis.

The challengers, Super Bowl champion Marvin Washington; Dean Bortell (parent of underage medical cannabis patient Alexis Bortell); U.S. Army veteran José Belén; Sebastien Cotte (parent of underage medical cannabis patient Jagger Cotte); and the Cannabis Cultural Association, originally sued the U.S. federal government, the Drug Enforcement Administration (DEA) and its administrator, and then Attorney General Jeff Sessions, back in 2017. They argued that cannabis' Schedule I status under the Controlled Substances Act (CSA) represented a risk to patients' health and perpetuated economic inequities in the U.S.

Initially dismissed by the court under the argument that plaintiffs had not exhausted all administrative channels available – meaning they should have tried to push for re-scheduling in Congress and administrative agencies before recurring to the judicial system, the case now has to be re-opened, as mandated by the U.S. Court of Appeals for the Second Circuit. Judges still believe other channels are viable, but have decided to re-instate the case citing health concerns related to the two minors involved.

As Michael S. Hiller, Esquire, who represents the plaintiffs, explained in a series of tweets, the court has directed the DEA and federal government to act on the plaintiffs' de-scheduling petition "with all deliberate speed."[[93]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-93)[[94]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-94)

Legislation introduced in 2019 to deschedule cannabis has included the [Marijuana Justice Act](https://en.wikipedia.org/wiki/Marijuana_Justice_Act),[[95]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-95) the [Marijuana Freedom and Opportunity Act](https://en.wikipedia.org/wiki/Marijuana_Freedom_and_Opportunity_Act),[[96]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-96) the [Regulate Marijuana Like Alcohol Act](https://en.wikipedia.org/wiki/Regulate_Marijuana_Like_Alcohol_Act),[[97]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-97) the [Ending Federal Marijuana Prohibition Act](https://en.wikipedia.org/wiki/Ending_Federal_Marijuana_Prohibition_Act),[[98]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-98) the [Marijuana Revenue and Regulation Act](https://en.wikipedia.org/wiki/Marijuana_Revenue_and_Regulation_Act),[[99]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-99) and the [Marijuana Opportunity Reinvestment and Expungement Act](https://en.wikipedia.org/wiki/Marijuana_Opportunity_Reinvestment_and_Expungement_Act).[[100]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-100)

**2020–2023**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=20)]

As of September 16, 2020, nine [amicus briefs](https://en.wikipedia.org/wiki/Amicus_briefs) had been filed in support of the plaintiffs' appeal to the Supreme Court in the *Washington v. Barr* lawsuit. The plaintiffs seek to declare the criminalization of cannabis unconstitutional, arguing that its status as a Schedule I drug—based on the premise that it has no medicinal use—contradicts the federal government's own apparent recognition of the substance as safe and medicinally effective.[[101]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-101)

In international law, however, the [lowering of cannabis from Schedule IV (the strictest class) to Schedule I (the standard level of control)](https://en.wikipedia.org/wiki/Removal_of_cannabis_and_cannabis_resin_from_Schedule_IV_of_the_Single_Convention_on_narcotic_drugs,_1961) was voted by the [United Nations](https://en.wikipedia.org/wiki/United_Nations)' [Commission on Narcotic Drugs](https://en.wikipedia.org/wiki/United_Nations_Commission_on_Narcotic_Drugs) on 2 December 2020.[[102]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-:3-102)[[34]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-whosonfirst-34) The United States voted in favor of the recommendation.[[33]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-historysciencepolitics-33)

In Sisley v. DEA lawsuit NO. 20-71433, the Ninth Circuit dismissed a petition that asked the court to review the DEA's denial of a letter that requested the agency reschedule marijuana. Under the CSA, the DEA must begin investigating the rescheduling of a drug after receiving a petition by from any interested party, including the manufacturer of a drug, a medical society or association, a pharmacy association, a public interest group concerned with drug abuse, a state or local government agency, or an individual citizen. The petition in question in Sisley v. DEA was a one-page, handwritten letter from Jeramy Bowers and Stephen Zyszkiewicz, sent in January 2020 while they were inmates at California Department of Corrections and Rehabilitation. The DEA responded to the petition with a letter that informed Bowers and Zyszkiewicz that the petition was not in the correct format and denied the request without review. In June 2021, the Ninth Circuit dismissed a petition for judicial review of the letter on behalf of Bowers and Zyszkiewicz, saying that they had not exhausted their bureaucratic remedies by addressing a new petition to the DEA in the correct format.[[103]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-103)

On 6 October 2022, President [Joe Biden](https://en.wikipedia.org/wiki/Joe_Biden) instructed U.S. Attorney General [Merrick Garland](https://en.wikipedia.org/wiki/Merrick_Garland) to review the classification schedule of [cannabis](https://en.wikipedia.org/wiki/Cannabis_(drug)), during a "Statement on Marijuana Reform."[[104]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-104) This could result in its removal from Schedule I of the Controlled Substances Act.[[105]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-105)[[106]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-106) The [Congressional Research Service](https://en.wikipedia.org/wiki/Congressional_Research_Service) had issued a report a year earlier noting that the President could "use executive orders to direct DEA, HHS, and FDA to consider administrative descheduling of marijuana".[[107]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-107)

On August 30, 2023, the Department of Health and Human Services released a redacted letter communicating its determination that marijuana should be moved to Schedule III.[[108]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-108)

**2024**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=21)]

On January 5, 2024, after a [FOIA](https://en.wikipedia.org/wiki/Freedom_of_Information_Act_(United_States)) lawsuit was filed against the Department of Health and Human Services by attorney Matt Zorn, an un-redacted copy of the department's descheduling determination letter was released.[[109]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-109)[[110]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-110)[[111]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-111)[[112]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-112) After reviewing the letter, a legal expert concluded it was "very likely that the DEA will move forward with the rulemaking process to reschedule marijuana",[[113]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-113) a similar conclusion to that reported by the Congressional Research Service in a 2023 report.[[114]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-114) A dozen members of the U.S. Senate, including the majority leader, signed a letter to the United States Attorney general and the head of the Drug Enforcement Administration expressing their desire that rescheduling be the administration's decision, if not outright descheduling.[[115]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-115)[[116]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-116)[[117]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-117)

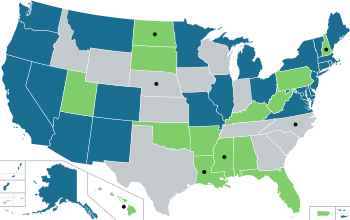
The Associated Press reported on April 30 that the Drug Enforcement Administration would consider rescheduling marijuana as a [Schedule III drug](https://en.wikipedia.org/wiki/List_of_Schedule_III_controlled_substances_(U.S.)), though it was not yet officially announced, calling it "the agency's biggest policy change in more than 50 years".[[118]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-118)

On May 16, the Justice Department confirmed that rescheduling was moving forward under the [Administrative Procedure Act](https://en.wikipedia.org/wiki/Administrative_Procedure_Act), with a [notice of proposed rulemaking](https://en.wikipedia.org/wiki/Notice_of_proposed_rulemaking) submitted for publication in the [*Federal Register*](https://en.wikipedia.org/wiki/Federal_Register).[[119]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-119) President Biden and Vice President [Kamala Harris](https://en.wikipedia.org/wiki/Kamala_Harris) both released video announcements to [X](https://en.wikipedia.org/wiki/Twitter) concerning the rescheduling. Biden called his administration's action as a "monumental" move in "reversing long-standing inequities... because of a failed approach to marijuana".[[120]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-120)

On July 9, the Republican-led [House Appropriations Committee](https://en.wikipedia.org/wiki/House_Appropriations_Committee) attempted to block the DOJ from using federal funds to reschedule cannabis via an amendment to a funding bill.[[121]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-121)

The public comment period for the proposed rule change closed during the week of July 22. Nearly 43,000 comments were received, the most ever made for any DEA rule change, most of which were in favor of rescheduling.[[122]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-122) The DEA subsequently announced a formal hearing beginning December 2 to consider marijuana rescheduling.

**State level reclassification**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=22)]



**Legality of cannabis in the United States**

Legal for recreational use

Legal for medical use

No comprehensive medical program

● Decriminalized

Notes:

**·** Reflects laws of states and territories, including laws which have not yet gone into effect. Does not reflect federal, tribal, or local laws.

**·** Map does not show state legality of [hemp](https://en.wikipedia.org/wiki/Hemp)-derived [cannabinoids](https://en.wikipedia.org/wiki/Cannabinoids) such as [CBD](https://en.wikipedia.org/wiki/Cannabidiol) or [delta-8-THC](https://en.wikipedia.org/wiki/%CE%94-8-Tetrahydrocannabinol), which have been legal at federal level since enactment of the [2018 Farm Bill](https://en.wikipedia.org/wiki/2018_United_States_farm_bill).

* [v](https://en.wikipedia.org/wiki/Template:Legality_of_cannabis_by_US_state)
* [t](https://en.wikipedia.org/wiki/Template_talk:Legality_of_cannabis_by_US_state)
* [e](https://en.wikipedia.org/wiki/Special:EditPage/Template:Legality_of_cannabis_by_US_state)

In addition to the federal government's classification, each state maintains a similar classification list and it is possible for these lists to conflict.

**California**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=23)]

[Proposition 215](https://en.wikipedia.org/wiki/California_Proposition_215_(1996)), the Compassionate Use Act, is a voter initiative, passed in 1996, that made California the first state to legalize cannabis for medical use. [California Senate Bill 420](https://en.wikipedia.org/wiki/California_Senate_Bill_420), the Medical Marijuana Program Act, was passed in 2004 with the following purpose: "(1) Clarify the scope of the application of the act and facilitate the prompt identification of qualified patients and their designated primary caregivers in order to avoid unnecessary arrest and prosecution of these individuals and provide needed guidance to law enforcement officers. (2) Promote uniform and consistent application of the act among the counties within the state. (3) Enhance the access of patients and caregivers to medical marijuana through collective, cooperative cultivation projects."

In 2016, the [Adult Use of Marijuana Act](https://en.wikipedia.org/wiki/Adult_Use_of_Marijuana_Act) was voted into law, legalizing recreational consumption for those over 21 in the state. In 2017, Senate Bill 94 was signed by the California Governor integrating the previous state medical marijuana regulations and the adult use regulations of the Adult Use of Marijuana Act (AUMA) (Proposition 64) to create the Medicinal and Adult‐Use Cannabis Regulation and Safety Act (MAUCRSA).[[123]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-123)

Each municipality is allowed to decide whether to grant business licenses for retail, delivery, growing, edibles, and wholesale. Taxes on legal marijuana keep it out of reach to low-income medical or adult users, creating more demand for the black market. Licenses, when available, are extremely limited and can cost $100,000 sometimes requiring proof of additional capital. Additionally, California has long provided much of the marijuana for the entire United States. These factors have allowed the black market to dominate California marijuana.[[124]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-124) Social equity programs are in place in some cities, but applicants with drug felonies are often excluded from participation. Those who qualify based on race, income, or history of marijuana offenses are often taken advantage of by larger businesses who can outbid each other and take advantage of applicants and the social equity program itself.[[125]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-125)

Cannabis and tetrahydrocannabinols remain a Schedule I drug (no medical use) in California[[126]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-126) and are subject to criminal penalties ranging from misdemeanor or felony probation up to 3 years in prison for maintaining a place for controlled substance sale or use under California Health & Safety Code Section 11366.[[127]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-127)

**Colorado**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=24)]

*Main article:* [*Colorado Amendment 64*](https://en.wikipedia.org/wiki/Colorado_Amendment_64)

On Nov. 6, 2012, after passing [Amendment 64](https://en.wikipedia.org/wiki/Colorado_Amendment_64_(2012)), Colorado became one of the first two states to legalize the recreational use of marijuana for individuals over the age of 21.[[128]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-128)

**Florida**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=25)]

On January 27, 2014, the [Florida Supreme Court](https://en.wikipedia.org/wiki/Florida_Supreme_Court) approved the ballot language for a proposed constitutional amendment allowing the medical use of [marijuana](https://en.wikipedia.org/wiki/Marijuana), following a successful petition drive.[[129]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-questions-129) The amendment proposal appeared on Florida's November 2014 general election ballot and received 58% of the vote, below the 60% requirement for adoption. The campaign was notable for opposition funding by casino magnate and [Republican Party](https://en.wikipedia.org/wiki/Republican_Party_(United_States)) donor [Sheldon Adelson](https://en.wikipedia.org/wiki/Sheldon_Adelson).[[130]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-questions2-130) United for Care, the pro-medical cannabis organization responsible for the initial petition, wrote an updated version for the 2016 general election.[[131]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-131) The Florida Medical Marijuana Legalization Initiative, also known as [Amendment 2](https://en.wikipedia.org/wiki/Florida_Amendment_2_(2016)), was on the November 8, 2016, ballot in Florida as an initiated constitutional amendment. The amendment was approved by 71.32% of the vote making it the highest percentage win in 2016 of any other state cannabis ballot in the United States.[[132]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-132)

**Iowa**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=26)]

On Feb. 17, 2010, after reviewing testimony from four public hearings and reading through more than 10,000 pages of submitted material, members of the Iowa Board of Pharmacy unanimously voted to recommend that the Iowa legislature remove marijuana from Schedule I of the Iowa Controlled Substances Act.[[133]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-133)

**Minnesota**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=27)]

On March 16, 2011, Kurtis W. Hanna and Ed Engelmann petitioned the Minnesota Board of Pharmacy to initiate rule making to remove Cannabis from the list of Schedule I substance in Minnesota's version of the Uniform Controlled Substances Act.[[134]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-134)[[135]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-135) The Board was informed when they denied the petition at their meeting on May 11, 2011, by Kurtis Hanna that he planned on filing for judicial review of the agency's decision. In response, the Board voted to petition the State Legislature to remove the Board's authority to remove substances from Schedule I. At a Conference Committee for Omnibus Drug Bill HF57 on May 18, 2011, the following sentence was added to the bill, "The Board of Pharmacy may not delete or reschedule a drug that is in Schedule I" and the following sentence of statute was deleted, "the state Board of Pharmacy [...] shall annually, on or before May 1 of each year, conduct a review of the placement of controlled substances in the various schedules."[[136]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-136) The bill was signed into law by Governor Dayton on May 24, 2011.[[137]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-137) Kurtis Hanna never filed a lawsuit against the Board of Pharmacy due to the belief that it would be moot.

**Oregon**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=28)]

*See also:* [*Cannabis in Oregon*](https://en.wikipedia.org/wiki/Cannabis_in_Oregon)

In June 2010, the [Oregon Board of Pharmacy](https://en.wikipedia.org/w/index.php?title=Oregon_Board_of_Pharmacy&action=edit&redlink=1) reclassified marijuana from a [Schedule I](https://en.wikipedia.org/wiki/List_of_Schedule_I_drugs_(US)) drug to a [Schedule II](https://en.wikipedia.org/wiki/List_of_Schedule_II_drugs_(US)) drug.[[138]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-138) News reports noted that this reclassification made Oregon the "first state in the nation to make marijuana anything less serious than a Schedule I drug."[[139]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-139)

**Washington**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=29)]

*Main article:* [*Washington Initiative 502*](https://en.wikipedia.org/wiki/Washington_Initiative_502)

On Nov. 6, 2012, Washington voters passed [Initiative 502](https://en.wikipedia.org/wiki/Washington_Initiative_502), making the state one of the first two in the nation to legalize the recreational use of marijuana for individuals over the age of 21.[[140]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-140)

**Wisconsin**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=30)]

[Gary Storck](https://en.wikipedia.org/w/index.php?title=Gary_Storck&action=edit&redlink=1) sent a letter to the Controlled Substances board in August 2011 requesting procedures to file a petition, which was discussed at the September 2011 Controlled Substances Board Meeting.[[141]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-141) The Wisconsin Controlled Substances board has authority to reschedule cannabis pursuant to the rule-making procedures of ch. 227.[[142]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-142) Drafters planned to submit a petition to the Controlled Substances Board in early 2012.

In 2018, Wisconsin voters approved non-binding referendums to legalize medical or recreational marijuana.[[143]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-143)

In 2021, Governor [Tony Evers](https://en.wikipedia.org/wiki/Tony_Evers) included legal marijuana in his budget proposal. It was removed by Republican-controlled Legislature.[[144]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-144) While possession remains illegal under state law, law enforcement has been lax in recent years. Madison has legalized possession and use in public [[145]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-145) while the Milwaukee County District Attorney chooses not to prosecute most possession cases.[[146]](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_note-146) While progress is being made, individuals in Wisconsin are still unsure if they will be allowed to use marijuana in public, have marijuana confiscated, be arrested, fined, or imprisoned for lengthy periods. Because of the demand, marijuana is brought in from illegal grows in legal states.

**See also**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=31)]

* icon
* [***Cannabis portal***](https://en.wikipedia.org/wiki/Portal:Cannabis)
* [Adult lifetime cannabis use by country](https://en.wikipedia.org/wiki/Adult_lifetime_cannabis_use_by_country)
* [Annual cannabis use by country](https://en.wikipedia.org/wiki/Annual_cannabis_use_by_country)
* [Cannabis rescheduling around the world](https://en.wikipedia.org/wiki/Removal_of_cannabis_and_cannabis_resin_from_Schedule_IV_of_the_Single_Convention_on_narcotic_drugs,_1961)
* [Decriminalization of non-medical marijuana in the United States](https://en.wikipedia.org/wiki/Decriminalization_of_non-medical_marijuana_in_the_United_States)
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* [Legality of cannabis by country](https://en.wikipedia.org/wiki/Legality_of_cannabis_by_country)
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* [***a***](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_ref-Getman-mmm_12-0) [***b***](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act#cite_ref-Getman-mmm_12-1) Jon Gettman (May 13, 1999). ["Science And The End Of Marijuana Prohibition"](http://drugrehaballiance.com/marijuana-prohibition/Jon-Gettman.pdf) (PDF). drugrehaballiance.com. [Archived](https://web.archive.org/web/20141213075555/http://drugrehaballiance.com/marijuana-prohibition/Jon-Gettman.pdf) (PDF) from the original on December 13, 2014. Retrieved December 12, 2014. Text originally presented at the 12th International Conference on Drug Policy Reform.
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**Further reading**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=33)]

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**External links**[[edit source](https://en.wikipedia.org/w/index.php?title=Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act&action=edit&section=34)]

* [Drug Policy Alliance](http://www.drugpolicyalliance.com/)
* [National Organization for the Reform of Marijuana Laws](http://www.norml.org/)
* [Marijuana Policy Project](http://www.mpp.org/)

# Timeline of cannabis laws in the United States

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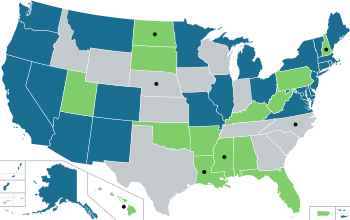
Width

* Standard
* Wide

Color (beta)

* Automatic
* Light
* Dark

From Wikipedia, the free encyclopedia



**Legality of cannabis in the United States**

Legal for recreational use

Legal for medical use

No comprehensive medical program

● Decriminalized

Notes:

**·** Reflects laws of states and territories, including laws which have not yet gone into effect. Does not reflect federal, tribal, or local laws.

**·** Map does not show state legality of [hemp](https://en.wikipedia.org/wiki/Hemp)-derived [cannabinoids](https://en.wikipedia.org/wiki/Cannabinoids) such as [CBD](https://en.wikipedia.org/wiki/Cannabidiol) or [delta-8-THC](https://en.wikipedia.org/wiki/%CE%94-8-Tetrahydrocannabinol), which have been legal at federal level since enactment of the [2018 Farm Bill](https://en.wikipedia.org/wiki/2018_United_States_farm_bill).

* [v](https://en.wikipedia.org/wiki/Template:Legality_of_cannabis_by_US_state)
* [t](https://en.wikipedia.org/wiki/Template_talk:Legality_of_cannabis_by_US_state)
* [e](https://en.wikipedia.org/wiki/Special:EditPage/Template:Legality_of_cannabis_by_US_state)

The [legal history of cannabis in the United States](https://en.wikipedia.org/wiki/Legal_history_of_cannabis_in_the_United_States) began with state-level prohibition in the early 20th century, with the first major federal limitations occurring in 1937. Starting with [Oregon](https://en.wikipedia.org/wiki/Oregon) in 1973, individual states began to [liberalize cannabis](https://en.wikipedia.org/wiki/Drug_liberalization) laws through [decriminalization](https://en.wikipedia.org/wiki/Decriminalization). In 1996, [California](https://en.wikipedia.org/wiki/California) became the first state to legalize [medical cannabis](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States), sparking a trend that spread to a majority of states by 2016. In 2012, [Washington](https://en.wikipedia.org/wiki/Washington_(state)) and [Colorado](https://en.wikipedia.org/wiki/Colorado) became the first states to legalize [cannabis](https://en.wikipedia.org/wiki/Cannabis_(drug)) for [recreational use](https://en.wikipedia.org/wiki/Decriminalization_of_non-medical_cannabis_in_the_United_States).

**Federal**[[edit source](https://en.wikipedia.org/w/index.php?title=Timeline_of_cannabis_laws_in_the_United_States&action=edit&section=1)]

* 1937: The [Marihuana Tax Act](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937) is enacted, effectively prohibiting cannabis at the federal level. Although medical use is still permitted, new fees and regulatory requirements significantly curtail its use.[[1]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-Pacula-1)
* 1969: The Marihuana Tax Act is struck down in the case [*Leary v. United States*](https://en.wikipedia.org/wiki/Leary_v._United_States). The Supreme Court rules that the act violates the [Fifth Amendment's](https://en.wikipedia.org/wiki/Fifth_Amendment_to_the_United_States_Constitution) protection against self-incrimination.[[2]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-2)
* 1970: The [Controlled Substances Act](https://en.wikipedia.org/wiki/Controlled_Substances_Act) is enacted. Cannabis is classified as a [Schedule I drug](https://en.wikipedia.org/wiki/Schedule_I_drug), determined to have a high potential for abuse and no accepted medical use, thereby prohibiting its use for any purpose.[[3]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-:0-3)
* 1990: The [Solomon–Lautenberg amendment](https://en.wikipedia.org/wiki/Solomon%E2%80%93Lautenberg_amendment) is enacted.[[4]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-4) As a result, many states pass "Smoke a joint, lose your license" laws under which any drug offense is punished with a mandatory six month driver's license suspension.[[5]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-5)[[6]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-6)
* 2014: The [Rohrabacher–Farr amendment](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment) passes the U.S. House and is signed into law. Requiring annual renewal, it prohibits the [Justice Department](https://en.wikipedia.org/wiki/United_States_Department_of_Justice) from interfering with the implementation of state medical cannabis laws.[[7]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-7)[[8]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-8) The [Cole Memorandum](https://en.wikipedia.org/wiki/Cole_Memorandum) had in 2013 assigned similar policies from within the Justice Department.[[9]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-9)[[10]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-10)
* 2018: The [2018 farm bill](https://en.wikipedia.org/wiki/2018_United_States_farm_bill) legalizes low-THC (less than 0.3% THC) hemp and hemp-derived products such as [cannabidiol](https://en.wikipedia.org/wiki/Cannabidiol) (CBD) at the federal level. The bill also fully removed or ["descheduled"](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act) low-THC cannabis products from the [Controlled Substances Act](https://en.wikipedia.org/wiki/Controlled_Substances_Act), where they had been listed as Schedule I drugs since the CSA's inception in 1970.[[3]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-:0-3)[[11]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-11)
* 2022: The [Medical Marijuana and Cannabidiol Research Expansion Act](https://en.wikipedia.org/wiki/Medical_Marijuana_and_Cannabidiol_Research_Expansion_Act) is signed into law to allow cannabis to be more easily researched for medical purposes. It is the first standalone cannabis reform bill enacted at the federal level.[[12]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-12)[[13]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-13)

**State**[[edit source](https://en.wikipedia.org/w/index.php?title=Timeline_of_cannabis_laws_in_the_United_States&action=edit&section=2)]

**Prohibition begins – 1911**[[edit source](https://en.wikipedia.org/w/index.php?title=Timeline_of_cannabis_laws_in_the_United_States&action=edit&section=3)]

* 1911: Massachusetts requires a prescription for sales of [Indian hemp](https://en.wikipedia.org/wiki/Indian_hemp).[[14]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-Boslaugh2015-14)
* 1913: California, Maine, Wyoming, and Indiana ban marijuana.[[14]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-Boslaugh2015-14)
* 1915: Utah and Vermont ban marijuana.[[14]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-Boslaugh2015-14)
* 1917: Colorado legislators make the use and cultivation of cannabis a misdemeanor.
* 1923: Iowa, Oregon, Washington, and Vermont ban marijuana.[[14]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-Boslaugh2015-14)
* 1927: New York,[[14]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-Boslaugh2015-14) Idaho, Kansas, Montana, and Nebraska ban marijuana.[[15]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-Davenport-Hines2012-15)
* 1931: Illinois bans marijuana.[[16]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-16)
* 1931: Texas declares cannabis a [narcotic](https://en.wikipedia.org/wiki/Narcotic), allowing up to life sentences for possession.[[17]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-ngccpra-17)
* 1933: North Dakota and Oklahoma ban marijuana.[[15]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-Davenport-Hines2012-15) By this year, 29 states have criminalized cannabis.[[18]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-LabateCavnar2014-18)

**Decriminalization begins – 1973**[[edit source](https://en.wikipedia.org/w/index.php?title=Timeline_of_cannabis_laws_in_the_United_States&action=edit&section=4)]

* 1973: Texas law is amended to declare possession of four ounces or less a misdemeanor.[[17]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-ngccpra-17)[[19]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-19)
* 1973: Oregon becomes the first state to decriminalize cannabis – reducing the penalty for up to one ounce to a $100 fine.[[20]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-Anderson-20)
* 1975: Alaska, Maine, Colorado, California, and Ohio decriminalize cannabis.[[20]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-Anderson-20)
* 1975: Alaska's Supreme Court establishes that the right to privacy includes possession of small amounts of marijuana.[[21]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-alaska_law-21)
* 1976: Minnesota decriminalizes cannabis.[[20]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-Anderson-20)
* 1977: Mississippi, New York, and North Carolina decriminalize cannabis.[[20]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-Anderson-20) South Dakota also decriminalizes cannabis, but the law is repealed almost immediately afterwards.[[22]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-Bewley-Taylor2012-22)
* 1978: Nebraska decriminalizes cannabis.[[20]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-Anderson-20) No other state would decriminalize until 2001.
* 1978: New Mexico passes the [Controlled Substances Therapeutic Research Act](https://en.wikipedia.org/wiki/Controlled_Substances_Therapeutic_Research_Act), becoming the first state to enact legislation recognizing the medical value of marijuana.[[23]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-GrinspoonBakalar1997-23)
* 1979: Virginia passes legislation allowing doctors to recommend cannabis for [glaucoma](https://en.wikipedia.org/wiki/Glaucoma) or the side effects of [chemotherapy](https://en.wikipedia.org/wiki/Chemotherapy).[[24]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-InciardiHarrison1999-24)[[25]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-25)
* 1982: Alaska passes legislation to further decrease penalties for cannabis.[[26]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-Lippman2013-26)
* 1990: Alaska recriminalizes cannabis by voter initiative, restoring criminal penalties for possession of any amount of cannabis.[[27]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-Lyman2013-27)

**Medical cannabis begins – 1996**[[edit source](https://en.wikipedia.org/w/index.php?title=Timeline_of_cannabis_laws_in_the_United_States&action=edit&section=5)]

* 1996: California becomes the first state to legalize medical cannabis with the approval of [Proposition 215](https://en.wikipedia.org/wiki/Proposition_215).[[28]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-28) Arizona also passes a medical cannabis ballot measure, but it is rendered ineffective on a technicality.[[29]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-29)
* 1998: Oregon, Alaska, and Washington all legalize medical cannabis through ballot measure.[[30]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-norml-co-30) Nevada also passes a medical cannabis initiative, but it requires second approval in 2000 to become law, as per the [state constitution](https://en.wikipedia.org/wiki/Nevada_Constitution).[[31]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-31)
* 1999: Maine legalizes medical cannabis through ballot measure.[[30]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-norml-co-30)
* 2000: Hawaii becomes the first state to legalize medical cannabis through state legislature.[[32]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-32)
* 2000: Nevada and Colorado legalize medical cannabis through ballot measure.[[30]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-norml-co-30)
* 2001: Nevada decriminalizes cannabis through state legislature.[[33]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-33)
* 2003: Maryland passes legislation establishing reduced penalties for persons using cannabis due to a [medical necessity](https://en.wikipedia.org/wiki/Medical_necessity) (as established at trial).[[34]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-34)
* 2004: Vermont legalizes medical cannabis through state legislature.[[35]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-35)
* 2004: Montana legalizes medical cannabis through ballot measure.
* 2006: Rhode Island legalizes medical cannabis through state legislature.[[36]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-36)
* 2007: New Mexico legalizes medical cannabis through state legislature.[[37]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-37)
* 2008: Michigan approves a ballot initiative to legalize medical cannabis. Massachusetts approves a ballot measure to decriminalize cannabis.[[38]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-38)
* 2010: New Jersey legalizes medical cannabis through state legislature.[[39]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-39)
* 2010: Arizona legalizes medical cannabis through ballot measure.
* 2010: California legislators reduce penalties for cannabis to a civil infraction.[[40]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-40)
* 2011: Delaware legalizes medical cannabis through state legislature.[[41]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-41)
* 2011: Connecticut decriminalizes cannabis through state legislature.[[42]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-42)
* 2012: Connecticut legalizes medical cannabis through state legislature.[[43]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-43)
* 2012: Rhode Island decriminalizes cannabis through state legislature.[[44]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-44)

**Recreational legalization begins – 2012**[[edit source](https://en.wikipedia.org/w/index.php?title=Timeline_of_cannabis_laws_in_the_United_States&action=edit&section=6)]

* 2012: Colorado and Washington become the first two states to legalize the recreational use of cannabis following the passage of [Amendment 64](https://en.wikipedia.org/wiki/Colorado_Amendment_64) and [Initiative 502](https://en.wikipedia.org/wiki/Washington_Initiative_502).[[45]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-45) Massachusetts approves a ballot measure to legalize medical cannabis.
* 2013: Vermont decriminalizes cannabis through state legislature.[[46]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-46)
* 2013: New Hampshire legalizes medical cannabis through state legislature.[[47]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-47)
* 2013: Illinois legalizes medical cannabis through state legislature.[[48]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-48)
* 2014: Utah becomes the first state to pass a [low-THC, high-CBD](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States#Low-THC,_high-CBD_laws) medical cannabis law.[[49]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-49) These laws allow low-THC cannabis oil to be used for treatment of certain medical conditions (mostly seizure disorders) with a doctor's recommendation.
* 2014: Maryland legislators decriminalize cannabis and approve a comprehensive medical cannabis law, expanding the very limited measure that was passed in 2003.[[50]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-50)
* 2014: Missouri decriminalizes cannabis through state legislature.[[51]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-51)
* 2014: Minnesota legalizes medical cannabis through state legislature.[[52]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-52)
* 2014: New York legalizes medical cannabis through state legislature.[[53]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-53)
* 2014: Alaska and Oregon legalize recreational cannabis through ballot measure.
* 2014: By the end of the year, 10 more states pass low-THC, high-CBD medical cannabis laws: Alabama, Kentucky, Wisconsin, Mississippi, Tennessee, Iowa, South Carolina, Florida, North Carolina, and Missouri.[[54]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-CBD_states-54)
* 2015: Delaware decriminalizes cannabis through state legislature.[[55]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-55)
* 2015: Louisiana legislators pass a limited medical cannabis law.[[56]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-56)[[57]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-57)
* 2015: During the year, five more states pass low-THC, high-CBD medical cannabis laws: Virginia, Georgia, Oklahoma, Texas, and Wyoming.[[54]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-CBD_states-54)
* 2016: Pennsylvania legalizes medical cannabis through state legislature.[[58]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-58)
* 2016: Ohio legalizes medical cannabis through state legislature.[[59]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-59)
* 2016: Illinois decriminalizes cannabis through state legislature.[[60]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-60)
* 2016: California, Nevada, Maine, and Massachusetts approve ballot measures to legalize recreational cannabis. Arkansas, Florida, and North Dakota approve ballot measures to legalize medical cannabis.
* 2017: West Virginia legalizes medical cannabis through state legislature.[[61]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-61)
* 2017: Indiana passes a low-THC, high-CBD medical cannabis law.[[62]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-62)
* 2017: New Hampshire decriminalizes cannabis through state legislature.[[63]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-63)
* 2018: Vermont becomes the first state to legalize recreational cannabis through state legislature. Unlike all other states that had legalized recreational cannabis, however, no provision was made for commercial sale.[[64]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-64)
* 2018: Indiana legalizes CBD for any use.[[65]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-65)
* 2018: Kansas legalizes CBD for any use.[[66]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-66)
* 2018: Oklahoma legalizes medical cannabis through ballot measure.[[67]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-67)
* 2018: Michigan approves a ballot measure to legalize recreational cannabis.[[68]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-68) Missouri and Utah approve ballot measures to legalize medical cannabis.
* 2019: New Mexico decriminalizes cannabis through state legislature.[[69]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-69)
* 2019: North Dakota decriminalizes cannabis through state legislature.[[70]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-70)
* 2019: Illinois legalizes recreational cannabis through state legislature, including its commercial sale. It became the first state to legalize the commercial sale of recreational cannabis through an act of state legislature.[[71]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-71)
* 2019: Hawaii decriminalizes cannabis through state legislature.[[72]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-72)
* 2020: Virginia decriminalizes cannabis through state legislature.[[73]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-73)
* 2020: Vermont legalizes commercial recreational cannabis sales through state legislature.[[74]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-74)
* 2020: Arizona, Montana, New Jersey, and South Dakota approve ballot measures to legalize recreational cannabis, with South Dakota becoming the first state to legalize recreational use without first legalizing medical use.[[75]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-75) Mississippi and South Dakota approve ballot measures to legalize medical cannabis.[[76]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-76)
* 2021: [South Dakota initiative to legalize recreational use](https://en.wikipedia.org/wiki/2020_South_Dakota_Amendment_A) is ruled state-unconstitutional by a [circuit court judge](https://en.wikipedia.org/wiki/South_Dakota_Circuit_Courts).[[77]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-77)
* 2021: New York legalizes recreational cannabis through state legislature.[[78]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-78)
* 2021: Virginia legalizes recreational cannabis through state legislature.[[79]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-79)
* 2021: New Mexico legalizes recreational cannabis through state legislature.[[80]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-80)
* 2021: Mississippi initiative to legalize medical cannabis is overturned by the [Supreme Court of Mississippi](https://en.wikipedia.org/wiki/Supreme_Court_of_Mississippi) due to issue with state's [ballot initiative](https://en.wikipedia.org/wiki/Initiatives_and_referendums_in_the_United_States) process.[[81]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-81)
* 2021: Alabama legalizes medical cannabis through state legislature.[[82]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-82)
* 2021: Louisiana decriminalizes cannabis through state legislature.[[83]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-83)
* 2021: Connecticut legalizes recreational cannabis through state legislature.[[84]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-84)
* 2022: Mississippi legalizes medical cannabis through state legislature.[[85]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-85)
* 2022: Rhode Island legalizes recreational cannabis through state legislature.[[86]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-86)
* 2022: Maryland and Missouri voters approve ballot measures to legalize recreational cannabis.[[87]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-87)
* 2023: Kentucky legalizes medical cannabis [through state legislature](https://en.wikipedia.org/wiki/Kentucky_Senate_Bill_47).[[88]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-88)
* 2023: Delaware legalizes recreational cannabis through state legislature.[[89]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-89)
* 2023: Minnesota legalizes recreational cannabis through state legislature.[[90]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-90)
* 2023: Ohio legalizes recreational cannabis through [Issue 2](https://en.wikipedia.org/wiki/2023_Ohio_Issue_2).[[91]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-91)

**Municipal**[[edit source](https://en.wikipedia.org/w/index.php?title=Timeline_of_cannabis_laws_in_the_United_States&action=edit&section=7)]

* 1906: [Washington, D.C.](https://en.wikipedia.org/wiki/Washington,_D.C.) requires a prescription for cannabis drugs.[[92]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-Delinquency1977-92)
* 1915: [El Paso, Texas](https://en.wikipedia.org/wiki/El_Paso,_Texas) restricts cannabis.[[93]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-93)
* 1972: [Ann Arbor](https://en.wikipedia.org/wiki/Ann_Arbor,_Michigan) City Council decriminalized cannabis, reducing the penalty to a $5 fine.[[94]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-94) The law was overturned by a Republican-led council a year later,[[95]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-95) but reinstated through voter referendum in 1974.[[96]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-96)
* 1977: [Madison, Wisconsin](https://en.wikipedia.org/wiki/Madison,_Wisconsin) decriminalized cannabis through ballot initiative.[[97]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-97)
* 1978: [San Francisco](https://en.wikipedia.org/wiki/San_Francisco) residents approved Proposition W, a non-binding measure directing city law enforcement to "cease the arrest and prosecution of individuals involved in the cultivation, transfer, or possession of marijuana".[[98]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-98) Mayor [George Moscone](https://en.wikipedia.org/wiki/George_Moscone) was assassinated shortly afterwards, however,[[99]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-99) and the initiative was disregarded by new mayor [Dianne Feinstein](https://en.wikipedia.org/wiki/Dianne_Feinstein).[[100]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-Heddleston-100)
* 1991: San Francisco residents approved the non-binding Proposition P in support of the medical use of cannabis.[[101]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-101) The city Board of Supervisors followed with Resolution 141–92 in 1992, which allowed for the distribution of medical cannabis throughout the city.[[102]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-102)
* 1998: Washington, D.C. residents approved [Initiative 59](https://en.wikipedia.org/wiki/Initiative_59) to legalize medical cannabis, but the Barr amendment blocked implementation until 2009, with the first legal sales finally occurring in 2013.[[103]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-103)
* 2003: [Seattle](https://en.wikipedia.org/wiki/Seattle) residents voted to make enforcement of cannabis laws the lowest priority.[[104]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-104)
* 2004: [Oakland, California](https://en.wikipedia.org/wiki/Oakland,_California) residents approved Measure Z, making private adult cannabis offenses the lowest possible priority for law enforcement, establishing a system to regulate, tax, and sell cannabis pending state legalization, and urging legalization on the state and national levels.[[105]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-105)
* 2005: [Denver](https://en.wikipedia.org/wiki/Denver) residents voted to legalize cannabis.[[106]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-106)
* 2006: San Francisco made enforcement of cannabis laws the lowest priority. The change was approved through a Board of Supervisors vote.[[107]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-107)
* 2009: [Breckenridge, Colorado](https://en.wikipedia.org/wiki/Breckenridge,_Colorado) residents voted to legalize cannabis.[[108]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-108)
* 2012: [Chicago](https://en.wikipedia.org/wiki/Chicago) decriminalized cannabis through a city council vote.[[109]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-109)
* 2012: [Detroit](https://en.wikipedia.org/wiki/Detroit), [Grand Rapids](https://en.wikipedia.org/wiki/Grand_Rapids,_Michigan), and [Flint](https://en.wikipedia.org/wiki/Flint,_Michigan) residents voted to decriminalize cannabis.[[110]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-110)
* 2013: [Portland, Maine](https://en.wikipedia.org/wiki/Portland,_Maine) residents voted to legalize cannabis.[[111]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-111)
* 2014: [Philadelphia](https://en.wikipedia.org/wiki/Philadelphia) decriminalized cannabis through a city council vote.[[112]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-112)
* 2014: After a city council vote decriminalized cannabis in March,[[113]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-113) Washington D.C. residents voted to approve [Initiative 71](https://en.wikipedia.org/wiki/2014_Washington,_D.C._Initiative_71) in November to legalize recreational use of cannabis and personal cultivation.[[114]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-114) A congressional rider passed afterwards prevented D.C. City Council from legalizing commercial sales.[[115]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-115)
* 2014: [New York City](https://en.wikipedia.org/wiki/New_York_City) decriminalized cannabis through a new policy announced by city officials.[[116]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-116)
* 2015: [Wichita, Kansas](https://en.wikipedia.org/wiki/Wichita,_Kansas) decriminalized cannabis through voter referendum.[[117]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-117)
* 2015: [Miami-Dade](https://en.wikipedia.org/wiki/Miami-Dade_County,_Florida) commissioners voted to decriminalize cannabis.[[118]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-118)
* 2015: [Toledo, Ohio](https://en.wikipedia.org/wiki/Toledo,_Ohio) residents voted to decriminalize possession of cannabis less than 200 grams.[[119]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-ibtimes1-119)
* 2015: [Pittsburgh](https://en.wikipedia.org/wiki/Pittsburgh) decriminalized cannabis through a city council vote.[[120]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-120)
* 2016: [Tampa](https://en.wikipedia.org/wiki/Tampa,_Florida) decriminalized cannabis through a city council vote.[[121]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-121)
* 2016: [New Orleans](https://en.wikipedia.org/wiki/New_Orleans) decriminalized cannabis through a city council vote.[[122]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-122)
* 2016: [Orlando](https://en.wikipedia.org/wiki/Orlando,_Florida) decriminalized cannabis through a city council vote.[[123]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-123)
* 2016: [Nashville](https://en.wikipedia.org/wiki/Nashville,_Tennessee) decriminalized cannabis through a Metro Council vote.[[124]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-124)
* 2016: [Memphis](https://en.wikipedia.org/wiki/Memphis,_Tennessee) decriminalized cannabis through a city council vote.[[125]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-125)
* 2016: Residents in the Ohio cities of [Bellaire](https://en.wikipedia.org/wiki/Bellaire,_Ohio), [Logan](https://en.wikipedia.org/wiki/Logan,_Ohio), [Newark](https://en.wikipedia.org/wiki/Newark,_Ohio), and [Roseville](https://en.wikipedia.org/wiki/Roseville,_Ohio) voted to decriminalize possession of cannabis less than 200 grams.[[119]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-ibtimes1-119)
* 2017: [Houston](https://en.wikipedia.org/wiki/Houston) decriminalized cannabis through a new policy announced by the city's district attorney.[[126]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-126)
* 2017: [Kansas City, Missouri](https://en.wikipedia.org/wiki/Kansas_City,_Missouri) residents voted to decriminalize cannabis, eliminating jail time for possession of 35 grams or less and reducing the penalty to a $25 fine.[[127]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-127)
* 2017: [Atlanta](https://en.wikipedia.org/wiki/Atlanta) decriminalized possession of one ounce or less of cannabis via unanimous city council vote.[[128]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-128)
* 2018: [Albuquerque](https://en.wikipedia.org/wiki/Albuquerque,_New_Mexico) decriminalized cannabis through a city council vote.[[129]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-129)

**Territory**[[edit source](https://en.wikipedia.org/w/index.php?title=Timeline_of_cannabis_laws_in_the_United_States&action=edit&section=8)]

* 2014: [Guam](https://en.wikipedia.org/wiki/Guam) legalized medical cannabis through ballot measure.[[130]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-130)
* 2014: The [United States Virgin Islands](https://en.wikipedia.org/wiki/United_States_Virgin_Islands) decriminalized cannabis.[[131]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-131)
* 2015: [Puerto Rico](https://en.wikipedia.org/wiki/Puerto_Rico) legalized medical cannabis by executive order.[[132]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-132)
* 2018: The [Northern Mariana Islands](https://en.wikipedia.org/wiki/Northern_Mariana_Islands) legalized recreational cannabis through an act of legislature.[[133]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-133)
* 2019: The United States Virgin Islands legalized medical cannabis through an act of legislature.[[134]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-134)
* 2019: Guam legalized recreational cannabis through an act of legislature.[[135]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-135)
* 2023: The United States Virgin Islands legalized recreational cannabis through territorial legislature.[[136]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-136)

**Native American reservations**[[edit source](https://en.wikipedia.org/w/index.php?title=Timeline_of_cannabis_laws_in_the_United_States&action=edit&section=9)]

* 2014: The [Justice Department](https://en.wikipedia.org/wiki/United_States_Department_of_Justice) announced a policy to allow recognized Native American tribes to legalize cannabis on their reservations, including in states where cannabis remains illegal.[[137]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-137)
* 2015: The [Flandreau Santee Sioux Tribe](https://en.wikipedia.org/wiki/Flandreau_Santee_Sioux_Tribe) (South Dakota) voted to legalize recreational cannabis on its reservation.[[138]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-Tribe_Bets-138)
* 2015: The [Squaxin Island Tribe](https://en.wikipedia.org/wiki/Squaxin_Island_Tribe) in the [Puget Sound area](https://en.wikipedia.org/wiki/Puget_Sound_area) legalized and opened the United States' first tribal retail cannabis sales shop on their trust lands.[[139]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-KUOW-139) [Suquamish Tribe](https://en.wikipedia.org/wiki/Suquamish_Tribe) followed later in the same year.[[140]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-140)
* 2015: The [Pinoleville Pomo Nation](https://en.wikipedia.org/wiki/Pinoleville_Pomo_Nation) in California announced a plan to grow cannabis and sell it to California medical dispensaries.[[141]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-141)[[142]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-142)
* 2016: The [Puyallup Tribe](https://en.wikipedia.org/wiki/Puyallup_Tribe) made legal arrangements with the State of Washington to grow its own medical cannabis.[[143]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-143)
* 2021: The [Eastern Band of Cherokee Indians](https://en.wikipedia.org/wiki/Eastern_Band_of_Cherokee_Indians) in North Carolina legalized the possession of up to one ounce of cannabis, through a tribal council vote.[[144]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-144)
* 2023: The Eastern Band of Cherokee Indians [approved a voter referendum](https://en.wikipedia.org/wiki/2023_Eastern_Band_of_Cherokee_Indians_Marijuana_Legalization_Measure) directing the tribal council to legalize recreational sales.[[145]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-145)

**Opinion**[[edit source](https://en.wikipedia.org/w/index.php?title=Timeline_of_cannabis_laws_in_the_United_States&action=edit&section=10)]

**Presidential**[[edit source](https://en.wikipedia.org/w/index.php?title=Timeline_of_cannabis_laws_in_the_United_States&action=edit&section=11)]

* 1972: President [Richard Nixon](https://en.wikipedia.org/wiki/Presidency_of_Richard_Nixon) opposes the policy of cannabis decriminalization. He states: "I do not believe that you can have effective criminal justice based on a philosophy that something is half legal and half illegal ... despite what the [[Shafer Commission](https://en.wikipedia.org/wiki/Shafer_Commission)] has recommended."[[146]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-146)
* 1977: President [Jimmy Carter](https://en.wikipedia.org/wiki/Presidency_of_Jimmy_Carter) endorses legislation to federally decriminalize cannabis, declaring that "Penalties against possession of a drug should not be more damaging to an individual than the use of the drug itself."[[147]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-147)[[148]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-148)
* 1980: Presidential candidate [Ronald Reagan](https://en.wikipedia.org/wiki/Presidency_of_Ronald_Reagan) warns that "Leading medical researchers are coming to the conclusion that marijuana ... is probably the most dangerous drug in the United States."[[149]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-149)
* 1996: Former Presidents [Gerald Ford](https://en.wikipedia.org/wiki/Presidency_of_Gerald_Ford), [Jimmy Carter](https://en.wikipedia.org/wiki/Presidency_of_Jimmy_Carter), and [George H. W. Bush](https://en.wikipedia.org/wiki/Presidency_of_George_H._W._Bush) urge the defeat of medical cannabis initiatives in California and Arizona, asserting in an open letter that the measures pose "enormous threats" to the public health of all Americans.[[150]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-150)
* 2000: President [Bill Clinton](https://en.wikipedia.org/wiki/Presidency_of_Bill_Clinton), in an interview with [*Rolling Stone*](https://en.wikipedia.org/wiki/Rolling_Stone) shortly before leaving office, states his support for decriminalizing cannabis.[[151]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-151)[[152]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-152)
* 2015: President [Barack Obama](https://en.wikipedia.org/wiki/Presidency_of_Barack_Obama) declares his support for cannabis decriminalization but opposition to legalization.[[153]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-153)[[154]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-154)
* 2022: President [Joe Biden](https://en.wikipedia.org/wiki/Joe_Biden), in ordering a review of the [scheduling status of cannabis](https://en.wikipedia.org/wiki/Removal_of_cannabis_from_Schedule_I_of_the_Controlled_Substances_Act), states: "We classify marijuana at the same level as [heroin](https://en.wikipedia.org/wiki/Heroin) – and more serious than [fentanyl](https://en.wikipedia.org/wiki/Fentanyl). It makes no sense."[[155]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-155)

**Public**[[edit source](https://en.wikipedia.org/w/index.php?title=Timeline_of_cannabis_laws_in_the_United_States&action=edit&section=12)]

* 1969: [Gallup](https://en.wikipedia.org/wiki/Gallup_(company)) conducted its first poll on legalizing cannabis, finding 12% in favor.[[156]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-gallup-156)
* 1973: [General Social Survey](https://en.wikipedia.org/wiki/General_Social_Survey)'s first poll on legalizing cannabis showed 19% in favor.[[157]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-157)
* 1977: Gallup reported 28% support for the legalization of cannabis, a number that would not be surpassed until 2000.[[156]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-gallup-156)
* 2011: Gallup reported 50% support for legalizing cannabis.[[158]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-158)
* 2013: [Pew Research](https://en.wikipedia.org/wiki/Pew_Research_Center) reported 52% [[159]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-159) and Gallup 58%[[160]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-160) in support of legalizing cannabis. In both polls, a majority of respondents supported legalization for the first time.
* 2017: Gallup's annual poll showed 64% support for the legalization of cannabis, including a majority of [Republicans](https://en.wikipedia.org/wiki/Republican_Party_of_the_United_States) for the first time.[[161]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-161)
* 2018: Reflecting the increased growth of support for marijuana legalization, Gallup's annual poll showed that 66% of Americans supported legalization, including 75% of [Democrats](https://en.wikipedia.org/wiki/Democratic_Party_of_the_United_States), 71% of [Independents](https://en.wikipedia.org/wiki/Independent_(voter)), 59% of people over 55, and at least 65% support in the [East](https://en.wikipedia.org/wiki/Eastern_United_States), [South](https://en.wikipedia.org/wiki/Southern_United_States), [Midwest](https://en.wikipedia.org/wiki/Midwestern_United_States), and [West](https://en.wikipedia.org/wiki/Western_United_States).[[162]](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_note-162)

**See also**[[edit source](https://en.wikipedia.org/w/index.php?title=Timeline_of_cannabis_laws_in_the_United_States&action=edit&section=13)]

* icon
* [***Cannabis portal***](https://en.wikipedia.org/wiki/Portal:Cannabis)
* ***icon***
* [***Law portal***](https://en.wikipedia.org/wiki/Portal:Law)
* ***flag***
* [***United States portal***](https://en.wikipedia.org/wiki/Portal:United_States)
* [Legalization of non-medical cannabis in the United States](https://en.wikipedia.org/wiki/Legalization_of_non-medical_cannabis_in_the_United_States)
* [Legality of cannabis in the United States, by jurisdiction](https://en.wikipedia.org/wiki/Legality_of_cannabis_by_U.S._jurisdiction)
* [Medical cannabis in the United States](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States)
* [Timeline of cannabis law](https://en.wikipedia.org/wiki/Timeline_of_cannabis_law)

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* [Jump up to:](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_ref-gallup_156-0)
* [***a***](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_ref-gallup_156-0) [***b***](https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#cite_ref-gallup_156-1) ["Illegal Drugs"](http://news.gallup.com/poll/1657/illegal-drugs.aspx). *Gallup*. November 18, 2003. [Archived](https://web.archive.org/web/20180210162856/http://news.gallup.com/poll/1657/illegal-drugs.aspx) from the original on February 10, 2018. Retrieved February 10, 2018.
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* [Milestones in U.S. Marijuana Laws (*New York Times*)](https://www.nytimes.com/interactive/2013/10/27/us/marijuana-legalization-timeline.html)

# Congressional Cannabis Caucus

**1 language**

* [Article](https://en.wikipedia.org/wiki/Congressional_Cannabis_Caucus)
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|  | |
| **Founded** | 2017 |
| [**Ideology**](https://en.wikipedia.org/wiki/List_of_political_ideologies) | [States' rights](https://en.wikipedia.org/wiki/States%27_rights)  [Cannabis reform](https://en.wikipedia.org/wiki/Cannabis_reform) |
| **Seats in the** [**House**](https://en.wikipedia.org/wiki/United_States_House_of_Representatives) **Democratic Caucus** | 2 / 222 |
| **Seats in the** [**House**](https://en.wikipedia.org/wiki/United_States_House_of_Representatives) **Republican Caucus** | 2 / 210 |
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The **Congressional Cannabis Caucus** is a registered [caucus](https://en.wikipedia.org/wiki/Congressional_caucus) in the [United States Congress](https://en.wikipedia.org/wiki/United_States_Congress), formed in 2017 during the [115th session](https://en.wikipedia.org/wiki/115th_United_States_Congress). The [bipartisan](https://en.wikipedia.org/wiki/Bipartisanship) caucus was founded by [Republicans](https://en.wikipedia.org/wiki/Republican_Party_(United_States)) [Dana Rohrabacher](https://en.wikipedia.org/wiki/Dana_Rohrabacher) and [Don Young](https://en.wikipedia.org/wiki/Don_Young) and [Democrats](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) [Earl Blumenauer](https://en.wikipedia.org/wiki/Earl_Blumenauer) and [Jared Polis](https://en.wikipedia.org/wiki/Jared_Polis). The Congressional Cannabis Caucus seeks to harmonize federal laws that conflict with [various state laws that permit medical and recreational cannabis](https://en.wikipedia.org/wiki/Legality_of_cannabis_by_U.S._jurisdiction).

**Background**[[edit source](https://en.wikipedia.org/w/index.php?title=Congressional_Cannabis_Caucus&action=edit&section=1)]

[Dana Rohrabacher](https://en.wikipedia.org/wiki/Dana_Rohrabacher), a [Republican](https://en.wikipedia.org/wiki/Republican_Party_(United_States)) member of the [United States House of Representatives](https://en.wikipedia.org/wiki/United_States_House_of_Representatives) from [California](https://en.wikipedia.org/wiki/California), coauthored the [Rohrabacher–Farr amendment](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment), which was passed by the [113th United States Congress](https://en.wikipedia.org/wiki/113th_United_States_Congress) in 2014. The amendment prevented the [United States Department of Justice](https://en.wikipedia.org/wiki/United_States_Department_of_Justice) from using its funding to challenge states that have approved [medical cannabis](https://en.wikipedia.org/wiki/Medical_cannabis) laws.[[1]](https://en.wikipedia.org/wiki/Congressional_Cannabis_Caucus#cite_note-1) Meanwhile, [Earl Blumenauer](https://en.wikipedia.org/wiki/Earl_Blumenauer), a member of House of Representatives from [Oregon](https://en.wikipedia.org/wiki/Oregon) in the [Democratic Party](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)), supported [Oregon Ballot Measure 91](https://en.wikipedia.org/wiki/Oregon_Ballot_Measure_91_(2014)) in 2014, legalizing recreational cannabis in Oregon.[[2]](https://en.wikipedia.org/wiki/Congressional_Cannabis_Caucus#cite_note-2) Rohrabacher endorsed the [Adult Use of Marijuana Act](https://en.wikipedia.org/wiki/Adult_Use_of_Marijuana_Act), which legalized recreational cannabis in California in 2016,[[3]](https://en.wikipedia.org/wiki/Congressional_Cannabis_Caucus#cite_note-3) and acknowledged using medical cannabis to treat his [arthritis](https://en.wikipedia.org/wiki/Arthritis).[[4]](https://en.wikipedia.org/wiki/Congressional_Cannabis_Caucus#cite_note-4)

In 2016, Blumenauer and Rohrabacher agreed to form a [congressional caucus](https://en.wikipedia.org/wiki/Congressional_caucus) to streamline cannabis reform legislation at the federal level, considering it a [states' rights](https://en.wikipedia.org/wiki/States%27_rights) issue.[[5]](https://en.wikipedia.org/wiki/Congressional_Cannabis_Caucus#cite_note-5) In February 2017, Rohrabacher and Blumenauer launched the caucus with [Jared Polis](https://en.wikipedia.org/wiki/Jared_Polis), a Democrat from [Colorado](https://en.wikipedia.org/wiki/Colorado), and [Don Young](https://en.wikipedia.org/wiki/Don_Young), a Republican from [Alaska](https://en.wikipedia.org/wiki/Alaska).[[6]](https://en.wikipedia.org/wiki/Congressional_Cannabis_Caucus#cite_note-6)[[7]](https://en.wikipedia.org/wiki/Congressional_Cannabis_Caucus#cite_note-7)[[8]](https://en.wikipedia.org/wiki/Congressional_Cannabis_Caucus#cite_note-8) The caucus intends to increase medical research into cannabis and change regulations on banking and taxation for cannabis businesses.[[9]](https://en.wikipedia.org/wiki/Congressional_Cannabis_Caucus#cite_note-9)

In the [116th Congress](https://en.wikipedia.org/wiki/116th_United_States_Congress), Rohrbacher and Polis left Congress and were replaced by [Barbara Lee](https://en.wikipedia.org/wiki/Barbara_Lee), a Democrat from [California](https://en.wikipedia.org/wiki/California), and [David Joyce](https://en.wikipedia.org/wiki/David_Joyce_(politician)), a Republican from [Ohio](https://en.wikipedia.org/wiki/Ohio), as co-chairs.[[10]](https://en.wikipedia.org/wiki/Congressional_Cannabis_Caucus#cite_note-10)[[11]](https://en.wikipedia.org/wiki/Congressional_Cannabis_Caucus#cite_note-11) After Don Young died in office in 2022, he was replaced by [Brian Mast](https://en.wikipedia.org/wiki/Brian_Mast) of Florida.[[12]](https://en.wikipedia.org/wiki/Congressional_Cannabis_Caucus#cite_note-12)

**Members**[[edit source](https://en.wikipedia.org/w/index.php?title=Congressional_Cannabis_Caucus&action=edit&section=2)]



Caucus co-founder Don Young posing with a cannabis plant in 2019

Current members:

* [Earl Blumenauer](https://en.wikipedia.org/wiki/Earl_Blumenauer) (D‑OR)
* [Barbara Lee](https://en.wikipedia.org/wiki/Barbara_Lee) (D‑CA)
* [David Joyce](https://en.wikipedia.org/wiki/David_Joyce_(politician)) (R‑OH)
* [Brian Mast](https://en.wikipedia.org/wiki/Brian_Mast) (R‑FL)

Former members:

* [Jared Polis](https://en.wikipedia.org/wiki/Jared_Polis) (D‑CO) – Successfully ran for [Colorado governor](https://en.wikipedia.org/wiki/2018_Colorado_gubernatorial_election) in 2018.
* [Dana Rohrabacher](https://en.wikipedia.org/wiki/Dana_Rohrabacher) (R‑CA) – Defeated during his [2018 re-election campaign](https://en.wikipedia.org/wiki/2018_United_States_House_of_Representatives_elections_in_California).
* [Don Young](https://en.wikipedia.org/wiki/Don_Young) (R‑AK) – Died in office in March 2022.

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# List of United States politicians who have acknowledged cannabis use

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* Dark

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[George Washington](https://en.wikipedia.org/wiki/George_Washington), the first president and one of the Founding Fathers, was known to have grown hemp.

Before the prohibition of [cannabis in the United States](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States), some of the nation's [Founding Fathers](https://en.wikipedia.org/wiki/Founding_Fathers) and [presidents](https://en.wikipedia.org/wiki/President_of_the_United_States) grew hemp. Politicians who have admitted to recreational use of the drug prior to [its decriminalization or legalization](https://en.wikipedia.org/wiki/Legalization_of_non-medical_cannabis_in_the_United_States) include mayors, [governors](https://en.wikipedia.org/wiki/Governor_(United_States)), members of the [U.S. Congress](https://en.wikipedia.org/wiki/U.S._Congress), vice presidents and presidents.

**Background**[[edit source](https://en.wikipedia.org/w/index.php?title=List_of_United_States_politicians_who_have_acknowledged_cannabis_use&action=edit&section=1)]

*Further information:* [*Legal history of cannabis in the United States*](https://en.wikipedia.org/wiki/Legal_history_of_cannabis_in_the_United_States)

In the United States, [cannabis](https://en.wikipedia.org/wiki/Cannabis) was initially grown for industrial reasons, though it quickly became a staple medicinal product in the early 19th century and recreational use became more prevalent during the 20th century.[[1]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-FOOTNOTEZuardi2006155%E2%80%93156-1) [Harry J. Anslinger](https://en.wikipedia.org/wiki/Harry_J._Anslinger), the commissioner of the [Federal Bureau of Narcotics](https://en.wikipedia.org/wiki/Federal_Bureau_of_Narcotics), responded to political pressure to ban marijuana at a nationwide level. The [Marihuana Tax Act of 1937](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937) created an expensive [excise](https://en.wikipedia.org/wiki/Excise) tax, and included penalty provisions and elaborate rules of enforcement to which marijuana, cannabis, or hemp handlers, were subject. [Mandatory sentencing](https://en.wikipedia.org/wiki/Mandatory_sentencing) and increased punishment were enacted when the [U.S. Congress](https://en.wikipedia.org/wiki/U.S._Congress) passed the [Boggs Act of 1951](https://en.wikipedia.org/wiki/Boggs_Act_of_1951) and the [Narcotics Control Act of 1956](https://en.wikipedia.org/w/index.php?title=Narcotics_Control_Act_of_1956&action=edit&redlink=1).[[2]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-FOOTNOTESchlosser200321-2)

During the [counterculture of the 1960s](https://en.wikipedia.org/wiki/Counterculture_of_the_1960s), attitudes towards marijuana and drug abuse policy changed as marijuana use among "white middle-class college students" became widespread.[[3]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-FOOTNOTESchlosser200322-3) In [*Leary v. United States*](https://en.wikipedia.org/wiki/Leary_v._United_States) (1969), the [U.S. Supreme Court](https://en.wikipedia.org/wiki/U.S._Supreme_Court) held the Marihuana Tax Act to be unconstitutional since it violated [the Fifth Amendment](https://en.wikipedia.org/wiki/Fifth_Amendment_to_the_United_States_Constitution). In response, Congress passed the [Controlled Substances Act](https://en.wikipedia.org/wiki/Controlled_Substances_Act) as Title II of the [Comprehensive Drug Abuse Prevention and Control Act of 1970](https://en.wikipedia.org/wiki/Comprehensive_Drug_Abuse_Prevention_and_Control_Act_of_1970), which repealed the Marihuana Tax Act.[[4]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-4) In 1972, the [National Commission on Marijuana and Drug Abuse](https://en.wikipedia.org/wiki/National_Commission_on_Marijuana_and_Drug_Abuse) concluded that marijuana should be decriminalized, but that public use and driving while intoxicated should remain illegal. By the end of the decade, several states had [decriminalized the drug](https://en.wikipedia.org/wiki/Legalization_of_non-medical_cannabis_in_the_United_States), while many others weakened their laws against cannabis use.

A wave of [conservatism](https://en.wikipedia.org/wiki/Conservatism_in_the_United_States) during the 1980s allowed president [Ronald Reagan](https://en.wikipedia.org/wiki/Ronald_Reagan) to accelerate the [war on drugs](https://en.wikipedia.org/wiki/War_on_drugs), prompting anti-drug campaigns such as the "[Just Say No](https://en.wikipedia.org/wiki/Just_Say_No)" campaign of first lady [Nancy Reagan](https://en.wikipedia.org/wiki/Nancy_Reagan). Federal penalties for cultivation, possession, or transfer of marijuana were increased by the [Comprehensive Crime Control Act of 1984](https://en.wikipedia.org/wiki/Comprehensive_Crime_Control_Act_of_1984) and the [Anti-Drug Abuse Acts of 1986](https://en.wikipedia.org/wiki/Anti-Drug_Abuse_Act_of_1986) and [1988](https://en.wikipedia.org/wiki/Anti-Drug_Abuse_Act_of_1988).[[5]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-FOOTNOTESchlosser200325-5) Since California voters passed the [1996 California Proposition 215](https://en.wikipedia.org/wiki/1996_California_Proposition_215), which legalized [medical cannabis](https://en.wikipedia.org/wiki/Medical_cannabis), several states have followed suit. However, [*United States v. Oakland Cannabis Buyers' Cooperative*](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative) (2001) rejected the common-law medical necessity defense to crimes enacted under the Controlled Substances Act because Congress concluded that cannabis has "no currently accepted medical use" and [*Gonzales v. Raich*](https://en.wikipedia.org/wiki/Gonzales_v._Raich) (2005) concluded that the [Commerce Clause](https://en.wikipedia.org/wiki/Commerce_Clause) of [Article One of the U.S. Constitution](https://en.wikipedia.org/wiki/Article_One_of_the_U.S._Constitution) allowed the federal government to ban the use of cannabis, including medical use. Today, cannabis [remains classified as a Schedule I drug](https://en.wikipedia.org/wiki/List_of_Schedule_I_controlled_substances_(U.S.)) under the Controlled Substances Act, and possession is punishable by up to one year in jail and a minimum fine of $1,000 for a first conviction.[[6]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-6)

**List of politicians who farmed hemp**[[edit source](https://en.wikipedia.org/w/index.php?title=List_of_United_States_politicians_who_have_acknowledged_cannabis_use&action=edit&section=2)]

*This is a* [*dynamic list*](https://en.wikipedia.org/wiki/Wikipedia:WikiProject_Lists#Dynamic_lists) *and may never be able to satisfy particular standards for completeness. You can help by* [*adding missing items*](https://en.wikipedia.org/wiki/Special:EditPage/List_of_United_States_politicians_who_have_acknowledged_cannabis_use) *with* [*reliable sources*](https://en.wikipedia.org/wiki/Wikipedia:Reliable_sources)*.*

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[Thomas Jefferson](https://en.wikipedia.org/wiki/Thomas_Jefferson), the third president

| **Name** | **Lifetime** | **Highest position** | **Party** | **Ref.** |
| --- | --- | --- | --- | --- |
| [Benjamin Franklin](https://en.wikipedia.org/wiki/Benjamin_Franklin) | 1706–1790 | [President of Pennsylvania](https://en.wikipedia.org/wiki/President_of_Pennsylvania) | [Independent](https://en.wikipedia.org/wiki/Independent_(politician)) | [[7]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-HempHand-7) |
| [Thomas Jefferson](https://en.wikipedia.org/wiki/Thomas_Jefferson) | 1743–1826 | [President of the United States](https://en.wikipedia.org/wiki/President_of_the_United_States) | [Democratic-Republican](https://en.wikipedia.org/wiki/Democratic-Republican_Party) | [[8]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-Hemp-8) |
| [James Madison](https://en.wikipedia.org/wiki/James_Madison) | 1751–1836 | [President of the United States](https://en.wikipedia.org/wiki/President_of_the_United_States) | [Democratic-Republican](https://en.wikipedia.org/wiki/Democratic-Republican_Party) | [[9]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-Wasserman-9) |
| [George Washington](https://en.wikipedia.org/wiki/George_Washington) | 1732–1799 | [President of the United States](https://en.wikipedia.org/wiki/President_of_the_United_States) | [Independent](https://en.wikipedia.org/wiki/Independent_(politician)) | [[8]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-Hemp-8) |
| [Henry Clay](https://en.wikipedia.org/wiki/Henry_Clay) | 1777–1852 | [United States Secretary of State](https://en.wikipedia.org/wiki/United_States_Secretary_of_State), [United States Senator Kentucky](https://en.wikipedia.org/wiki/List_of_United_States_senators_from_Kentucky) | [Democratic-Republican](https://en.wikipedia.org/wiki/Democratic-Republican_Party), [National Republican](https://en.wikipedia.org/wiki/National_Republican_Party) and [Whig](https://en.wikipedia.org/wiki/Whig_Party_(United_States)) | [[10]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-FOOTNOTEKlotter2018275%E2%80%93277-10) |

**Parties**

[Democratic-Republican](https://en.wikipedia.org/wiki/Democratic-Republican_Party_(United_States)) [Whig](https://en.wikipedia.org/wiki/Whig_Party_(United_States)) [Independent](https://en.wikipedia.org/wiki/Independent_(politician))

**Use prior to decriminalization**[[edit source](https://en.wikipedia.org/w/index.php?title=List_of_United_States_politicians_who_have_acknowledged_cannabis_use&action=edit&section=3)]

*This is a* [*dynamic list*](https://en.wikipedia.org/wiki/Wikipedia:WikiProject_Lists#Dynamic_lists) *and may never be able to satisfy particular standards for completeness. You can help by* [*adding missing items*](https://en.wikipedia.org/wiki/Special:EditPage/List_of_United_States_politicians_who_have_acknowledged_cannabis_use) *with* [*reliable sources*](https://en.wikipedia.org/wiki/Wikipedia:Reliable_sources)*.*

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[Kamala Harris](https://en.wikipedia.org/wiki/Kamala_Harris), the 49th vice president



[George W. Bush](https://en.wikipedia.org/wiki/George_W._Bush), the 43rd president



[Al Gore](https://en.wikipedia.org/wiki/Al_Gore), the 45th vice president



[Barack Obama](https://en.wikipedia.org/wiki/Barack_Obama), the 44th president



[Sarah Palin](https://en.wikipedia.org/wiki/Sarah_Palin), the 9th Alaska governor

| **Name** | **Lifetime** | **Highest position** | **Party** | **Ref.** |
| --- | --- | --- | --- | --- |
| [Rob Astorino](https://en.wikipedia.org/wiki/Rob_Astorino) | b. 1967 | [County Executive of Westchester County](https://en.wikipedia.org/wiki/Westchester_County_Executive) | [Republican](https://en.wikipedia.org/wiki/Republican_Party_(United_States)) | [[11]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-11) |
| [Bruce Babbitt](https://en.wikipedia.org/wiki/Bruce_Babbitt) | b. 1938 | [Governor of Arizona](https://en.wikipedia.org/wiki/Governor_of_Arizona), [United States Secretary of the Interior](https://en.wikipedia.org/wiki/United_States_Secretary_of_the_Interior) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[12]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-Gainesville-12) |
| [Michael Bloomberg](https://en.wikipedia.org/wiki/Michael_Bloomberg) | b. 1942 | [Mayor of New York City](https://en.wikipedia.org/wiki/Mayor_of_New_York_City) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[13]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-Bloomberg-13) |
| [Bill Bradley](https://en.wikipedia.org/wiki/Bill_Bradley) | b. 1943 | [United States Senator from New Jersey](https://en.wikipedia.org/wiki/List_of_United_States_senators_from_New_Jersey) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[14]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-Barabak-14) |
| [George W. Bush](https://en.wikipedia.org/wiki/George_W._Bush) | b. 1946 | [President of the United States](https://en.wikipedia.org/wiki/President_of_the_United_States) | [Republican](https://en.wikipedia.org/wiki/Republican_Party_(United_States)) | [[15]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-Taipei-Bush-Admits-To-Smoking-Pot-15) |
| [Jeb Bush](https://en.wikipedia.org/wiki/Jeb_Bush) | b. 1953 | [Governor of Florida](https://en.wikipedia.org/wiki/Governor_of_Florida) | [Republican](https://en.wikipedia.org/wiki/Republican_Party_(United_States)) | [[16]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-Jeb-Bush-is-a-hypocrite-about-Marijuana-16) |
| [Pete Buttigieg](https://en.wikipedia.org/wiki/Pete_Buttigieg) | b. 1982 | [United States Secretary of Transportation](https://en.wikipedia.org/wiki/United_States_Secretary_of_Transportation) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[17]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-17) |
| [Paul Cellucci](https://en.wikipedia.org/wiki/Paul_Cellucci) | 1948–2013 | [Governor of Massachusetts](https://en.wikipedia.org/wiki/Governor_of_Massachusetts) | [Republican](https://en.wikipedia.org/wiki/Republican_Party_(United_States)) | [[18]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-Register-Guard-18) |
| [Lincoln Chafee](https://en.wikipedia.org/wiki/Lincoln_Chafee) | b. 1953 | [United States Senator from Rhode Island](https://en.wikipedia.org/wiki/List_of_United_States_senators_from_Rhode_Island), [Governor of Rhode Island](https://en.wikipedia.org/wiki/Governor_of_Rhode_Island) | [Libertarian](https://en.wikipedia.org/wiki/Libertarian_Party_(United_States)) | [[19]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-Chafee-19) |
| [Lawton Chiles](https://en.wikipedia.org/wiki/Lawton_Chiles) | 1930–1998 | [United States Senator from Florida](https://en.wikipedia.org/wiki/List_of_United_States_senators_from_Florida), [Governor of Florida](https://en.wikipedia.org/wiki/Governor_of_Florida) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[20]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-Chiles-20) |
| [Bill Clinton](https://en.wikipedia.org/wiki/Bill_Clinton) | b. 1946 | [President of the United States](https://en.wikipedia.org/wiki/President_of_the_United_States) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[21]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-Clinton-21) |
| [Steve Cohen](https://en.wikipedia.org/wiki/Steve_Cohen_(politician)) | b. 1949 | [United States Representative from Tennessee](https://en.wikipedia.org/wiki/List_of_United_States_representatives_from_Tennessee) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[22]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-Nashville-22) |
| [Jack Conway](https://en.wikipedia.org/wiki/Jack_Conway_(politician)) | b. 1969 | [Attorney General of Kentucky](https://en.wikipedia.org/wiki/Attorney_General_of_Kentucky) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[23]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-23) |
| [Ted Cruz](https://en.wikipedia.org/wiki/Ted_Cruz) | b. 1970 | [United States Senator from Texas](https://en.wikipedia.org/wiki/List_of_United_States_senators_from_Texas) | [Republican](https://en.wikipedia.org/wiki/Republican_Party_(United_States)) | [[24]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-24) |
| [Andrew Cuomo](https://en.wikipedia.org/wiki/Andrew_Cuomo) | b. 1957 | [Governor of New York](https://en.wikipedia.org/wiki/Governor_of_New_York) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[25]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-CuomoPataki-25) |
| [Bill de Blasio](https://en.wikipedia.org/wiki/Bill_de_Blasio) | b. 1961 | [Mayor of New York City](https://en.wikipedia.org/wiki/Mayor_of_New_York_City) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[26]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-26) |
| [Howard Dean](https://en.wikipedia.org/wiki/Howard_Dean) | b. 1948 | [Governor of Vermont](https://en.wikipedia.org/wiki/Governor_of_Vermont) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[27]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-AustinChronicle-27) |
| [Joseph DeNucci](https://en.wikipedia.org/wiki/A._Joseph_DeNucci) | b. 1939 | [Auditor of Massachusetts](https://en.wikipedia.org/wiki/Massachusetts_State_Auditor) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[18]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-Register-Guard-18) |
| [Mary Donohue](https://en.wikipedia.org/wiki/Mary_Donohue) | b. 1947 | [Lieutenant Governor of New York](https://en.wikipedia.org/wiki/Lieutenant_Governor_of_New_York) | [Republican](https://en.wikipedia.org/wiki/Republican_Party_(United_States)) | [[28]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-28) |
| [Shaun Donovan](https://en.wikipedia.org/wiki/Shaun_Donovan) | b. 1966 | [United States Secretary of Housing and Urban Development](https://en.wikipedia.org/wiki/United_States_Secretary_of_Housing_and_Urban_Development) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[29]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-NYC-29) |
| [John Edwards](https://en.wikipedia.org/wiki/John_Edwards) | b. 1953 | [United States Senator from North Carolina](https://en.wikipedia.org/wiki/List_of_United_States_senators_from_North_Carolina) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[27]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-AustinChronicle-27) |
| [Newt Gingrich](https://en.wikipedia.org/wiki/Newt_Gingrich) | b. 1943 | [United States Representative from Georgia](https://en.wikipedia.org/wiki/List_of_United_States_representatives_from_Georgia) | [Republican](https://en.wikipedia.org/wiki/Republican_Party_(United_States)) | [[12]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-Gainesville-12) |
| [Al Gore](https://en.wikipedia.org/wiki/Al_Gore) | b. 1948 | [Vice President of the United States](https://en.wikipedia.org/wiki/Vice_President_of_the_United_States) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[30]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-Gore-30) |
| [Kamala Harris](https://en.wikipedia.org/wiki/Kamala_Harris) | b. 1964 | [Vice President of the United States](https://en.wikipedia.org/wiki/Vice_President_of_the_United_States) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[31]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-31) |
| [Maggie Hassan](https://en.wikipedia.org/wiki/Maggie_Hassan) | b. 1958 | [Governor of New Hampshire](https://en.wikipedia.org/wiki/Governor_of_New_Hampshire), [United States Senator from New Hampshire](https://en.wikipedia.org/wiki/List_of_United_States_senators_from_New_Hampshire) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[32]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-32) |
| [John Hickenlooper](https://en.wikipedia.org/wiki/John_Hickenlooper) | b. 1952 | [United States Senator from Colorado](https://en.wikipedia.org/wiki/List_of_United_States_senators_from_Colorado), [Governor of Colorado](https://en.wikipedia.org/wiki/Governor_of_Colorado) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[33]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-33) |
| [Eric Holcomb](https://en.wikipedia.org/wiki/Eric_Holcomb) | b. 1968 | [Governor of Indiana](https://en.wikipedia.org/wiki/Governor_of_Indiana) | [Republican](https://en.wikipedia.org/wiki/Republican_Party_(United_States)) | [[34]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-34) |
| [Gary Johnson](https://en.wikipedia.org/wiki/Gary_Johnson) | b. 1953 | [Governor of New Mexico](https://en.wikipedia.org/wiki/Governor_of_New_Mexico) | [Libertarian](https://en.wikipedia.org/wiki/Libertarian_Party_(United_States)) | [[35]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-35) |
| [Mondaire Jones](https://en.wikipedia.org/wiki/Mondaire_Jones) | b. 1987 | [United States Representative from New York](https://en.wikipedia.org/wiki/List_of_United_States_representatives_from_New_York) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[36]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-36) |
| [John Kasich](https://en.wikipedia.org/wiki/John_Kasich) | b. 1952 | [Governor of Ohio](https://en.wikipedia.org/wiki/Governor_of_Ohio) | [Republican](https://en.wikipedia.org/wiki/Republican_Party_(United_States)) | [[37]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-37) |
| [Joseph P. Kennedy II](https://en.wikipedia.org/wiki/Joseph_P._Kennedy_II) | b. 1952 | [United States Representative from Massachusetts](https://en.wikipedia.org/wiki/List_of_United_States_representatives_from_Massachusetts) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[18]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-Register-Guard-18) |
| [John Kerry](https://en.wikipedia.org/wiki/John_Kerry) | b. 1943 | [United States Secretary of State](https://en.wikipedia.org/wiki/United_States_Secretary_of_State) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[27]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-AustinChronicle-27) |
| [Ed Koch](https://en.wikipedia.org/wiki/Ed_Koch) | 1924–2013 | [Mayor of New York City](https://en.wikipedia.org/wiki/Mayor_of_New_York_City) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[38]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-Koch-38) |
| [Richard Lamm](https://en.wikipedia.org/wiki/Richard_Lamm) | 1935–2021 | [Governor of Colorado](https://en.wikipedia.org/wiki/Governor_of_Colorado) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[39]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-Lamm-39) |
| [Connie Mack III](https://en.wikipedia.org/wiki/Connie_Mack_III) | b. 1940 | [United States Senator from Florida](https://en.wikipedia.org/wiki/List_of_United_States_senators_from_Florida) | [Republican](https://en.wikipedia.org/wiki/Republican_Party_(United_States)) | [[20]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-Chiles-20) |
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| [Janet Yellen](https://en.wikipedia.org/wiki/Janet_Yellen) | b. 1946 | [United States Secretary of the Treasury](https://en.wikipedia.org/wiki/United_States_Secretary_of_the_Treasury) | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) | [[59]](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_note-60) |

**Parties**

[Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) [Republican](https://en.wikipedia.org/wiki/Republican_Party_(United_States)) [Independent](https://en.wikipedia.org/wiki/Independent_(politician)) [Libertarian](https://en.wikipedia.org/wiki/Libertarian_Party_(United_States))

**See also**[[edit source](https://en.wikipedia.org/w/index.php?title=List_of_United_States_politicians_who_have_acknowledged_cannabis_use&action=edit&section=4)]

* [List of British politicians who have acknowledged cannabis use](https://en.wikipedia.org/wiki/List_of_British_politicians_who_have_acknowledged_cannabis_use)

**Notes**[[edit source](https://en.wikipedia.org/w/index.php?title=List_of_United_States_politicians_who_have_acknowledged_cannabis_use&action=edit&section=5)]

* [**^**](https://en.wikipedia.org/wiki/List_of_United_States_politicians_who_have_acknowledged_cannabis_use#cite_ref-52) Congressional affiliation

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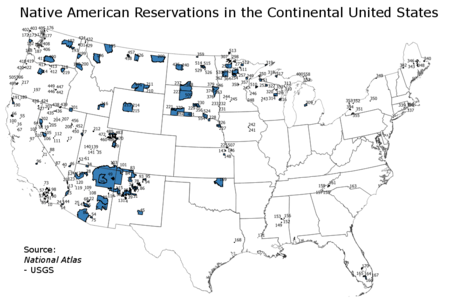
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| * [**Cannabis portal**](https://en.wikipedia.org/wiki/Portal:Cannabis) * [Medicine portal](https://en.wikipedia.org/wiki/Portal:Medicine) * [Agriculture portal](https://en.wikipedia.org/wiki/Portal:Agriculture) |
| * [v](https://en.wikipedia.org/wiki/Template:Cannabis_sidebar) * [t](https://en.wikipedia.org/wiki/Template_talk:Cannabis_sidebar) * [e](https://en.wikipedia.org/wiki/Special:EditPage/Template:Cannabis_sidebar) |

**Cannabis on** [**American Indian reservations**](https://en.wikipedia.org/wiki/American_Indian_reservations) was historically regulated under United States federal law. However, the August 2013 issuance of the [Cole Memorandum](https://en.wikipedia.org/wiki/Cole_Memorandum) opened discussion on [tribal sovereignty](https://en.wikipedia.org/wiki/Tribal_sovereignty_in_the_United_States) pertaining to cannabis legalization.[[1]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-:0-1) A clarifying memo in December 2014 stated that the federal government's non-interference policies that applied to the 50 states, would also apply to the 326 recognized [American Indian reservations](https://en.wikipedia.org/wiki/American_Indian_reservations).[[2]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-2)[[1]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-:0-1)[[3]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-NativeTimes-3) Reservations are therefore able to independently regulate cannabis possession and sale irrespective of laws in any bordering US states.[[3]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-NativeTimes-3)

**By Tribe**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_on_American_Indian_reservations&action=edit&section=1)]

**Shinnecock Indian Nation**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_on_American_Indian_reservations&action=edit&section=2)]

The [Shinnecock Indian Nation](https://en.wikipedia.org/wiki/Shinnecock_Indian_Nation) opened its first cannabis shop, called Little Beach Harvest, in November 2023.[[4]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-4)

**Oglala Sioux nation**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_on_American_Indian_reservations&action=edit&section=3)]

The [Oglala Sioux nation](https://en.wikipedia.org/wiki/Oglala_Sioux_nation) legalized industrial hemp in 1998, and the family of [Alex White Plume](https://en.wikipedia.org/wiki/Alex_White_Plume) began to produce the crop from 2000–2002, but federal authorities destroyed his crops and issued him a restraining order forbidding further cultivation.[[5]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-5)[[3]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-NativeTimes-3)[[6]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-6)

In January 2014, the Oglala Sioux tribal council approved a proposal to hold a tribal vote to decide on legalizing marijuana on the [Pine Ridge Indian Reservation](https://en.wikipedia.org/wiki/Pine_Ridge_Indian_Reservation) in South Dakota,[[7]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-7) but the council later rejected the proposal.[[8]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-8)

In March 2020, members of the tribe voted to legalize medical and recreational cannabis on the reservation.[[9]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-:1-9)

**Flandreau Santee Sioux Tribe**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_on_American_Indian_reservations&action=edit&section=4)]

In mid-2015, the [Flandreau Santee Sioux Tribe](https://en.wikipedia.org/wiki/Flandreau_Santee_Sioux_Tribe) stated their intent to begin growing cannabis on one authorized site on their reservation, and commence selling the product on January 1, 2016, following a vote of tribal authorities which decided 5–1 to legalize cannabis. Under the regulation, buyers are required to consume the product on tribal property.[[10]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-10)[[11]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-11)

In November 2015, the tribe burned its cannabis crop after discussions with the state and federal attorney's general indicated they were at risk for a federal raid. A representative of the tribe stated in February 2016 that the tribe would pursue legislative solutions to move forward with their cannabis project.[[12]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-12)

**Menominee Indian Reservation**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_on_American_Indian_reservations&action=edit&section=5)]

In August 2015 the [Menominee Indian Reservation](https://en.wikipedia.org/wiki/Menominee_Indian_Reservation) in Wisconsin held a vote on proposed measures to legalize medical and/or recreational cannabis. The Menonimee are uniquely placed in the state, as the only American Indian reservation which falls only under federal law, rather than under Wisconsin [Public Law 280](https://en.wikipedia.org/wiki/Public_Law_280) like all other reservations in the state, meaning that the state of Wisconsin cannot prevent legal changes within the sovereign reservation.[[13]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-13) In an "advisory vote", the tribal membership voted 77% in favor of legalizing medical cannabis, and 58% in favor of legalizing recreational; the tribal Chairman stated that tribal legislators would next decide whether to move forward on the two issues.[[14]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-14)

**Navajo Nation**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_on_American_Indian_reservations&action=edit&section=6)]

In 2016, the [Navajo Nation](https://en.wikipedia.org/wiki/Navajo_Nation) signed its first resolution to grow [industrial hemp](https://en.wikipedia.org/wiki/Industrial_hemp), with the goal of adding hemp as a cash crop to their existing 70,000 acre (approx. 283 km2) farm.[[15]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-15) They authorized Navajo Agricultural Products Industry in collaboration with New Mexico State University to conduct a hemp growing pilot project in 2019.[[16]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-:2-16)

In 2020, the Nation amended its criminal code to clarify the definition of cannabis versus hemp and to enhance penalties for growth, possession, and distribution of cannabis on tribal lands.[[16]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-:2-16)

In 2023, federal authorities seized over 60,000 pounds of cannabis plants from Dineh Benally, the former president of the San Juan River Farm Board, who along with business partners had been growing the crops on 400 acres of farmland in the northeast corner of the Navajo Nation reservation. He had presented his operations within the reservation as legal hemp farming.[[9]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-:1-9) In 2024, Navajo Nation authorities charged Benally and business partner Farley BlueEyes on related crimes.[[17]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-17)

**Suquamish Tribe and Squaxin Island Tribe**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_on_American_Indian_reservations&action=edit&section=7)]



Suquamish cannabis shop on the [Port Madison Indian Reservation](https://en.wikipedia.org/wiki/Port_Madison_Indian_Reservation)

The [Squaxin Island Tribe](https://en.wikipedia.org/wiki/Squaxin_Island_Tribe) opened the United States' first tribal-controlled cannabis store, "[Elevation](https://en.wikipedia.org/wiki/Elevation_(cannabis_shop))", in November 2015. The [Suquamish Tribe](https://en.wikipedia.org/wiki/Suquamish_Tribe) in Western Washington began selling cannabis in December 2015, collecting the same 37% tax as the surrounding state.[[18]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-18)[[19]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-19) Both tribes legalized marijuana internally, and signed 10-year compacts with the Washington State Liquor and Cannabis Board.[[20]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-20)

The Squaxin Island Tribe's Island Enterprises began growing cannabis in 2017, in the [Skokomish River Valley](https://en.wikipedia.org/wiki/Skokomish_River) on what they called the state's first licensed outdoor farm.[[21]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-21)

**2015 Modoc County raids**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_on_American_Indian_reservations&action=edit&section=8)]

In July 2015, a joint operation by the Drug Enforcement Administration and the Bureau of Indian Affairs shut down grow operations on two reservations in [Modoc County](https://en.wikipedia.org/wiki/Modoc_County) in Northern California. Plants and prepared cannabis were seized, but no arrests were made; news reporting indicated that the informant whose complaint sparked the raid was involved in a political power struggle with one of the growers, who is also her brother.[[22]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-22)

**Puyallup**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_on_American_Indian_reservations&action=edit&section=9)]

Commencement Bay Cannabis, operated by the [Puyallup Tribe](https://en.wikipedia.org/wiki/Puyallup_Tribe), opened on tribal property in [Fife, Washington](https://en.wikipedia.org/wiki/Fife,_Washington) in 2017. The city does not allow cannabis sales, but the tribe operates outside the city's jurisdiction.[[23]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-23)

**S’Klallam**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_on_American_Indian_reservations&action=edit&section=10)]

In December 2017, the [Port Gamble Band of S’Klallam Indians](https://en.wikipedia.org/wiki/Port_Gamble_Band_of_S%E2%80%99Klallam_Indians) entered a compact with the State of Washington to sell cannabis on its land.[[24]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-24) High Point Cannabis was opened by the tribe's investment enterprise, Noo-Kayet Investments, the same year, which operated out of a trailer until building its first retail storefront in 2023.[[25]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-25)

The [Jamestown S'Kallam Tribe](https://en.wikipedia.org/wiki/Jamestown_S%27Klallam_Tribe_of_Washington) opened the Cedar Greens Cannabis shop in October 2019.[[26]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-26)

**Crow Tribe**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_on_American_Indian_reservations&action=edit&section=11)]

The [Crow Tribe of Montana](https://en.wikipedia.org/wiki/Crow_Tribe_of_Montana) legislative branch approved adult-use cannabis sales on April 16, 2021.[[27]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-27)

**St. Regis Mohawk Tribe**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_on_American_Indian_reservations&action=edit&section=12)]

The [St. Regis Mohawk Tribe](https://en.wikipedia.org/wiki/St._Regis_Mohawk_Reservation) in New York legalized adult-use cannabis on June 28, 2021. Under the legislation, dispensaries must be licensed by the tribe, and all growing, processing, and sales must occur on tribal lands. Adult tribal members are permitted to grow up to twelve plants. [[28]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-28) [[29]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-29) [[30]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-30)

**Eastern Band of Cherokee Indians**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_on_American_Indian_reservations&action=edit&section=13)]

In 2023, the [Eastern Band of Cherokee Indians](https://en.wikipedia.org/wiki/Eastern_Band_of_Cherokee_Indians) [voted to legalize recreational cannabis](https://en.wikipedia.org/wiki/2023_Eastern_Band_of_Cherokee_Indians_Marijuana_Legalization_Measure) on tribal lands. The tribe opened its first dispensary for medical cannabis, which serves both tribe members and the general public, on 20 April 2024 with plans to expand into recreational cannabis sale in the future.[[31]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-31)

**Opposition on tribal lands**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_on_American_Indian_reservations&action=edit&section=14)]



Bureau of Indian Affairs and the Drug Enforcement Administration Fresno Area Surveillance Team and local sheriffs eradicate illicit marijuana on Pit River tribal lands, 2015

[*The Washington Post*](https://en.wikipedia.org/wiki/The_Washington_Post) in 2014 noted that the [Yakama Nation](https://en.wikipedia.org/wiki/Yakama_Nation) of Washington State, following the state's legalization of cannabis, opposed legalization in ten state counties containing what the tribe considers its traditional lands.[[32]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-32)[[33]](https://en.wikipedia.org/wiki/Cannabis_on_American_Indian_reservations#cite_note-33)

**See also**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_on_American_Indian_reservations&action=edit&section=15)]

* [Cannabis on Canadian Indian reserves](https://en.wikipedia.org/wiki/Cannabis_on_Canadian_Indian_reserves)
* [Contemporary Native American issues in the United States](https://en.wikipedia.org/wiki/Contemporary_Native_American_issues_in_the_United_States)
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* [Traditional medicine](https://en.wikipedia.org/wiki/Traditional_medicine)
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# Cannabis and the United States military

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Cannabis usage is currently prohibited in the [United States military](https://en.wikipedia.org/wiki/United_States_military), but historically it has been used recreationally by some troops, and some cannabis-based medicines were used in the military as late as the twentieth century.

**Military medicine**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_and_the_United_States_military&action=edit&section=1)]

In 1909, a military manual from the [Mounted Service School](https://en.wikipedia.org/wiki/Mounted_Service_School) in Fort Riley recommended [cannabis indica](https://en.wikipedia.org/wiki/Cannabis_indica) for treating [abdominal pains](https://en.wikipedia.org/wiki/Abdominal_pain) in horses, or to supplement ether for treating spasms.[[1]](https://en.wikipedia.org/wiki/Cannabis_and_the_United_States_military#cite_note-Kan1909-1) During World War I, military doctors recommended that the [American Expeditionary Force](https://en.wikipedia.org/wiki/American_Expeditionary_Force) carry cannabis indica tablets to treat headaches, insomnia, and cramps.[[2]](https://en.wikipedia.org/wiki/Cannabis_and_the_United_States_military#cite_note-Koerner2008-2)

**Drug use in Panama and investigations**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_and_the_United_States_military&action=edit&section=2)]

Some of the earliest reports of recreational cannabis use in the military came from the [Panama Canal Zone](https://en.wikipedia.org/wiki/Panama_Canal_Zone) in 1916, where troops were noted to be using the drug.[[3]](https://en.wikipedia.org/wiki/Cannabis_and_the_United_States_military#cite_note-3)[[4]](https://en.wikipedia.org/wiki/Cannabis_and_the_United_States_military#cite_note-HardyCull1973-4) Also in 1916, thousands of US troops used marijuana while in Mexico on General [John Pershing](https://en.wikipedia.org/wiki/John_Pershing)'s punitive expedition against Pancho Villa (1916–1917).[[5]](https://en.wikipedia.org/wiki/Cannabis_and_the_United_States_military#cite_note-Marez2004-5) In 1921, the commanding officer of [Fort Sam Houston](https://en.wikipedia.org/wiki/Fort_Sam_Houston) in San Antonio, Texas, prohibited the use of cannabis on the base.[[6]](https://en.wikipedia.org/wiki/Cannabis_and_the_United_States_military#cite_note-Whitebread1974-6)

A 1933 report by the [U.S. Army Medical Corps](https://en.wikipedia.org/wiki/U.S._Army_Medical_Corps) published in the publication *Military Surgeon*, titled [*Marijuana Smoking in Panama*](https://en.wikipedia.org/wiki/Marijuana_Smoking_in_Panama), based on a study of U.S. Army personnel in the Panama Canal Zone, found that cannabis was generally not addictive and was less harmful to soldiers than alcohol.[[7]](https://en.wikipedia.org/wiki/Cannabis_and_the_United_States_military#cite_note-7)[[8]](https://en.wikipedia.org/wiki/Cannabis_and_the_United_States_military#cite_note-Panama1933-8) The report recommended that use of cannabis on military bases should continue to be prohibited, but outside of these areas there should be no further restriction.[[8]](https://en.wikipedia.org/wiki/Cannabis_and_the_United_States_military#cite_note-Panama1933-8)

**Industrial hemp**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_and_the_United_States_military&action=edit&section=3)]

The [Rens Hemp Company](https://en.wikipedia.org/wiki/Rens_Hemp_Company) of [Brandon, Wisconsin](https://en.wikipedia.org/wiki/Brandon,_Wisconsin), closed in 1958, was the last legal hemp producer nationwide in operation following World War II.[[9]](https://en.wikipedia.org/wiki/Cannabis_and_the_United_States_military#cite_note-9) Prior to its 1957 shutdown, Rens had been the primary provider of [hemp rope](https://en.wikipedia.org/wiki/Hemp_rope) for the United States Navy.[[10]](https://en.wikipedia.org/wiki/Cannabis_and_the_United_States_military#cite_note-Roulac1997-10)

**Edgewood Arsenal human experiments**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_and_the_United_States_military&action=edit&section=4)]

*Main article:* [*Edgewood Arsenal human experiments*](https://en.wikipedia.org/wiki/Edgewood_Arsenal_human_experiments)

From the 1950s to the 1970s, [Edgewood Arsenal](https://en.wikipedia.org/wiki/Edgewood_Arsenal) conducted experiments on human subjects with cannabis and its derivatives.[[11]](https://en.wikipedia.org/wiki/Cannabis_and_the_United_States_military#cite_note-Delinquency1975-11)[[12]](https://en.wikipedia.org/wiki/Cannabis_and_the_United_States_military#cite_note-12) One study indicated "no loss of motivation or performance after two years of heavy (military sponsored) smoking of marihuana."[[13]](https://en.wikipedia.org/wiki/Cannabis_and_the_United_States_military#cite_note-Jacoba.2009-13)

**Vietnam War**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_and_the_United_States_military&action=edit&section=5)]

*Main article:* [*Cannabis in the Vietnam War*](https://en.wikipedia.org/wiki/Cannabis_in_the_Vietnam_War)

Though alcohol was the drug most commonly used by American troops in the [Vietnam War](https://en.wikipedia.org/wiki/Vietnam_War), cannabis was the second-most common. Initially rates of usage among deployed soldiers were comparable to those of their stateside peers, with 29% of troops departing Vietnam in 1967 reporting having ever used marijuana in their lives. A 1976 study however showed that from 1967 to 1971, the proportion of troops having used marijuana peaked at 34% before stabilizing to 18%, while the number of troops who had used cannabis *prior* to deployment stayed around 8%.[[14]](https://en.wikipedia.org/wiki/Cannabis_and_the_United_States_military#cite_note-MenningerNemiah2008-14) Cannabis use by troops in Vietnam was generally dealt with using [Article 15](https://en.wikipedia.org/wiki/Non-judicial_punishment) non-judicial punishment in units such as the [101st Airborne](https://en.wikipedia.org/wiki/101st_Airborne).[[15]](https://en.wikipedia.org/wiki/Cannabis_and_the_United_States_military#cite_note-15)

During the Vietnam War period, cannabis use also became common among US forces in the United States and in Europe, with a 1971 article claiming that over 1,000 midshipmen at [Annapolis Naval Academy](https://en.wikipedia.org/wiki/Annapolis_Naval_Academy) used cannabis, and a survey in Germany showing that half of the soldiers in the surveyed battalion were regular cannabis users.[[16]](https://en.wikipedia.org/wiki/Cannabis_and_the_United_States_military#cite_note-Westheider2011-16)

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| --- | --- |
| **Abbreviation** | MPP |
| **Formation** | 1995 |
| **Legal status** | Non-profit organization |
| **Headquarters** | [Washington, D.C.](https://en.wikipedia.org/wiki/Washington,_D.C.) |
| **Region served** | United States |
| **President and CEO** | [Toi Hutchinson](https://en.wikipedia.org/wiki/Toi_Hutchinson) |
| **Website** | [mpp.org](http://mpp.org/) |

The **Marijuana Policy Project** (**MPP**) is the largest organization working solely on [marijuana](https://en.wikipedia.org/wiki/Cannabis_(drug)) policy reform in the [United States](https://en.wikipedia.org/wiki/United_States) in terms of its budget, number of members, and staff.[[1]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-1)

Its stated aims are to: (1) increase public support for non-punitive, non-coercive marijuana policies; (2) identify and activate supporters of non-punitive, non-coercive marijuana policies; (3) change state laws to reduce or eliminate penalties for the medical and non-medical use of marijuana; and (4) gain influence in Congress.[[2]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-autogenerated1-2)

MPP advocates taxing and regulating the possession and sale of marijuana in a manner similar to [alcohol](https://en.wikipedia.org/wiki/Alcohol_(drug)), envisions a nation where marijuana education is honest and realistic, and believes treatment for problem marijuana users should be non-coercive and geared toward reducing harm.[[2]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-autogenerated1-2)

The organization and its various ballot initiatives has largely been funded by the late billionaire [Peter B. Lewis](https://en.wikipedia.org/wiki/Peter_B._Lewis), and now by his family.[[3]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-3)[[4]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-4) Marijuana Policy Project estimated that the market of legal cannabis will reach US$57 billion in 2030.[[5]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-5)

**History**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Policy_Project&action=edit&section=1)]

Marijuana Policy Project (MPP) co-founders [Rob Kampia](https://en.wikipedia.org/wiki/Rob_Kampia), Michael Kirshner, and Chuck Thomas previously worked at the [National Organization for the Reform of Marijuana Laws](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws) (NORML). In 1995, after months of internal debate, NORML director [Richard Cowan](https://en.wikipedia.org/wiki/Richard_Cowan_(cannabis_activist)) fired a staffer who had been pressing him for organizational change. Kampia, Kirshner and Thomas departed immediately thereafter and began creating their own organization, implementing ideas they had futilely pursued at NORML.[[6]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-6) On January 25, 1995, the three activists incorporated the Marijuana Policy Project (MPP) as a not-for-profit organization in the [District of Columbia](https://en.wikipedia.org/wiki/Washington,_D.C.).[[7]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-7) Kampia served as MPP's executive director until December 2017.[[8]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-8) Matthew Schweich, who joined MPP as the director of state campaigns in early 2015, served as interim executive director until August 2018, when the organization named [Steven W. Hawkins](https://en.wikipedia.org/wiki/Steven_W._Hawkins) its new executive director.[[9]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-9)[[10]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-10) In December 2021, Hawkins stepped down and [Toi Hutchinson](https://en.wikipedia.org/wiki/Toi_Hutchinson) was appointed president and CEO.[[11]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-11)

MPP has grown to over 40,000 dues-paying members and is the largest marijuana policy reform group in the United States.[[12]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-12) The organization has approximately 35 staffers and an annual budget of about $5 million.[[13]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-13)

**Organization**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Policy_Project&action=edit&section=2)]

MPP, like many advocacy groups, is divided into two legal entities: a lobbying group and a public education group. The education branch may accept tax-deductible donations but cannot attempt to influence politics. The lobby group, however, may use its funds to directly influence politicians. MPP reports that all funding comes from individual contributions of more than 40,000 members, which are from every U.S. state, Puerto Rico, Great Britain, Canada, Australia, and other countries.[[14]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-14)

**State legislative victories**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Policy_Project&action=edit&section=3)]

**Delaware**

In June 2015, the Delaware Legislature passed and Gov. Jack Markell signed a bill to reduce the penalty for possession of up to an ounce of marijuana to a simple fine. MPP led the two-year lobbying effort for the law, which reduces the penalty for possession of up to an ounce of marijuana to a civil fine for adults 21 and older. Minors under the age of 18 will be subject to a $100 criminal fine, while those between 18 and 21 will be subject to a $100 civil fine for a first offense and a $100 criminal fine for a second offense.[[15]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-15)

In May 2011, the Delaware Legislature passed and Gov. [Jack Markell](https://en.wikipedia.org/wiki/Jack_Markell) signed SB 17, which allows qualified, registered patients to obtain three ounces of marijuana every 14 days from state-regulated compassion centers. MPP led the two-year grassroots and lobbying efforts to pass the bill, which is based on MPP's model bill.[[16]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-16) This made Delaware the 16th state, plus the District of Columbia, to adopt a medical marijuana law.

**District of Columbia**

In March 2014, D.C. Mayor Vincent Gray signed a bill removing all criminal penalties for possession of up to an ounce of marijuana and replacing them with a civil fine of $25. Police will also no longer have grounds to search individuals simply based on the smell of marijuana. Before the bill can become law, however, it must undergo a 60-working-day review process in Congress. MPP, along with the Drug Policy Alliance (DPA) and the American Civil Liberties Union (ACLU), was instrumental in passing this legislation—by assisting with bill drafting, meeting with members of the D.C. Council, participating in working groups, testifying at hearings, and generating constituent advocacy in support of the bill.

**Illinois**

In August 2013, Gov. Pat Quinn signed medical marijuana legislation passed by the Illinois Legislature, making Illinois the 20th state to legalize medical marijuana. MPP lobbied for nearly 10 years in Springfield to bring about this state legislative victory. As many as 60 retail establishments will be licensed to sell medical marijuana to patients with cancer, AIDS, and other serious illnesses.

In July 2016, Illinois Gov. [Bruce Rauner](https://en.wikipedia.org/wiki/Bruce_Rauner) (R) signed a bill to reduce the penalty for up to 10 grams of marijuana from a criminal offense carrying possible jail time to a violation punishable by a non-criminal fine. MPP's lobbying team led the two-and-a-half-year advocacy effort, working closely with [Clergy for a New Drug Policy](https://en.wikipedia.org/wiki/Clergy_for_a_New_Drug_Policy) and other allies.[[17]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-17)

**Maryland**

In April and May 2011, the Maryland General Assembly approved and Gov. [Martin O'Malley](https://en.wikipedia.org/wiki/Martin_O%27Malley) signed an affirmative defense bill, removing criminal penalties from qualifying patients who possess up to an ounce of marijuana and establishing a work group to study a more comprehensive law.[[18]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-18) The bill improves upon a sentencing mitigation bill the legislature enacted in 2003, following four years of lobbying by MPP. MPP also played a leading role in the 2011 victory, including in-person lobbying, working with patients, and testifying before legislative committees.

In May 2013, Gov. O'Malley signed a research-oriented medical marijuana bill to allow teaching hospitals to apply to an independent commission to run medical marijuana programs. Gov. O'Malley also signed a bill that allows patients' designated caregivers to raise an affirmative defense for possession of medical marijuana.

In April 2014, Gov. Martin O'Malley signed legislation making Maryland the 21st medical marijuana state. MPP lobbied in support of medical marijuana legislation in Maryland for more than a decade. The legislation will allow state residents suffering from certain qualifying conditions to use medical marijuana if their doctors recommend it. It will also permit registered cultivators to grow medical marijuana and up to 15 licensed [marijuana dispensaries](https://en.wikipedia.org/wiki/Marijuana_dispensaries) to distribute the medicine to patients. Possession limits and regulations governing cultivation and [marijuana dispensary](https://en.wikipedia.org/wiki/Marijuana_dispensary) facilities will be determined by a state-sanctioned commission prior to implementation.

Also in April 2014, Gov. Martin O'Malley signs legislation making Maryland the 18th state to decriminalize possession of small amounts of marijuana. The legislation makes possession of less than 10 grams of marijuana a civil offense punishable by a fine of up to $100 for a first offense, up to $250 for a second offense, and up to $500 for subsequent offenses. Third-time offenders and individuals under 21 years of age will be required to undergo a clinical assessment for substance abuse disorder and a drug education program. MPP is proud to be a member of the Marijuana Policy Coalition of Maryland, which led the charge for this sensible marijuana policy reform in Maryland.

**Minnesota**

In May 2014, Gov. [Mark Dayton](https://en.wikipedia.org/wiki/Mark_Dayton) signed legislation making Minnesota the 22nd medical marijuana state. MPP and its local affiliate worked for several years to bring about the victory. The law allows qualifying patients to obtain preparations of marijuana from eight locations. It does not allow smoking.[[19]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-19)

**New Hampshire**

In July 2013, Gov. [Maggie Hassan](https://en.wikipedia.org/wiki/Maggie_Hassan) signed a bill approved by the New Hampshire Legislature to legalize medical marijuana, making New Hampshire the 19th medical marijuana state. MPP worked for several years to bring about this victory in the Granite State. The 2013 legislation will allow patients with serious illnesses to obtain marijuana from four nonprofit, state-licensed alternative treatment centers.

On July 18, 2017, Gov. [Chris Sununu](https://en.wikipedia.org/wiki/Chris_Sununu) signed HB 640 into law, reducing penalties for possessing three quarters of an ounce or less of marijuana from a criminal misdemeanor to a civil violation punishable only by a fine. A fourth offense within three years would be a fine-only misdemeanor. Marijuana possession by those under 18 would be subject to the jurisdiction of juvenile court, and they would typically receive substance abuse education. MPP led the multi-year lobbying effort for the law.

**New York**

In July 2014, Gov. Andrew Cuomo signed legislation making New York the 23rd medical marijuana state. The law's passage is the product of many years of work by legislative champions, patients, their loved ones, and advocacy organizations, including MPP, Compassionate Care NY, and the Drug Policy Alliance. The new law will protect certain seriously ill patients who use marijuana pursuant to their doctors' advice from civil and criminal penalties. A number of modifications were made at the insistence of Gov. Cuomo. As a result, patients will not be allowed to smoke medical cannabis, the law will sunset after seven years, and there will be no more than five manufacturers—with a total of up to 20 locations—in the entire state. MPP continues work to improve the law.

**Ohio**

On June 8, 2016, Gov. John Kasich signed House Bill 523 into law, making Ohio the 25th state to adopt a workable medical marijuana law. The legislation, passed by the Ohio General Assembly the previous week, will allow seriously ill patients to use and purchase medical cannabis that will be cultivated and processed in-state. This legislation was a direct response to an initiative MPP funded and sought to qualify for the November 2016 ballot. Although the legislation isn't as strong as the constitutional amendment MPP promoted, it shares many of the same critical principles, most especially by ensuring seriously ill patients will no longer be treated like criminals and will have reasonable access to medicine. In conjunction with Ohioans for Medical Marijuana, MPP plans to continue advocacy efforts to ensure that the State of Ohio lives up to the promises contained in HB 523, while also working to better the program using the ballot initiative proposal as a roadmap for these improvements.[[20]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-20)

**Pennsylvania**

On April 17, 2016. Gov. [Tom Wolf](https://en.wikipedia.org/wiki/Tom_Wolf) signed legislation making Pennsylvania the 24th medical marijuana state. Patients and their families led the effort for years, and MPP played a major supporting role beginning in mid-2015, bringing on a contract lobbyist and a staffer who devoted most of her time to Pennsylvania. MPP helped ensure the bill language was as strong as possible and worked on advocacy and communications, including creating videos of families from Campaign for Compassion. The new law is one of the stronger ones to pass through a legislature. Its broad list of qualifying conditions includes intractable pain and PTSD and up to 150 dispensaries will be allowed.[[21]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-21)

**Rhode Island**

In January 2006, the Rhode Island Legislature overwhelmingly overrode Gov. [Donald Carcieri](https://en.wikipedia.org/wiki/Donald_Carcieri)'s veto of MPP's bill to protect medical marijuana patients from arrest, making Rhode Island the 11th medical marijuana state. This was the first state medical marijuana law to be enacted over the veto of a governor.

In June 2009, the Rhode Island Legislature again overwhelmingly overrode Gov. Carcieri's veto of MPP's bill to create "compassion centers" to provide medical marijuana to qualified patients, making Rhode Island the second state (after New Mexico) to license and regulate medical marijuana dispensing.[[22]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-22)

In June 2012, the Rhode Island Legislature passed and Gov. [Lincoln Chafee](https://en.wikipedia.org/wiki/Lincoln_Chafee) signed twin bills to decriminalize the simple possession of marijuana. MPP led the three-year lobbying and grassroots effort for the bills, which reduce the penalty for possession of up to an ounce of marijuana to a $150 civil fine for most offenses.

**Vermont**

In May 2004, at the conclusion of MPP's intensive, three-year lobbying campaign, Vermont became the ninth state to enact a medical marijuana law—and only the second state (after Hawaii) to do so through its legislature, rather than through a ballot initiative. In May 2011, the Vermont Legislature approved S. 17, which added four non-profit [marijuana dispensaries](https://en.wikipedia.org/wiki/Marijuana_dispensaries) to the existing law. MPP played an instrumental role in passing this legislation, by funding a two-year lobbying effort and helping elect a governor who supports sensible marijuana policies.[[23]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-23)

In June 2013, Gov. Peter Shumlin signed legislation passed by the Vermont Legislature to decriminalize the simple possession of marijuana. MPP led the nearly four-year lobbying effort for the law, which reduces the penalty for possession of up to an ounce of marijuana to a civil fine for adults 21 and older. Minors will typically be required to complete diversion.[[24]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-24)

In January 2018, the Vermont Legislature passed a limited legalization bill, which will make it legal for adults to possess and grow limited amounts of marijuana. Gov. Phil Scott (R) said he will sign the bill into law. MPP's staff and lobbyists led advocacy efforts for medical marijuana, decriminalization, and legalization in Vermont for more than 15 years.[[*citation needed*](https://en.wikipedia.org/wiki/Wikipedia:Citation_needed)]

**Ballot initiatives**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Policy_Project&action=edit&section=4)]

**2016**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Policy_Project&action=edit&section=5)]

Nine states voted on ballot measures to roll back marijuana prohibition on November 8, 2016. The Marijuana Policy Project supported initiative campaigns to regulate and tax marijuana like alcohol in Arizona, Maine, Massachusetts, and Nevada and was part of a coalition of groups that coordinated a ballot initiative campaign in California. MPP also provided assistance to initiative campaigns to legalize medical marijuana in Arkansas, Florida, and North Dakota. Montana voted on a measure to improve its existing medical marijuana law. All ballot measures were passed by voters except Arizona's Proposition 205.[[25]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-auto-25)

**Alaska**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Policy_Project&action=edit&section=6)]

In November 2014, the Campaign to Regulate Marijuana Like Alcohol in Alaska, a ballot initiative campaign backed by MPP, successfully passed Ballot Measure 2, making Alaska the fourth state to end marijuana prohibition and replace it with a system in which marijuana is taxed and regulated like alcohol.[[26]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-26)[[27]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-27)

In 2004, MPP provided the majority of funding for an initiative to regulate marijuana in Alaska, which failed with 44% of the vote (but still set what was at the time the record for the largest vote to end marijuana prohibition in any state).[[28]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-28)

**Arkansas**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Policy_Project&action=edit&section=7)]

In November 2012, MPP backed Issue 5, a medical marijuana initiative in Arkansas, which narrowly failed, receiving 48.5% of the vote.[[29]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-29)

**Arizona**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Policy_Project&action=edit&section=8)]

In November 2016, Proposition 205—a ballot initiative campaign backed by MPP—did not successfully pass a ballot initiative to legalize, tax, and regulate marijuana for adult use.[[25]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-auto-25)

In November 2010, the Arizona Medical Marijuana Policy Project, a ballot initiative campaign backed by MPP, successfully passed a ballot initiative making the use and possession of medical marijuana legal and establishing approximately 120 non-profit dispensaries around the state. This made Arizona the 15th state to adopt a medical marijuana law.[[30]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-30) In September 2013, the Marijuana Policy Project initiated a campaign to legalize marijuana in Arizona for recreational use.[[31]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-31)

**California**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Policy_Project&action=edit&section=9)]

In November 2016, Proposition 64—a legalization initiative supported by MPP—successfully passed a ballot initiative to legalize, tax, and regulate marijuana for adult use.[[25]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-auto-25)

**Colorado**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Policy_Project&action=edit&section=10)]

In November 2012, the Campaign to Regulate Marijuana Like Alcohol, a ballot initiative campaign backed by MPP, successfully passed Amendment 64, making legal in Colorado the possession, use, production, distribution, and personal cultivation of marijuana. MPP also played a lead role in drafting and campaigning for the historic initiative.[[32]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-32)

**District of Columbia**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Policy_Project&action=edit&section=11)]

In November 2009, MPP successfully lobbied for the removal of the so-called "Barr Amendment" from the D.C. appropriations bill. MPP led the fight to end Congressional interference, which, for over 10 years, blocked the District of Columbia from implementing a medical marijuana initiative that passed with nearly 70% of the vote in 1998. MPP even retained the amendment's namesake, former Georgia Representative [Bob Barr](https://en.wikipedia.org/wiki/Bob_Barr), to lobby for the amendment's removal after he reversed his position in 2007.[[33]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-33) Following the removal of the amendment, MPP successfully lobbied the District Council to improve the language they were considering to implement the initiative and lobbied the executive branch for reasonable regulations.[[34]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-34) The regulations went into effect on April 15, 2011.[[35]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-35)

**Maine**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Policy_Project&action=edit&section=12)]

In November 2016, Question 1—a legalization initiative supported by MPP—successfully passed a ballot initiative to legalize, tax, and regulate marijuana for adult use.[[25]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-auto-25)

**Massachusetts**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Policy_Project&action=edit&section=13)]

In November 2016, Question 4—a legalization initiative supported by MPP—successfully passed a ballot initiative to legalize, tax, and regulate marijuana for adult use.[[25]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-auto-25)

In November 2008, MPP's ballot initiative to remove the threat of arrest and jail for possessing an ounce or less of marijuana passed overwhelmingly in Massachusetts.[[36]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-36) The successful initiative—the first statewide decriminalization initiative ever—replaced the threat of arrest and jail with a $100 fine. The measure also eliminated criminal offender ([CORI](https://en.wikipedia.org/wiki/Criminal_Offender_Record_Information)) reports as they pertain to arrests for simple marijuana possession, which, prior to the initiative, could have resulted in individuals being denied housing, jobs, or loans for college.

**Michigan**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Policy_Project&action=edit&section=14)]

Also in November 2008, 63% of Michigan voters passed a medical marijuana ballot initiative spearheaded by MPP"s campaign committee. The initiative—which received a majority of the vote in each of Michigan's 83 counties—permits terminally and seriously ill patients to use medical marijuana with their doctors' approval. Its passage made Michigan the 13th medical marijuana state and the first in the Midwest.[[37]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-37)

**Montana**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Policy_Project&action=edit&section=15)]

In November 2004, MPP funded and ran the campaign that succeeded in passing a statewide medical marijuana initiative in Montana with 62% of the vote.[[38]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-38)

**Nevada**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Policy_Project&action=edit&section=16)]

In November 2016, Question 2—a legalization initiative supported by MPP—successfully passed a ballot initiative to legalize, tax, and regulate marijuana for adult use.[[25]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-auto-25)

In November 2006, MPP's high-profile ballot initiative to tax and regulate marijuana in Nevada received 44% of the vote, tying with Alaska for the then all-time largest vote ever to end marijuana prohibition in a state.[[39]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-39) (That number was since surpassed in November 2010, when 46% of California voters supported [Proposition 19](https://en.wikipedia.org/wiki/California_Proposition_19_(2010)), a ballot initiative to regulate, tax, and control marijuana in the state.)

**Federal lobbying**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Policy_Project&action=edit&section=17)]

MPP not only works to reform marijuana policy state-by-state in various states including [Texas](https://en.wikipedia.org/wiki/Cannabis_in_Texas), but also on the federal level. Some of MPP's key federal goals include: building support for legislation that would treat marijuana like alcohol under federal law, persuading members of Congress to introduce and support legislation designed to protect medical marijuana patients and providers, monitoring the Department of Justice to ensure that the department honors its pledge to not prosecute individuals acting in compliance with state medical marijuana laws, generating media coverage to pressure the [National Institute on Drug Abuse](https://en.wikipedia.org/wiki/National_Institute_on_Drug_Abuse) (NIDA) to provide marijuana for an FDA-approved study related to [PTSD](https://en.wikipedia.org/wiki/Posttraumatic_stress_disorder), and lobbying for passage of an amendment to a congressional appropriations bill that would eliminate all funding for the drug czar's office, among others.[[40]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-40)

Since MPP's founding, positive medical marijuana bills have been introduced in six consecutive Congresses. In addition, in the summers of 2003, 2004, 2005, 2006, and 2007, the U.S. House debated and voted on an appropriations amendment advocated for primarily by MPP.

In July 2003, 152 members of Congress voted in favor of the [Hinchey amendment](https://en.wikipedia.org/wiki/Hinchey-Rohrabacher_medical_marijuana_amendment) to the spending bill for the U.S. Justice Department. The legislation would have prevented the DEA from spending any money to raid or arrest medical marijuana patients and caregivers in states with medical marijuana laws.

In July 2007, following an intensive MPP lobbying campaign, MPP helped to garner 165 votes in the U.S. House of Representatives for the [Hinchey Amendment](https://en.wikipedia.org/w/index.php?title=Hinchey_Amendment&action=edit&redlink=1)—an all-time record of support for medical marijuana access.[[*citation needed*](https://en.wikipedia.org/wiki/Wikipedia:Citation_needed)]

In December 2009, MPP successfully lobbied for the removal of the "Barr Amendment" from the D.C. Appropriations bill.[[41]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-41) MPP led the fight to end Congressional interference, which, for over 10 years, blocked the District of Columbia from implementing a medical marijuana initiative that passed with over 70% of the vote. MPP even retained the amendment's namesake, former Georgia Rep. Bob Barr, to lobby for the amendment's removal after he reversed his position in 2007.[[42]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-42) Following the removal of the amendment, MPP successfully lobbied the District Council to improve the language they were considering to implement the initiative and lobbied the executive branch for reasonable regulations. Those regulations went into effect on April 15, 2011.

During the 112th session of Congress, MPP lobbied on behalf of several pending marijuana-related bills.[[43]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-43) For the first time ever, a bill to end federal marijuana prohibition was introduced. H.R. 2306, the Ending Federal Marijuana Prohibition Act of 2012, would have removed marijuana from the list of controlled substances and would have eliminated all federal penalties related to marijuana (except in cases where marijuana was transferred into another state in violation of that state's laws).

MPP is also lobbied on behalf of medical marijuana on the federal level. In May 2011, three bills to benefit medical marijuana patients and their providers were introduced in the [U.S. House of Representatives](https://en.wikipedia.org/wiki/U.S._House_of_Representatives). The "States' Medical Marijuana Patient Protection Act" would have modified federal law so that individuals acting in compliance with state law were immune from federal prosecution. The "Small Business Tax Equity Act of 2011" and the "Small Business Banking Improvement Act of 2011" addressed critical tax and banking issues faced by medical marijuana centers and dispensaries as they attempt to serve patients, comply with statewide regulations, and pay their fair share of taxes.

During the 113th session of Congress (2013-2014), in May 2014, the U.S. House of Representatives voted to end the federal government's war on medical marijuana. During a debate regarding a Justice Department funding bill, Rep. [Dana Rohrabacher](https://en.wikipedia.org/wiki/Dana_Rohrabacher) (R-CA), a longtime MPP ally, offered the [Rohrabacher–Farr amendment](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment) to block DEA raids on medical marijuana dispensaries. It passed the House 219–189 and became law in December 2014. MPP played a key role in building support for this measure, meeting with Congressman Rohrabacher and former Congressman Maurice Hinchey on this amendment for more than a decade.

In addition, in December 2014, Congress passed a historic medical marijuana amendment as part of the federal spending bill, marking the first time in history that Congress approved legislation rolling back the federal government's war on medical marijuana patients and providers. The bill included an amendment that prohibits the Department of Justice—which includes the Drug Enforcement Administration—from using funds to interfere with state medical marijuana laws.

Currently, MPP continues to build support for legislation that would treat marijuana like alcohol under federal law, works with members of Congress on bills designed to protect and assist medical marijuana patients and providers, and increases public pressure on the Department of Justice to eliminate prosecutions of individuals acting in compliance with state marijuana laws, among other efforts.

**Sexual misconduct scandal**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Policy_Project&action=edit&section=18)]

In August 2009, seven MPP staffers quit following an alleged incident of sexual misconduct[[44]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-44) by then executive director Rob Kampia involving a female staffer after an office [happy hour](https://en.wikipedia.org/wiki/Happy_hour). According to former employees, department heads at the organization unanimously asked Kampia to move into a different position than executive director after the incident.[[45]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-45) In January 2010, Kampia was "encouraged" by the MPP Board of Directors to take a three-month leave of absence, and his return was subject to "convincing the board he had dealt with his issues."[[46]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-46) In April 2010, Kampia returned to the organization after the leave of absence.

**War on Drug Czar**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Policy_Project&action=edit&section=19)]

Deciding that government propaganda was a major obstacle to its ballot initiatives, MPP launched its "War on Drug Czar" campaign at the end of 2002, filing numerous complaints against Office of National Drug Control Policy chief [John P. Walters](https://en.wikipedia.org/wiki/John_P._Walters). In a December 5, 2002 Reuters article, Rob Kampia proclaimed, "We want him out of the picture. We want him excommunicated from the federal government forever."[[47]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-czar-47)

The complaints, filed with state officials, focused on ONDCP leaders' visits to Alaska, Montana, Nevada, and Oregon. Director John Walters traveled to Nevada and Oregon and Deputy Director Scott Burns traveled to Alaska and Montana to speak against marijuana reform initiatives. However, they did not file any campaign expense reports, which laws in those states require for persons or organizations spending money to either support or oppose ballot measures.[[47]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-czar-47)

**TV and radio ad campaigns**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Policy_Project&action=edit&section=20)]

In July 2006, MPP launched a [radio advertising](https://en.wikipedia.org/wiki/Radio_commercial) campaign that called out prominent public officials, including former President [George W. Bush](https://en.wikipedia.org/wiki/George_W._Bush), former California Governor [Arnold Schwarzenegger](https://en.wikipedia.org/wiki/Arnold_Schwarzenegger), former Vice President [Al Gore](https://en.wikipedia.org/wiki/Al_Gore), and Supreme Court Justice [Clarence Thomas](https://en.wikipedia.org/wiki/Clarence_Thomas) for using marijuana. The ad, which ran on 141 radio stations nationwide, asked: "Is it fair to arrest three-quarters of a million people a year for doing what [presidents](https://en.wikipedia.org/wiki/Bill_Clinton) and a Supreme Court justice have done?"

In early July 2009, MPP introduced a television ad spot advocating taxing and regulating marijuana as a sensible policy change for California, a state facing a huge budget deficit. The ad featured a California woman explaining that responsible marijuana consumers, like herself, want a taxed and regulated system of marijuana distribution so that they can pay their fair share of taxes, which could then be put back into California schools.[[48]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-48) The ad was the first of its kind and was very controversial, with some California television stations refusing to air it. Nonetheless, the ad received a lot of press coverage, including an appearance on NBC's Today Show by MPP's former director of federal policies, Aaron Houston.[[49]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-49)

In July 2013, MPP aired a new ad at the Brickyard 400 NASCAR Race. In support of making marijuana legal for adults, the spoof beer ad highlighted the relative safety of marijuana compared to alcohol by characterizing marijuana as a "new 'beer'" with "no calories," "no hangovers," and "no violence" associated with its use. Although it was scheduled to air dozens of times on a jumbotron outside the entrance of the speedway, the ad ran for just a few hours before being pulled.[[50]](https://en.wikipedia.org/wiki/Marijuana_Policy_Project#cite_note-50)

**See also**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Policy_Project&action=edit&section=21)]

* [Decriminalization of marijuana in the United States](https://en.wikipedia.org/wiki/Decriminalization_of_marijuana_in_the_United_States)
* [National Cannabis Industry Association](https://en.wikipedia.org/wiki/National_Cannabis_Industry_Association)

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**External links**[[edit source](https://en.wikipedia.org/w/index.php?title=Marijuana_Policy_Project&action=edit&section=23)]

* [Official website](http://mpp.org/)

# National Organization for the Reform of Marijuana Laws

**9 languages**

* [Article](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws)
* [Talk](https://en.wikipedia.org/wiki/Talk:National_Organization_for_the_Reform_of_Marijuana_Laws)
* [Read](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws)
* [Edit source](https://en.wikipedia.org/w/index.php?title=National_Organization_for_the_Reform_of_Marijuana_Laws&action=edit)
* [View history](https://en.wikipedia.org/w/index.php?title=National_Organization_for_the_Reform_of_Marijuana_Laws&action=history)
* [Watch](https://en.wikipedia.org/w/index.php?title=National_Organization_for_the_Reform_of_Marijuana_Laws&action=watch)

**Tools** hide

General

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* [Related changes](https://en.wikipedia.org/wiki/Special:RecentChangesLinked/National_Organization_for_the_Reform_of_Marijuana_Laws)
* [Special pages](https://en.wikipedia.org/wiki/Special:SpecialPages)
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* [Wikidata item](https://www.wikidata.org/wiki/Special:EntityPage/Q1967560)

**Appearance** hide

Text

* Small
* Standard
* Large

Width

* Standard
* Wide

Color (beta)

* Automatic
* Light
* Dark

From Wikipedia, the free encyclopedia

|  | |
| --- | --- |
| **Abbreviation** | NORML |
| **Established** | 1970 (54 years ago) |
| **Founders** | [Keith Stroup](https://en.wikipedia.org/wiki/Keith_Stroup) |
| **Legal status** | 501(c)(4) organization |
| **Headquarters** | [Washington, D.C.](https://en.wikipedia.org/wiki/Washington,_D.C.) |
| **Website** | [www.norml.org](http://www.norml.org/) |

The **National Organization for the Reform of Marijuana Laws** (**NORML** [/ˈnɔːrməl/](https://en.wikipedia.org/wiki/Help:IPA/English) [ⓘ](https://en.wikipedia.org/wiki/File:En-us-normal.ogg)) is a social welfare organization based in Washington, D.C., that advocates for the reform of marijuana laws in the United States regarding both [medical](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States) and [non-medical](https://en.wikipedia.org/wiki/Decriminalization_of_non-medical_cannabis_in_the_United_States) use. According to their website, NORML supports "the removal of all penalties for the private possession and responsible use of marijuana by adults, including cultivation for personal use, and casual nonprofit transfers of small amounts" and advocates for "the creation of a legal and regulatory framework for marijuana's production and retail sale to adults".[[1]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-1) NORML also has a sister organization, **NORML Foundation**, that focuses on educational efforts and providing legal assistance and support to people affected negatively by current marijuana laws.[[2]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-2) NORML maintains chapters in a number of US states as well as outside the US in countries such as Canada, France, New Zealand, and South Africa.[[3]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-3)[[4]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-4)

**History**[[edit source](https://en.wikipedia.org/w/index.php?title=National_Organization_for_the_Reform_of_Marijuana_Laws&action=edit&section=1)]

NORML was founded in 1970 by [Keith Stroup](https://en.wikipedia.org/wiki/Keith_Stroup). It originally started with $5,000 in funding from the [Playboy Foundation](https://en.wikipedia.org/wiki/Playboy_Foundation). Since then, the organization has played a central role in the cannabis decriminalization movement. At the start of the 1970s, the premier decriminalization organizations were Legalize Marijuana, better known as LeMar, and Amorphia, the two of which merged in 1971.[[5]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-huffington-5) The next year, Amorphia led the unsuccessful campaign for California's marijuana legalization initiative, [Proposition 19](https://en.wikipedia.org/wiki/California_Proposition_19_(1972)).[[6]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-web.archive.org-6) In 1974, Amorphia merged with NORML.[[5]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-huffington-5)

By the middle of the 1970s, Playboy owner [Hugh Hefner](https://en.wikipedia.org/wiki/Hugh_Hefner)'s financial support through the Playboy Foundation set NORML apart from its predecessors, making it the premier decriminalization advocacy group. At one point, Hefner was donating $100,000 a year to NORML.[[6]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-web.archive.org-6)



NORML Executive Director [Erik Altieri](https://en.wikipedia.org/wiki/Erik_Altieri) is joined by U.S. Representatives [Don Young](https://en.wikipedia.org/wiki/Don_Young) and [Tulsi Gabbard](https://en.wikipedia.org/wiki/Tulsi_Gabbard) at a press conference outside the [U.S. Capitol](https://en.wikipedia.org/wiki/United_States_Capitol) (2019).

The organization has a large grassroots network with 135 chapters and over 550 lawyers. NORML holds annual conferences and [Continuing Legal Education](https://en.wikipedia.org/wiki/Continuing_Legal_Education) (CLE)-accredited seminars. Its board of directors has, at times, included political figures as [Philip Hart](https://en.wikipedia.org/wiki/Philip_Hart), [Jacob K. Javits](https://en.wikipedia.org/wiki/Jacob_K._Javits), and [Ross Mirkarimi](https://en.wikipedia.org/wiki/Ross_Mirkarimi).[[7]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-7)

In 1989, [Donald Fiedler](https://en.wikipedia.org/wiki/Donald_Fiedler) succeeded [Jon Gettman](https://en.wikipedia.org/wiki/Jon_Gettman) as the executive director of NORML. In August 1992, [Richard Cowan](https://en.wikipedia.org/wiki/Richard_Cowan_(cannabis_activist)) became executive director of NORML. Keith Stroup became executive director once again in 1995 after Cowan stepped down. In 2016, [Erik Altieri](https://en.wikipedia.org/wiki/Erik_Altieri) was selected by the NORML Board of Directors to become the organization's 7th Executive Director. In 2021, travel writer [Rick Steves](https://en.wikipedia.org/wiki/Rick_Steves) became the chairman of the Board of Directors.[[8]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-8)

**Media and activism**[[edit source](https://en.wikipedia.org/w/index.php?title=National_Organization_for_the_Reform_of_Marijuana_Laws&action=edit&section=2)]

In the [2006 United States midterm elections](https://en.wikipedia.org/wiki/United_States_elections,_2006), NORML promoted several successful local initiatives that declared marijuana enforcement to be the lowest priority for local law enforcement, freeing up police resources to combat violent and serious crime.[[9]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-9)

In early 2009, a petition to President [Barack Obama](https://en.wikipedia.org/wiki/Barack_Obama) was written asking that he appoint a "[drug czar](https://en.wikipedia.org/wiki/Drug_Czar)" who would treat drug abuse as a health issue rather than a criminal issue and will move away from a "[War on Drugs](https://en.wikipedia.org/wiki/War_on_Drugs)" paradigm. NORML's goal for this petition was 100,000 signatures.

Also in early 2009, when the [Kellogg Company](https://en.wikipedia.org/wiki/Kellogg_Company) dropped its contract with Olympic swimmer [Michael Phelps](https://en.wikipedia.org/wiki/Michael_Phelps) after pictures of his use of a bong surfaced in the media, head members of NORML began [boycotting](https://en.wikipedia.org/wiki/Boycott) Kellogg products and urging all members and supporters of NORML to boycott Kellogg, until the company reversed the decision. NORML also suggested that supporters of the cause send emails or letters to Kellogg explaining the boycott and the reasons behind it, and providing a template for emails and letters. Although Kellogg's profits did not suffer in the first quarter of 2009,[[10]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-10) consumer ratings polls at Vanno[[11]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-11) have been cited as indicating that Kellogg's reputation has suffered. Specifically, a small poll of Kellogg's brand reputation at Vanno showed a drop from its previous rank of 9 to 83 after Kellogg decided not to renew its contract with Phelps.[[12]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-12)[[13]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-13)



Signs promoting NORML at the Twin Cities Pride Parade in [Minneapolis](https://en.wikipedia.org/wiki/Minneapolis), [Minnesota](https://en.wikipedia.org/wiki/Minnesota), in 2013

On February 15, 2010, a 15-second flash animation from NORML discussing the potential economic and financial benefit of legalized marijuana was deemed by CBS to be "too political" to display on billboards in New York City's [Times Square](https://en.wikipedia.org/wiki/Times_Square). This drew criticism in the blogosphere and accusations of hypocrisy on Twitter, since CBS had recently aired an anti-abortion television spot during the 2010 Super Bowl.[[14]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-14) CBS reversed its decision and the ad was debuted on the CBS Times Square Superscreen on April 20, 2010.[[15]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-15)

**Sub-organizations**[[edit source](https://en.wikipedia.org/w/index.php?title=National_Organization_for_the_Reform_of_Marijuana_Laws&action=edit&section=3)]

**NORML Foundation**[[edit source](https://en.wikipedia.org/w/index.php?title=National_Organization_for_the_Reform_of_Marijuana_Laws&action=edit&section=4)]

The **NORML Foundation** is a [501(c)(4) organization](https://en.wikipedia.org/wiki/501(c)(4)_organization)[[16]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-16) that conducts educational and research activities. Examples of the NORML Foundation's advocacy work is a detailed 2006 report, *Emerging Clinical Applications For Cannabis*.[[17]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-17) A comprehensive report with county-by-county marijuana arrest data, *Crimes of Indiscretion: Marijuana Arrest in America*, was published in 2005.[[18]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-18)

In October 1998, NORML Foundation published the *NORML Report on U.S. Domestic Marijuana Production* that was widely cited in the mainstream media. The report methodically estimated the value and number of cannabis plants grown in 1997, finding that [Drug Enforcement Administration](https://en.wikipedia.org/wiki/Drug_Enforcement_Administration), state and local law enforcement agencies seized 32% of domestic cannabis plants planted that year. According to the report, "Marijuana remains the fourth largest cash crop in America despite law enforcement spending an estimated $10 billion annually to pursue efforts to outlaw the plant."[[19]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-19) Recent studies show that marijuana is larger than all other cash crops combined.[[20]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-20)

In 2002, the organization used ads containing quotes by New York City mayor [Michael Bloomberg](https://en.wikipedia.org/wiki/Michael_Bloomberg) on his past use of cannabis, saying "You bet I did. And I enjoyed it." The mayor said "I’m not thrilled they’re using my name. I suppose there’s that First Amendment that gets in the way of me stopping it," but maintained that the [NYPD](https://en.wikipedia.org/wiki/NYPD) will continue to vigorously enforce the laws.[[21]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-21)

**State and local chapters**[[edit source](https://en.wikipedia.org/w/index.php?title=National_Organization_for_the_Reform_of_Marijuana_Laws&action=edit&section=5)]

* [Indiana NORML](https://en.wikipedia.org/wiki/Indiana_NORML)
* [Minnesota NORML](https://en.wikipedia.org/wiki/Minnesota_NORML)
* [Ohio NORML](https://en.wikipedia.org/wiki/Ohio_NORML)
* [Oregon NORML](https://en.wikipedia.org/wiki/Oregon_NORML)
  + [Portland NORML](https://en.wikipedia.org/wiki/Portland_NORML)
* [Texas NORML](https://en.wikipedia.org/wiki/Texas_NORML)
* [Wisconsin NORML](https://en.wikipedia.org/wiki/Wisconsin_NORML)

**International chapters**[[edit source](https://en.wikipedia.org/w/index.php?title=National_Organization_for_the_Reform_of_Marijuana_Laws&action=edit&section=6)]

NORML international chapters:[[22]](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_note-22)

* NORML Australia 1980-1992
* NORML Canada
* [NORML France](https://en.wikipedia.org/wiki/NORML_France)
* NORML Ireland
* [NORML New Zealand](https://en.wikipedia.org/wiki/NORML_New_Zealand)
  + [Otago NORML](https://en.wikipedia.org/wiki/Otago_NORML)
* NORML South Africa
* [NORML UK](https://en.wikipedia.org/wiki/NORML_UK)

**See also**[[edit source](https://en.wikipedia.org/w/index.php?title=National_Organization_for_the_Reform_of_Marijuana_Laws&action=edit&section=7)]

* [Legalization of non-medical cannabis in the United States](https://en.wikipedia.org/wiki/Legalization_of_non-medical_cannabis_in_the_United_States)
* [Medical cannabis in the United States](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States)

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* [Jump up to:](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_ref-huffington_5-0)
* [***a***](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_ref-huffington_5-0) [***b***](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_ref-huffington_5-1) Joshua Clark Davis. (November 6, 2014). [The Long Marijuana-Rights Movement.](http://www.huffingtonpost.com/joshua-clark-davis/the-long-marijuana-rights_b_6113894.html) [Archived](https://web.archive.org/web/20160911130717/http://www.huffingtonpost.com/joshua-clark-davis/the-long-marijuana-rights_b_6113894.html) September 11, 2016, at the [Wayback Machine](https://en.wikipedia.org/wiki/Wayback_Machine) The Huffington Post. Retrieved August 3, 2016.
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* [Jump up to:](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_ref-web.archive.org_6-0)
* [***a***](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_ref-web.archive.org_6-0) [***b***](https://en.wikipedia.org/wiki/National_Organization_for_the_Reform_of_Marijuana_Laws#cite_ref-web.archive.org_6-1) Joshua Clark Davis, [The Business of Getting High: Head Shops, Countercultural Capitalism, and the Marijuana Legalization Movement](https://web.archive.org/web/20180106030010/http://www.tandfonline.com/doi/full/10.1080/17541328.2015.1058480), The Sixties: A Journal of Politics, Culture and Society, Summer 2015
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* [Official website](http://www.norml.org/)
* [High in America -- The True Story Behind NORML and the Politics of Marijuana](http://www.druglibrary.org/special/anderson/highinamerica.htm) (by Patrick Anderson)

# Harry J. Anslinger

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**Appearance** hide

Text

* Small
* Standard
* Large

Width

* Standard
* Wide

Color (beta)

* Automatic
* Light
* Dark

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| --- | --- |
| Anslinger in 1962 | |
|  | |
| **1st** [**Commissioner of the Federal Bureau of Narcotics**](https://en.wikipedia.org/wiki/Commissioner_of_the_Federal_Bureau_of_Narcotics) | |
| **In office**  August 12, 1930 – August 17, 1962 | |
| **President** | [Herbert Hoover](https://en.wikipedia.org/wiki/Herbert_Hoover)  [Franklin D. Roosevelt](https://en.wikipedia.org/wiki/Franklin_D._Roosevelt)  [Harry S. Truman](https://en.wikipedia.org/wiki/Harry_S._Truman)  [Dwight D. Eisenhower](https://en.wikipedia.org/wiki/Dwight_D._Eisenhower)  [John F. Kennedy](https://en.wikipedia.org/wiki/John_F._Kennedy) |
| **Preceded by** | Acting Commissioner [Levi G. Nutt](https://en.wikipedia.org/wiki/Levi_G._Nutt) |
| **Succeeded by** | [Henry Giordano](https://en.wikipedia.org/wiki/Henry_Giordano) |
| **Personal details** | |
| **Born** | Harry Jacob Anslinger  May 20, 1892  [Altoona, Pennsylvania](https://en.wikipedia.org/wiki/Altoona,_Pennsylvania), U.S. |
| **Died** | November 14, 1975 (aged 83)  Altoona, Pennsylvania, U.S. |
| **Political party** | [Democratic](https://en.wikipedia.org/wiki/Democratic_Party_(United_States)) |
| **Spouse** | Martha Kind Denniston |
| **Signature** |  |
|  | |

**Harry Jacob Anslinger** (May 20, 1892 – November 14, 1975) was an American government official who served as the first commissioner of the [U.S. Treasury Department](https://en.wikipedia.org/wiki/U.S._Treasury_Department)'s [Federal Bureau of Narcotics](https://en.wikipedia.org/wiki/Federal_Bureau_of_Narcotics) during the presidencies of [Herbert Hoover](https://en.wikipedia.org/wiki/Herbert_Hoover), [Franklin D. Roosevelt](https://en.wikipedia.org/wiki/Franklin_D._Roosevelt), [Harry S. Truman](https://en.wikipedia.org/wiki/Harry_S._Truman), [Dwight D. Eisenhower](https://en.wikipedia.org/wiki/Dwight_D._Eisenhower), and [John F. Kennedy](https://en.wikipedia.org/wiki/John_F._Kennedy). He was a supporter of [Prohibition](https://en.wikipedia.org/wiki/Prohibition_in_the_United_States), and of the criminalization of all drugs except for alcohol, - because supporting the prohibition against alcohol means he didn’t support the criminalization of alcohol - and spearheaded anti-drug policy campaigns.[[1]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-obit-1)[[2]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-FOOTNOTEMcWilliams1990187%5Bhttpswwwarchiveorgdetailsprotectorsharryj00mcwipage187_8._Coda,_1962-1965%5D-2)

Anslinger has been characterized as an early proponent of the [war on drugs](https://en.wikipedia.org/wiki/War_on_drugs), as he zealously advocated for and pursued harsh drug penalties, in particular regarding [cannabis](https://en.wikipedia.org/wiki/Cannabis_in_the_United_States).[[3]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-:1-3) As a propagandist for the war on drugs, he focused on demonizing racial and immigrant groups.[[3]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-:1-3) He targeted jazz musicians, including singer [Billie Holiday](https://en.wikipedia.org/wiki/Billie_Holiday).[[4]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-Porter-4)[[5]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-:0-5)

Anslinger held office as commissioner for an unprecedented 32 years, until 1962. He then held office for two years as U.S. Representative to the [United Nations Narcotics Commission](https://en.wikipedia.org/wiki/Commission_on_Narcotic_Drugs). The responsibilities once held by Anslinger are now largely under the jurisdiction of the U.S. [Office of National Drug Control Policy](https://en.wikipedia.org/wiki/Office_of_National_Drug_Control_Policy) and the agency he ran was a predecessor of the [Drug Enforcement Administration](https://en.wikipedia.org/wiki/Drug_Enforcement_Administration) (DEA).

**Early life**[[edit source](https://en.wikipedia.org/w/index.php?title=Harry_J._Anslinger&action=edit&section=1)]

Anslinger was born in [Altoona, Pennsylvania](https://en.wikipedia.org/wiki/Altoona,_Pennsylvania), in 1892. His father, of [Swiss German](https://en.wikipedia.org/wiki/Swiss_German) origin, was Robert J. Anslinger, a barber by trade, who was born in [Bern](https://en.wikipedia.org/wiki/Bern), [Switzerland](https://en.wikipedia.org/wiki/Switzerland). His mother, Rosa Christiana Fladt, was born in the [Grand Duchy of Baden](https://en.wikipedia.org/wiki/Grand_Duchy_of_Baden) (today a part of [Germany](https://en.wikipedia.org/wiki/Germany)).[[6]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-unsung-6)[[7]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-7) The family emigrated to the United States in 1881. Robert Anslinger worked in New York for two years, then moved to Altoona, a town founded by the [Pennsylvania Railroad](https://en.wikipedia.org/wiki/Pennsylvania_Railroad). In 1892, the year Harry was born, Robert Anslinger went to work for the Pennsylvania Railroad, seeking more stable employment.

Harry Anslinger followed his father in going to work for the Pennsylvania Railroad. After completing the eighth grade, he began to work with his father at the railroad, while starting with his freshman year. Aged 14, he continued to attend morning sessions in the local high school, working afternoons and evenings for the railroad. Failing to receive a [high school diploma](https://en.wikipedia.org/wiki/High_school_diploma), in 1909, Harry enrolled at Altoona Business College at the age of 17, and for the next two years received additional tutoring. In 1912, he was granted a furlough permitting him to enroll at [Pennsylvania State College](https://en.wikipedia.org/wiki/Pennsylvania_State_University), where he studied in a two-year associate degree program in business and engineering, while working during weekends and vacation periods.[[6]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-unsung-6)

**Rise to prominence**[[edit source](https://en.wikipedia.org/w/index.php?title=Harry_J._Anslinger&action=edit&section=2)]

Anslinger gained notoriety early in his career. At the age of 23 (in 1915), while working as an investigator for the Pennsylvania Railroad,[[8]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-8) he performed a detailed investigation that found the $50,000 claim of a widower in a railroad accident to be fraudulent. He saved the company the payout and was promoted to captain of railroad police.[[*citation needed*](https://en.wikipedia.org/wiki/Wikipedia:Citation_needed)]

From 1917 to 1928, Anslinger worked for various military and police organizations on stopping international drug trafficking. His duties took him all over the world, from [Germany](https://en.wikipedia.org/wiki/Germany) to [Venezuela](https://en.wikipedia.org/wiki/Venezuela) to [Japan](https://en.wikipedia.org/wiki/Japan). He is widely credited with shaping not only America's domestic and international drug policies but influencing drug policies of other nations, particularly those that had not debated the issues internally.[[*citation needed*](https://en.wikipedia.org/wiki/Wikipedia:Citation_needed)]

By 1929, Anslinger returned from his international tour to absorb the duties of [Levi G. Nutt](https://en.wikipedia.org/wiki/Levi_G._Nutt) as assistant commissioner for the Narcotics Division of the [Bureau of Prohibition](https://en.wikipedia.org/wiki/Bureau_of_Prohibition).[[9]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-:03-9) At that time, corruption and scandal gripped prohibition and narcotics agencies, and Nutt was caught in the scandal surrounding the business relationship of his son to a gangster and bootlegger named [Arnold Rothstein](https://en.wikipedia.org/wiki/Arnold_Rothstein).[[10]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-10) The ensuing shake-ups and re-organizations set the stage for Anslinger, perceived as an honest and incorruptible figure, to advance not only in rank but in political stature.[[11]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-:02-11) Anslinger also assumed all the duties of Nutt's role as Secretary of the [Federal Narcotics Control Board](https://en.wikipedia.org/wiki/Federal_Narcotics_Control_Board), which was dissolved less than a year later in June 1930.[[12]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-12)

In 1930, at age 38, Anslinger was appointed the founding commissioner of the Treasury's [Federal Bureau of Narcotics](https://en.wikipedia.org/wiki/Federal_Bureau_of_Narcotics).[[13]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-13) The illegal trade in alcohol (then still under Prohibition) and illicit drugs was targeted by the Treasury, not primarily as social evils that fell under other government purview, but as losses of untaxed revenue. Appointed by department Secretary [Andrew W. Mellon](https://en.wikipedia.org/wiki/Andrew_W._Mellon), who was his wife's uncle, Anslinger was given a budget of $100,000 and wide scope.[[14]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-14)

**Campaign against cannabis (1930–1937)**[[edit source](https://en.wikipedia.org/w/index.php?title=Harry_J._Anslinger&action=edit&section=3)]

*Main article:* [*Legal history of marijuana in the United States*](https://en.wikipedia.org/wiki/Legal_history_of_marijuana_in_the_United_States)

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Anslinger (center) discussing cannabis control with Canadian narcotics chief [Charles Henry Ludovic Sharman](https://en.wikipedia.org/wiki/Charles_Henry_Ludovic_Sharman) and [Assistant Secretary of the Treasury](https://en.wikipedia.org/wiki/United_States_Assistant_Secretary_of_the_Treasury) Stephen B. Gibbons (1938)

Restrictions on [cannabis](https://en.wikipedia.org/wiki/Cannabis) (*cannabis sativa*, often called "Indian Hemp" in documents before the 1940s) as a drug started in local laws in [New York](https://en.wikipedia.org/wiki/New_York_(state)) in 1860.[[*citation needed*](https://en.wikipedia.org/wiki/Wikipedia:Citation_needed)] That was followed by local laws in many other states, and by state laws in the 1910s and 1920s.[[15]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-15)| The federal [Pure Food and Drug Act](https://en.wikipedia.org/wiki/Pure_Food_and_Drug_Act) of 1906 regulated the labeling of [patent medicines](https://en.wikipedia.org/wiki/Patent_medicines) that contained "cannabis indica". In 1925, in the [International Opium Convention](https://en.wikipedia.org/wiki/International_Opium_Convention), the [United States](https://en.wikipedia.org/wiki/United_States) supported regulation of "Indian hemp" in its use as a drug.[[16]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-16) Recommendations from the International Opium Convention inspired the work with the [Uniform State Narcotic Act](https://en.wikipedia.org/wiki/Uniform_State_Narcotic_Act) between 1925 and 1932.[[*citation needed*](https://en.wikipedia.org/wiki/Wikipedia:Citation_needed)]

Anslinger had not been active in that process until approximately 1930.[[17]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-17)[[18]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-18) Anslinger collected stories of cannabis causing crime and violence, and ignored evidence that allowed for other interpretations. Doctor Walter Bromberg pointed out that substance abuse and crime are heavily confounded and that none of a group of 2,216 criminal convictions he had examined was clearly connected to cannabis's influence.[[19]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-19) He also ignored a discussion forwarded to him by the [American Medical Association](https://en.wikipedia.org/wiki/American_Medical_Association), in which 29 of 30 pharmacists and drug industry representatives objected to his proposals to ban cannabis. One such statement claimed that the proposal was "Absolute rot. It is not necessary. I have never known of its misuse.". However, only the single dissenter (who noted he had once encountered a doctor who had been addicted to cannabis) was preserved in Bureau files.[[20]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-20)

As head of the Federal Bureau of Narcotics, Anslinger sought, and ultimately received, an increase of reports about smoking of cannabis in 1936 that continued to spread at an accelerated pace in 1937. Before that, the smoking of cannabis had been relatively slight and confined to the Southwest, particularly along the Mexican border.[[*citation needed*](https://en.wikipedia.org/wiki/Wikipedia:Citation_needed)]

**Promotion of cannabis as public harm**[[edit source](https://en.wikipedia.org/w/index.php?title=Harry_J._Anslinger&action=edit&section=4)]

The Bureau first prepared a legislative plan to seek a new law from Congress that would place cannabis and its distribution directly under federal control. Second, Anslinger ran a campaign against cannabis on radio and at major forums.[[21]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-anslinger-21)[[22]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-22) His view was clear, ideological and judgmental:

By the tons it is coming into this country — the deadly, dreadful poison that racks and tears not only the body, but the very heart and soul of every human being who once becomes a slave to it in any of its cruel and devastating forms. ... Marihuana is a short cut to the insane asylum. Smoke marihuana cigarettes for a month and what was once your brain will be nothing but a storehouse of horrid specters. Hasheesh makes a murderer who kills for the love of killing out of the mildest mannered man who ever laughed at the idea that any habit could ever get him. ...[[23]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-23)

By using the [mass media](https://en.wikipedia.org/wiki/Mass_media) as his forum, and receiving much support from [yellow journalism](https://en.wikipedia.org/wiki/Yellow_journalism) publisher [William Randolph Hearst](https://en.wikipedia.org/wiki/William_Randolph_Hearst), Anslinger propelled the anti-cannabis sentiment from state level to a national movement. He used what he called his "Gore Files" - a collection of quotes from police reports - to graphically depict offenses caused by drug users. They were written in the terse and concise language of a police report. His most infamous story in [*The American Magazine*](https://en.wikipedia.org/wiki/The_American_Magazine) concerned [Victor Licata](https://en.wikipedia.org/wiki/Victor_Licata), who killed his family:[[24]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-Licata-24)

An entire family was murdered by a youthful addict in Florida. When officers arrived at the home, they found the youth staggering about in a human slaughterhouse. With an axe he had killed his father, mother, two brothers, and a sister. He seemed to be in a daze ... He had no recollection of having committed the multiple crimes. The officers knew him ordinarily as a sane, rather quiet young man; now he was pitifully crazed. They sought the reason. The boy said that he had been in the habit of smoking something which youthful friends called "[muggles](https://en.wikipedia.org/wiki/Cannabis_(drug))," a childish name for marijuana.[[25]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-25)

This story was referenced in the 1937 anti-weed film [*Reefer Madness*](https://en.wikipedia.org/wiki/Reefer_Madness). It is one of 200 violent crimes which were documented in Anslinger's "Gore Files" series.[[24]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-Licata-24) It has since been discovered that Licata murdered his family due to severe mental illness, which had been diagnosed early in his youth, and not because of cannabis use.[[24]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-Licata-24) Researchers have now proved that Anslinger wrongly attributed 198 of the "Gore Files" stories to cannabis usage, and the remaining "two cases could not be disproved because no records existed concerning the crimes."[[24]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-Licata-24) During the [1937 Marihuana Tax Act](https://en.wikipedia.org/wiki/Marihuana_Tax_Act_of_1937) hearings, Anslinger rehashed the 1933 Licata killings while giving testimony to Congress.[[26]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-26)

**Contemporary racial prejudice**[[edit source](https://en.wikipedia.org/w/index.php?title=Harry_J._Anslinger&action=edit&section=5)]

In the 1930s, Anslinger's anti-cannabis articles often contained racist themes,[[27]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-Herrer_1985_Chapters_4_&_5-27) to the point that contemporary conservative politicians at one point called for Anslinger to resign based solely on his open racist remarks:[[28]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-NPR-Holiday-28)

Colored students at the Univ. of Minn. partying with (white) female students, smoking [marijuana] and getting their sympathy with stories of racial persecution. Result: pregnancy.[[29]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-29)[[30]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-inciardi-30)

Two Negroes took a girl fourteen years old and kept her for two days under the influence of hemp. Upon recovery she was found to be suffering from [syphilis](https://en.wikipedia.org/wiki/Syphilis).[[30]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-inciardi-30)

Though these stories were often true (whatever the role of cannabis in them), Anslinger's basic attitude was shown in remarks not related to any particular story, such as:

Reefer makes darkies think they're as good as white men.[[31]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-31)

According to [Johann Hari](https://en.wikipedia.org/wiki/Johann_Hari), the Federal Bureau of Narcotics under Anslinger targeted [Billie Holiday](https://en.wikipedia.org/wiki/Billie_Holiday) in response to her 1939 song "[Strange Fruit](https://en.wikipedia.org/wiki/Strange_Fruit)," which criticized racist [lynchings](https://en.wikipedia.org/wiki/Lynching). Hari wrote that Anslinger assigned an agent to track her after she refused to stop speaking out about racism.[[32]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-Strange_Fruit:_Throughline-32) According to Hari, Anslinger used the war on drugs as a pretext for the Federal Bureau of Narcotics who had little to do following the end of prohibition. Hari states that Anslinger hated addicts, Latinos, and African Americans and that Anslinger was "so racist that he was regarded as a crazy racist in the 1920s."[[28]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-NPR-Holiday-28) However, these allegations have been disputed, with historian [Lewis Porter](https://en.wikipedia.org/wiki/Lewis_Porter) noting that "there was no federal objection to the song “Strange Fruit,” nor was there any campaign to suppress it" and Holiday was instead pursued by Bureau of Narcotics mainly for her history of drug use. Porter writes that Johann Hari's 2015 book, [*Chasing the Scream: The First and Last Days of the War on Drugs*](https://en.wikipedia.org/wiki/Chasing_the_Scream), is where the allegation that Holiday was targeted for singing "Strange Fruit" originated and that this claim didn't appear anywhere else before that.[[4]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-Porter-4)

In his 1964 book, *The Protectors*, Anslinger included a chapter called "Jazz and Junk Don't Mix", about black jazz musicians Billie Holiday, who had been handcuffed on her death bed due to suspicion of drug use and possession,[[5]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-:0-5) and [Charlie Parker](https://en.wikipedia.org/wiki/Charlie_Parker), who both died after years of illegal [heroin](https://en.wikipedia.org/wiki/Heroin) and alcohol abuse:

Jazz entertainers are neither fish nor fowl. They do not get the million-dollar protection Hollywood and Broadway can afford for their stars who have become addicted – and there are many more than will ever be revealed. Perhaps this is because jazz, once considered a decadent kind of music, has only token respectability. Jazz grew up next door to crime, so to speak. Clubs of dubious reputation were, for a long time, the only places where it could be heard. But the times bring changes, and as Billie Holiday was a victim of time and change, so too was Charlie Parker, a man whose music, like Billie's, is still widely imitated. Most musicians credit Parker among others as spearheading what is called modern jazz.[[33]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-Anslinger2-33)

Anslinger hoped to orchestrate a nationwide dragnet of jazz musicians and kept a file called "Marijuana and Musicians."[[34]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-34)

**Campaign assessment**[[edit source](https://en.wikipedia.org/w/index.php?title=Harry_J._Anslinger&action=edit&section=6)]

Some critics of Anslinger claim his campaign against cannabis had a hidden agenda rooted in commercial interests not societal welfare.[[27]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-Herrer_1985_Chapters_4_&_5-27) One example of this is that the [E. I. DuPont De Nemours and Company](https://en.wikipedia.org/wiki/DuPont) industrial firm, petrochemical interests and William Randolph Hearst conspired together to create the highly sensational anti-cannabis campaign so as to eliminate hemp as an industrial competitor to synthetic materials. However, the DuPont Company and industrial historians have dismissed any link between development of [nylon](https://en.wikipedia.org/wiki/Nylon) and changes in the laws relating to [hemp](https://en.wikipedia.org/wiki/Hemp) (cannabis); pointing out nylon was a huge success from the start.[[35]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-Wolfe-35)[[36]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-36) It was not until 1934, and his fourth year in office, that Anslinger considered cannabis to be a serious threat to American society ([Wallace Carothers](https://en.wikipedia.org/wiki/Wallace_Carothers) first synthesized nylon on February 28, 1935). This was part of a worldwide trend, unrelated to racial or industrial issues in America; The [League of Nations](https://en.wikipedia.org/wiki/League_of_Nations) had already implemented restrictions on cannabis in the beginning of the 1930s, and many states in the U.S. had started restricting it in the years before Anslinger was appointed. In 1935, both President [Franklin D. Roosevelt](https://en.wikipedia.org/wiki/Franklin_D._Roosevelt) and his attorney general publicly supported the campaign.[[37]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-rose-37)[[38]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-38) Anslinger's efforts were part of the government's broader push to alarm the public about the danger of recreational drugs and to outlaw them. He did this with reference to his own agenda.[[37]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-rose-37)

The [La Guardia Committee](https://en.wikipedia.org/wiki/La_Guardia_Committee), promoted in 1939 by New York Mayor [Fiorello La Guardia](https://en.wikipedia.org/wiki/Fiorello_La_Guardia), was the first in-depth study into the effects of smoking cannabis. It systematically contradicted claims made by the [U.S. Treasury Department](https://en.wikipedia.org/wiki/U.S._Treasury_Department) that smoking cannabis resulted in insanity, and determined that "the practice of smoking marihuana does not lead to [addiction](https://en.wikipedia.org/wiki/Addiction) in the medical sense of the word."[[39]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-39) Released in 1944, the report infuriated Anslinger, who condemned it as unscientific.[[40]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-40)[[41]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-41)

**Later years**[[edit source](https://en.wikipedia.org/w/index.php?title=Harry_J._Anslinger&action=edit&section=7)]

Later in his career, Anslinger was scrutinized for insubordination for refusing to desist from an attempt to halt the [ABA](https://en.wikipedia.org/wiki/American_Bar_Association)/[AMA](https://en.wikipedia.org/wiki/American_Medical_Association) Joint Report on Narcotic Addiction, a publication edited by the sociology Professor [Alfred R. Lindesmith](https://en.wikipedia.org/wiki/Alfred_R._Lindesmith) of [Indiana University](https://en.wikipedia.org/wiki/Indiana_University_Bloomington).[[42]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-42) Among other works, Lindesmith wrote *Opiate Addiction* (1947), *The Addict and the Law* (1965), and a number of articles condemning the criminalization of addiction. Nearly everything Lindesmith did was critical of the [War on Drugs](https://en.wikipedia.org/wiki/War_on_Drugs), and he specifically condemned Anslinger's role. The AMA/ABA controversy is sometimes credited with ending Anslinger's position of Commissioner of the Federal Bureau of Narcotics. [[43]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-43)

In his later years Anslinger also suffered a mental breakdown characterized by intense [paranoia](https://en.wikipedia.org/wiki/Paranoia) and irrational thoughts, such as believing that addiction was 'contagious' and addicts had to be 'quarantined' or talking about 'secret plots' throughout the world; he was eventually hospitalized because of this breakdown.[[44]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-Hari15-44)

Anslinger was surprised to be re-appointed by President [John F. Kennedy](https://en.wikipedia.org/wiki/John_F._Kennedy) in February 1961. The new president had a tendency to invigorate the government with more youthful civil servants and, by 1962, Anslinger was 70 years old, the mandatory age for retirement in his position. In addition, during the previous year, he had witnessed his wife Martha's slow and agonizing death due to heart failure, and had lost some of his drive and ambition.[[44]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-Hari15-44) On his 70th birthday, May 20, 1962, Anslinger submitted his resignation to Kennedy. Because Kennedy did not have a successor in place, however, Anslinger stayed on in his $18,500 a year ($145,733 when adjusted for inflation in 2014 dollars) position until later that year.[[45]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-45) He was succeeded by [Henry Giordano](https://en.wikipedia.org/wiki/Henry_Giordano) in August.[[46]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-46) Following that, he was the United States' Representative to the United Nations Narcotics Commission for two years, after which he retired.[[47]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-47)

By 1973, Anslinger was completely blind, had a debilitatingly enlarged prostate gland, and suffered from [angina](https://en.wikipedia.org/wiki/Angina). Ironically, when he died, Anslinger was being treated with regular doses of morphine, which had been prescribed for his angina.[[48]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-thesis-48)

Additionally, Anslinger provided morphine to Senator [Joseph McCarthy](https://en.wikipedia.org/wiki/Joseph_McCarthy), who was addicted to both alcohol and morphine. When Anslinger tried to persuade McCarthy to quit morphine, McCarthy reminded him of the potential for a public scandal. Anslinger relented and steadily supplied McCarthy with morphine that was paid for by the Bureau and obtained from a local drugstore. This arrangement continued until McCarthy's death in 1957.[[49]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-lhj-49)

On November 14, 1975, at 1 p.m., Anslinger died of heart failure at the former Mercy Hospital (now known as Bon Secours Hospital Campus of the [Altoona Regional Health System](https://en.wikipedia.org/wiki/Altoona_Regional_Hospital)) in [Altoona, Pennsylvania](https://en.wikipedia.org/wiki/Altoona,_Pennsylvania).[[1]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-obit-1)[[50]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-50) He was 83, and was buried at the Hollidaysburg Presbyterian Cemetery in [Hollidaysburg, Pennsylvania](https://en.wikipedia.org/wiki/Hollidaysburg,_Pennsylvania).

He was survived by his son, Joseph Leet Anslinger, and a sister. According to John McWilliams's 1990 book, *The Protectors: Harry J. Anslinger and the Federal Bureau of Narcotics (1930–1962),* Anslinger's daughter-in-law Bea at that time still lived in Anslinger's home in Hollidaysburg.

**In the media**[[edit source](https://en.wikipedia.org/w/index.php?title=Harry_J._Anslinger&action=edit&section=8)]

* Anslinger appears as himself in the 1948 adventure movie about breaking an international drug ring, [*To the Ends of the Earth*](https://en.wikipedia.org/wiki/To_the_Ends_of_the_Earth_(1948_film)).
* In 1973, Anslinger was portrayed by actor [Edmond O'Brien](https://en.wikipedia.org/wiki/Edmond_O%27Brien) in the film [*Lucky Luciano*](https://en.wikipedia.org/wiki/Lucky_Luciano_(film)) by [Francesco Rosi](https://en.wikipedia.org/wiki/Francesco_Rosi), with [Gian Maria Volonté](https://en.wikipedia.org/wiki/Gian_Maria_Volont%C3%A9).
* Anslinger's role in the drug war is documented in the 2015 book [*Chasing the Scream*](https://en.wikipedia.org/wiki/Chasing_the_Scream) by [Johann Hari](https://en.wikipedia.org/wiki/Johann_Hari).
* Anslinger's targeting of Billie Holiday and his role in the earliest days of the drug war are discussed in [NPR](https://en.wikipedia.org/wiki/NPR)'s podcast [*Throughline*](https://en.wikipedia.org/wiki/Throughline), in the episode ["Strange Fruit"](https://www.npr.org/2019/08/20/752909807/strange-fruit)
* [Garrett Hedlund](https://en.wikipedia.org/wiki/Garrett_Hedlund) portrays Anslinger in the 2021 docudrama [*The United States vs. Billie Holiday*](https://en.wikipedia.org/wiki/The_United_States_vs._Billie_Holiday) on [Hulu](https://en.wikipedia.org/wiki/Hulu).[[51]](https://en.wikipedia.org/wiki/Harry_J._Anslinger#cite_note-51)
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# Cannabis dispensaries in the United States

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*Not to be confused with* [*Cannabis Social Club*](https://en.wikipedia.org/wiki/Cannabis_Social_Club)*.*

**

Cannabis Station, a [medical cannabis](https://en.wikipedia.org/wiki/Medical_cannabis) dispensary in [Denver, Colorado](https://en.wikipedia.org/wiki/Denver,_Colorado)



Cannabis flower stored in jars at a dispensary in Colorado

**Cannabis dispensaries in the United States** or **marijuana dispensaries** are a type of [cannabis retail outlet](https://en.wikipedia.org/wiki/Cannabis_retail_outlet), local government-regulated physical location, typically inside a retail storefront or office building, in which a person can purchase [cannabis](https://en.wikipedia.org/wiki/Cannabis) and cannabis-related items for medical or recreational use.

First modeled in [Amsterdam](https://en.wikipedia.org/wiki/Amsterdam) in the late 1970s where they were innocently called [coffeeshops](https://en.wikipedia.org/wiki/Coffeeshop_(Netherlands)), it would take the Americans more than a generation to successfully duplicate the idea of a retail cannabis storefront. Unlike in the Dutch coffee shops, today most dispensaries do not allow for the smoking or other consumption of cannabis. However, some dispensaries (such as some in California) do have legal permission to set up "cannabars" to allow onsite consumption.

In a traditional [medical cannabis](https://en.wikipedia.org/wiki/Medical_cannabis) dispensary store a patient receives cannabis medication as allowed per the patient's doctor's recommendation.[[1]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-Barton2007-1) These dispensaries sell cannabis products that have not been approved by the FDA and are not legally registered with the federal government.[[2]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-ThomasElSohly2015-2)

As of 2021 there are state-regulated marijuana dispensaries in Alaska, Arizona, Arkansas, California, Colorado, Connecticut, the District of Columbia, Florida, Hawaii, Illinois, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, and Washington. In California, [Native American gaming](https://en.wikipedia.org/wiki/Native_American_gaming) operations are also intended to include dispensaries going forward.[[3]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-3)

A cannabis dispensary differs from similar retail stores known as [head shops](https://en.wikipedia.org/wiki/Head_shop), in that only state-licensed cannabis dispensaries are authorized to sell cannabis.[[4]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-NeubauerMeinhold2013-4)

Approximately 14 US States have [drive thru](https://en.wikipedia.org/wiki/Drive_through) capabilities. These states include; California, Colorado, Illinois, Maryland, Michigan, Missouri, Nevada, New Jersey, Pennsylvania, Ohio, Oklahoma, Oregon, Utah, and Washington[[5]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-5)[[6]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-6)

**History**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_dispensaries_in_the_United_States&action=edit&section=1)]

*Further information:* [*Legality of cannabis by U.S. jurisdiction*](https://en.wikipedia.org/wiki/Legality_of_cannabis_by_U.S._jurisdiction)

The first dispensary [San Francisco Cannabis Buyers Club](https://en.wikipedia.org/wiki/San_Francisco_Cannabis_Buyers_Club) was founded in 1992 by [Proposition 215](https://en.wikipedia.org/wiki/California_Proposition_215_(1996)) coauthors "[Brownie Mary](https://en.wikipedia.org/wiki/Brownie_Mary)" Rathbun, [Dennis Peron](https://en.wikipedia.org/wiki/Dennis_Peron) and Dale Gieringer.[[7]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-FaheyMiller2013-7) Shortly after was founded the [Berkeley Patients Group](https://en.wikipedia.org/wiki/Berkeley_Patients_Group), remaining as of 2024 the oldest continuously-operating dispensary in the country.[[8]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-8)

Washington state became the second state in the U.S. to develop a regulatory framework for marijuana dispensary operators to improve the access to cannabis patients beyond the caregiver model.[[9]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-9)

The term "marijuana dispensary" in the United States is most often used to refer to private organizations or companies that sell [cannabis](https://en.wikipedia.org/wiki/Cannabis), particularly in the states of California, Colorado, [Washington](https://en.wikipedia.org/wiki/Washington_(state)) and [Oregon](https://en.wikipedia.org/wiki/Oregon). "Cannabis dispensary" is starting to become a more politically correct term as conscientious people prefer the use of the word cannabis which avoids using the more common Spanish slang word "marijuana".[[*citation needed*](https://en.wikipedia.org/wiki/Wikipedia:Citation_needed)]

**Medical dispensaries**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_dispensaries_in_the_United_States&action=edit&section=2)]

*Further information:* [*Medical cannabis in the United States*](https://en.wikipedia.org/wiki/Medical_cannabis_in_the_United_States)

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[Medical cannabis](https://en.wikipedia.org/wiki/Medical_cannabis)

Thirty seven of the United States regulate some form of medical cannabis sales despite federal laws.[[10]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-BowmanKearney2015-10) As of 2016 seventeen of those states ([Arizona](https://en.wikipedia.org/wiki/Arizona), California, Colorado, [Connecticut](https://en.wikipedia.org/wiki/Connecticut), [Delaware](https://en.wikipedia.org/wiki/Delaware), [Illinois](https://en.wikipedia.org/wiki/Illinois), [Maine](https://en.wikipedia.org/wiki/Maine), [Michigan](https://en.wikipedia.org/wiki/Michigan), [Montana](https://en.wikipedia.org/wiki/Montana), [Nevada](https://en.wikipedia.org/wiki/Nevada), [New Jersey](https://en.wikipedia.org/wiki/New_Jersey), [New Mexico](https://en.wikipedia.org/wiki/New_Mexico), New York, Oklahoma, [Oregon](https://en.wikipedia.org/wiki/Oregon), [Rhode Island](https://en.wikipedia.org/wiki/Rhode_Island), [Washington](https://en.wikipedia.org/wiki/Washington_(state)), and Washington, D.C.) have at least one medical marijuana dispensary, with varying product laws.[[11]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-11)

The medical dispensaries in these states buy their exit shop products (excluding medical marijuana), like child-proof safety bags, and in-store storage products, from a plethora of new manufacturing companies in mainly [China](https://en.wikipedia.org/wiki/China) via importers based in the U.S.

The growing need of dispensaries to comply with various legislative laws has given birth to thousands of new products ranging from vials with child locks on them to, to pop top bottles that are childproof[[12]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-12) and even childproof joint tubes.

For example, according to Title 16 C.F.R. 1700 of the Poison Prevention Packaging Act[[13]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-13) in Washington, any marijuana products, whether they are edibles, concentrates, or waxes that can be consumed either by inhaling or swallowing must be sold in child-resistant packaging.

**Recreational dispensaries**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_dispensaries_in_the_United_States&action=edit&section=3)]

*Further information:* [*Decriminalization of non-medical cannabis in the United States*](https://en.wikipedia.org/wiki/Decriminalization_of_non-medical_cannabis_in_the_United_States)

Colorado was the first state to license a Recreational Dispensary, with 37 stores licensed to sell to adults 21+ on January 1, 2014. The first customer on record to legally purchase marijuana was Sean Azzarati, an Iraq war veteran, who was raising awareness for the cause that PTSD was not a "qualifying condition" for a medical marijuana recommendation in Colorado at the time (PTSD was added to the list of qualifying conditions in 2017).[[14]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-14)



U.S. Representative [Don Young](https://en.wikipedia.org/wiki/Don_Young) tours an Alaska dispensary in 2019

As of March 2024, 25 states regulate recreational dispensaries.[[15]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-15) A partial list [includes](https://en.wikipedia.org/wiki/Legality_of_cannabis_by_U.S._jurisdiction) [Alaska](https://en.wikipedia.org/wiki/Alaska) ([Alaska Measure 2 (2014)](https://en.wikipedia.org/wiki/Alaska_Measure_2_(2014))), [Arizona](https://en.wikipedia.org/wiki/Arizona) ([2020 Arizona Proposition 207](https://en.wikipedia.org/wiki/2020_Arizona_Proposition_207)), [California](https://en.wikipedia.org/wiki/California) (2018), Colorado ([Colorado Amendment 64](https://en.wikipedia.org/wiki/Colorado_Amendment_64)), [Illinois](https://en.wikipedia.org/wiki/Illinois) (2020), [Maine](https://en.wikipedia.org/wiki/Maine) (2020), [Massachusetts](https://en.wikipedia.org/wiki/Massachusetts) (2018), [Nevada](https://en.wikipedia.org/wiki/Nevada) (2017), [Oregon](https://en.wikipedia.org/wiki/Oregon) ([Oregon Ballot Measure 91 (2014)](https://en.wikipedia.org/wiki/Oregon_Ballot_Measure_91_(2014))), [Michigan](https://en.wikipedia.org/wiki/Michigan), and [Washington](https://en.wikipedia.org/wiki/Washington_(state)) ([Washington Initiative 502](https://en.wikipedia.org/wiki/Washington_Initiative_502)).[[16]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-IIIHargrove2015-16) These are stores where any adult 21+ can enter to purchase cannabis and or cannabis smoking accessories.

**Notable dispensaries**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_dispensaries_in_the_United_States&action=edit&section=4)]

[Harborside Health Center](https://en.wikipedia.org/wiki/Harborside_Health_Center), Oakland and San Jose, California describes itself as the "largest pot shop" in California[[17]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-huff_post-17) and was featured in a four-part reality show.[[18]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-18)

An economic impact study conducted by the University of Denver examined the Colorado Harvest Company dispensary chain's contribution to tax revenue, jobs, and income to Denver and the state of Colorado.[[19]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-19)

[Kind for Cures](https://en.wikipedia.org/wiki/Kind_for_Cures) was the first shop to make national press by taking over a defunct KFC.[[20]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-20)

[Coachella Valley Church](https://en.wikipedia.org/wiki/Coachella_Valley_Church) in San Jose, California made national headlines by offering sacramental marijuana to their members.[[21]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-21)

[MedMen](https://en.wikipedia.org/wiki/MedMen)'s operation grew to include thousands of employees, dozens of retail locations across multiple states in addition to processing and grow facilities; MedMen aims to be the “Apple Store” of weed.[[22]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-22)

**Locating services**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_dispensaries_in_the_United_States&action=edit&section=5)]

As dispensaries grow in popularity, several locating services have been created such as NearGreen, Leafbuyer, [Weedmaps](https://en.wikipedia.org/wiki/Weedmaps), Texas Weed Syndicate, [Merry Jane](https://en.wikipedia.org/wiki/Merry_Jane) and [Leafly](https://en.wikipedia.org/wiki/Leafly)[[23]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-23)



Cannabis dispensary in [East Village](https://en.wikipedia.org/wiki/East_Village,_Manhattan), New York City

**Case law**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_dispensaries_in_the_United_States&action=edit&section=6)]

*See also:* [*Legal history of cannabis in the United States*](https://en.wikipedia.org/wiki/Legal_history_of_cannabis_in_the_United_States)

* [United States v. Oakland Cannabis Buyers' Cooperative](https://en.wikipedia.org/wiki/United_States_v._Oakland_Cannabis_Buyers%27_Cooperative)

**In popular culture**[[edit source](https://en.wikipedia.org/w/index.php?title=Cannabis_dispensaries_in_the_United_States&action=edit&section=7)]

[*Weed Wars*](https://en.wikipedia.org/wiki/Weed_Wars) is a four-part reality show broadcast on the [Discovery Channel](https://en.wikipedia.org/wiki/Discovery_Channel) which highlights the Harborside Health Center in Oakland California, a medical marijuana dispensary.[[24]](https://en.wikipedia.org/wiki/Cannabis_dispensaries_in_the_United_States#cite_note-McKay_2011-24)

The third episode of the 14th season of [*South Park*](https://en.wikipedia.org/wiki/South_Park) is named "[Medicinal Fried Chicken](https://en.wikipedia.org/wiki/Medicinal_Fried_Chicken)" and contemplates a marijuana dispensary taking over a recently closed fast-food chicken restaurant named "KFC".

Popular American comedian [D. L. Hughley](https://en.wikipedia.org/wiki/D._L._Hughley)'s short-lived and controversial [news program on CNN](https://en.wikipedia.org/wiki/D._L._Hughley_Breaks_the_News) ends with the artist visiting a California dispensary to treat back pain.

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