

The *Fordham Law Review* and the Project on Psychedelics Law and Regulation at the Petrie Flom Center at Harvard Law School present



Drug Law for the 21st Century

Learning from 50 Years of DEA-Led Public Health Policy

February 16, 2024
9:00 a.m. – 3:40 p.m.

In-person and on Zoom
Fordham Law School
Skadden Conference Center
150 West 62nd Street
New York, NY 10023

9:00 – 9:30 a.m.

Registration and breakfast

9:30 – 9:40 a.m.

Welcome Remarks

Matthew Diller, J.D.

Dean and Paul Fuller Professor of Law, Fordham University School of Law

9:40 – 11:00 a.m.

Panel 1: Drug Law's Disparate Impact

Danielle Gordon

Assistant General Counsel
Institutional Compliance Manager, Controlled Substances,
Compliance and Internal Audit
Memorial Sloan Kettering Cancer Center

Ifetayo Harvey

Writer
Advocate
Speaker
People of Color Psychedelic Collective

Kimani Paul-Emile

Robert L. Levine Distinguished Research Scholar
Professor of Law
Fordham University School of Law

Moderator:

Bennett Capers

Stanley D. and Nikki Waxberg Chair
Professor of Law
Director, Center on Race, Law, and Justice
Fordham University School of Law

11:00 – 11:10 a.m.

Break

11:10 a.m. – 12:30 p.m.

Panel 2: Controlled Substance Scheduling and Regulation

Lewis A. Grossman

Ann Loeb Bronfman Professor of Law
Affiliate Professor of History
American University Washington College of Law

Mason Marks

Florida Bar Health Law Section Professor,
Florida State University College of Law
Senior Fellow and Project Lead, Project on Psychedelics Law and
Regulation at the Petrie-Flom Center
Visiting Professor of Law, Harvard Law School

Robert Mikos

LaRoche Family Chair in Law
Vanderbilt Law School

Shaleen Title

Distinguished Cannabis Policy Practitioner in Residence, Drug
Enforcement and Policy Center
Ohio State University Moritz College of Law

Moderator:

I. Glenn Cohen

James A. Attwood and Leslie Williams Professor of Law
Deputy Dean
Faculty Director, Petrie-Flom Center for Health Law Policy,
Biotechnology & Bioethics
Harvard Law School

12:30 – 1:30 p.m.

Lunch

1:30 – 2:50 p.m.

Panel 3: Data and Drug Control

Leo Beletsky

Professor of Law and Health Sciences
Faculty Director, The Action Lab at the Center for Health Policy and
Law
Northeastern University School of Law

Jennifer D. Oliva

Professor of Law
Val Nolan Faculty Fellow
Indiana University Bloomington Maurer School of Law

Stacey Ann Tovino

John B. Turner LLM Program Chair in Law
University of Oklahoma College of Law

Moderator:

Peter Grinspoon, M.D.

Physician Investigator (CI)
MGH Chelsea, Mass General Research Institute
Instructor in Medicine
Harvard Medical School
Associate Physician
Medicine-General Internal Medicine, Massachusetts General
Hospital

2:50 – 3:00 p.m.

Break

2:50 – 3:30 p.m.

Keynote

Linda B. Rosenthal

Assemblymember
Assembly District 67

3:30 – 3:40 p.m.

Closing Remarks



Leo Beletsky
 Professor of Law and Health Sciences
 Faculty Director, The Action Lab at the Center for
 Health Policy and Law
 Northeastern University School of Law

Leo Beletsky is a Professor of Law and Health Sciences at Northeastern University, where he directs The Action Lab at the Center for Health Policy and Law. His research focuses on the public health impact of law and its enforcement, with special focus on substance use and overdose, infectious disease, and the role of the criminal justice system as a structural determinant of health.



Bennett Capers
 Stanley D. and Nikki Waxberg Chair
 Professor of Law
 Director, Center on Race, Law, and Justice
 Fordham University School of Law

Bennett Capers is the Stanley D. and Nikki Waxberg Professor of Law at Fordham Law School, where he teaches Evidence, Criminal Law, and Criminal Procedure, and is also the Director of the Center on Race, Law, and Justice. A former federal prosecutor, his academic interests include the relationship between race, gender, technology, and criminal justice, and he is a prolific writer on these topics. His articles and essays have been published or are forthcoming in the California Law Review, Columbia Law Review, Cornell Law Review, Harvard Law Review, Michigan Law Review, Minnesota Law Review, New York University Law Review, and UCLA Law Review, among others. In addition to co-editing Critical Race Judgments: Rewritten U.S. Court Opinions on Race and Law (Cambridge University Press) (with Devon Carbado, Robin Lenhardt, and Angela Onwuachi-Willig), Feminist Judgments: Rewritten Criminal Law Opinions (Cambridge University Press) (with Corey Rayburn Yung and Sarah Deer), and Criminal Law: A Critical Approach (Foundation Press) (with Roger Fairfax and Eric Miller), he also has a forthcoming book about prosecutors, The Prosecutor's Turn (Metropolitan Books). His commentary and op-eds have appeared in the New York Times, the Washington Post, and other media. He has been a visiting professor University of Texas Law School, Boston University Law School, Columbia Law School, and Yale Law School.



I. Glenn Cohen
 James A. Attwood and Leslie Williams Professor of
 Law
 Deputy Dean
 Faculty Director, Petrie-Flom Center for Health Law
 Policy, Biotechnology & Bioethics
 Harvard Law School

Prof. Cohen is one of the world's leading experts on health law and the intersection of bioethics and law. He has advised the U.S. Vice President on reproductive rights, discussed medical AI policy with members of the Korean Congress, and lectured to legal, medical, and industry conferences around the world. His work has been frequently covered by or appeared in media venues such as PBS, NPR, ABC, NBC, CNN, the New York Times, and the Washington Post.

Prof. Cohen's current projects relate to medical AI, mobile health, abortion, reproductive technology, the regulation of psychedelic drugs, research ethics, and many other topics. He is the author of more than 200 articles and chapters and his award-winning work has appeared in leading legal (including Stanford, Cornell, and Southern California Law Reviews), medical (including the New England Journal of Medicine, JAMA), bioethics (including the American Journal of Bioethics, the Hastings Center Report), scientific (Science, Cell) and public health (the

American Journal of Public Health) journals, as well as Op-Eds in the New York Times, Washington Post, Time Magazine, and other venues. Cohen is the author, co-author, editor, or co-editor of more than 20 books.

Prof. Cohen leads the Project on Precision Medicine, Artificial Intelligence, and the Law (PMAIL), part of the Centre for Advanced Studies in Biomedical Innovation Law (CeBIL). He is also the principal investigator for Diagnosing in the Home: The Ethical, Legal, and Regulatory Challenges and Opportunities of Digital Home Health and the Project on Psychedelics Law and Regulation (POPLAR).



Danielle Gordon
 Assistant General Counsel
 Institutional Compliance Manager, Controlled
 Substances, Compliance and Internal Audit
 Memorial Sloan Kettering Cancer Center

Danielle Gordon is an Assistant General Counsel and Institutional Compliance Manager in Compliance & Internal Audit at Memorial Sloan Kettering Cancer Center (MSK). She started her career at MSK as a Senior Pharmacist in MSK's Pharmacy Department, in 2009, where she provided clinical pharmacy services to MSK's inpatient and outpatient care areas. She transitioned over to MSK's Compliance Department in 2017 where she became MSK's first Drug Diversion Manager.

Gordon's practice primarily focuses on managing MSK's Controlled Substance Compliance and Drug Diversion Prevention Program. She works closely with clinical and research departments to fulfill their obligations under the Controlled Substances Act (CSA) and the Drug Enforcement Administration's (DEA) implementing regulations. She regularly consults and provide guidance on various controlled substance-related regulatory matters including licensing and registration, prescribing, and reporting of loss, theft, and fraudulent activity. She also conducts internal investigations related to controlled substance matters.

Gordon received her Pharm.D. from Rutgers University School of Pharmacy and her J.D. from New York Law School. She is admitted to the New York State Bar.



Peter Grinspoon, M.D.
 Physician Investigator (CI)
 MGH Chelsea, Mass General Research Institute
 Instructor in Medicine
 Harvard Medical School
 Associate Physician
 Medicine-General Internal Medicine, Massachusetts
 General Hospital

Peter Grinspoon, M.D. is a primary care physician and a cannabis specialist at Massachusetts General Hospital and an Instructor in Medicine at Harvard Medical School. He is the author of the recent book 'Seeing Through the Smoke: A Cannabis Expert Untangles the Truth about Marijuana'. He is a TedX speaker, a certified physician life coach, a board member of the physician advocacy group, 'Doctors for Drug Policy Reform' and an advisor to 'The Parabola Center'. He is the author of the groundbreaking memoir 'Free Refills: A Doctor Confronts His Addiction'. He worked as an Associate Director for the Massachusetts Physician Health Service helping other physicians with their addictions. He is frequently cited in the national media as a thought leader on cannabis, psychedelics, drugs of misuse, and addiction.



Lewis A. Grossman
Ann Loeb Bronfman Professor of Law
Affiliate Professor of History
American University Washington College of Law

Lewis A. Grossman is the Ann Loeb Bronfman Professor of Law at American University. He has also been a Law and Public Affairs Fellow at Princeton University and a Visiting Professor at Cornell Law School. He teaches and writes in the

areas of food and drug law, health law, American legal history, and civil procedure. Before entering academia, Professor Grossman was an associate at Covington & Burling LLP, where he currently serves as part-time Of Counsel. He also clerked for Chief Judge Abner Mikva of the U.S. Court of Appeals for the D.C. Circuit. He is the author of *Choose Your Medicine: Freedom of Therapeutic Choice in America* (Oxford University Press 2021) and co-author of *Food and Drug Law: Cases and Materials*, the leading text in the field.

His scholarship has appeared in numerous academic journals, including *Science*; *New England Journal of Medicine*; *American Journal of Law & Medicine*; *Cornell Law Review*; *Yale Journal of Health Policy, Law & Ethics*; *Administrative Law Review*; and *Law & History Review*, among others. He has served on five committees of the Health and Medicine Division of the National Academies of Sciences, Engineering, and Medicine.

Professor Grossman earned his Ph.D. in History from Yale University, which he attended on a Mellon Fellowship in the Humanities and where he was awarded the George Washington Egleston Prize for Best Dissertation in the Field of American History. He received a J.D. magna cum laude from Harvard Law School and a B.A. summa cum laude from Yale University.



Ifetayo Harvey
Writer
Advocate
Speaker
People of Color Psychedelic Collective

Ifetayo Harvey is the Executive Director of the People of Color Psychedelic Collective (POCPC), which educates and builds community with people of color interested in psychedelics and ending the

war on drugs. Ifetayo is a 2022 Soros Justice fellow building a coalition of organizations and workers in the psychedelic field who want to shape the future of psychedelics. Ifetayo's experience growing up with her father in prison brought her to drug policy reform work in 2013 as an intern at the Drug Policy Alliance (DPA) and then joined them full-time in 2016. In 2013, Ifetayo was the opening plenary speaker at the International Drug Policy Reform Conference in Denver, Colorado. Ifetayo comes from a family of seven children raised by her mother in Charleston, South Carolina. She has a Bachelor's degree from Smith College in history and African studies, where the college awarded her Outstanding Student Leader of the Year in 2014. She currently lives in New York City.



Mason Marks
Florida Bar Health Law Section Professor,
Florida State University College of Law
Senior Fellow and Project Lead, Project on
Psychedelics Law and Regulation at the Petrie-Flom
Center
Visiting Professor of Law, Harvard Law School

Mason Marks, MD, JD is an expert in drug law and health policy. His research analyzes controlled substance regulation and the role of emerging technologies such as AI

in healthcare. At Harvard Law School's Petrie-Flom Center, he is the Senior Fellow and Project Lead of the Project on Psychedelics Law and Regulation (POPLAR). Professor Marks is also a Visiting Professor of Law at Harvard Law School and Visiting Fellow at Yale Law School's Information Society Project. He previously served as Fellow-in-Residence at Harvard Ethics and Research Scholar at NYU School of Law's Information Law Institute.

Professor Marks's research has been published by leading academic journals such as the *New England Journal of Medicine*, *JAMA*, *Nature Medicine*, *Duke Law Journal*, *Harvard Law Review Forum*, *Boston University Law Review*, and others. He has published op-eds with the *Washington Post*, *Los Angeles Times*, the *Guardian*, *Wired*, *Slate*, the *Hill*, and *Vice News*. His legal commentary has been featured by the *New York Times*, *Wall Street Journal*, *Washington Post*, the *Economist*, *ABC News*, *Fox News*, *Politico*, *NPR*, and other leading outlets. His book on psychedelic law and politics is under contract with Yale University Press.

An expert on the fast-emerging psychedelics industry, Professor Marks has advised state and federal agencies and lawmakers on the controlled substances landscape. He has presented his research at the Food and Drug Administration, the National Institutes of Health, the Department of Health and Human Services, the U.S. Public Health Service, and the National Academies of Sciences, Engineering, and Medicine.



Robert Mikos
LaRoche Family Chair in Law
Vanderbilt Law School

Robert Mikos is one of the nation's leading experts on federalism and drug law. His most recent scholarship analyzes the struggle among federal, state and local governments for control of marijuana law and policy. In that vein, Professor Mikos has written key articles addressing the states'

constitutional authority to legalize marijuana, the threat posed by the Dormant Commerce Clause to state marijuana markets, the desirability of marijuana localism, and the questionable legal basis for the PTO's denial of trademark registration for state-licensed marijuana businesses, among many other topics. He is also the author of the pioneering textbook, *Marijuana Law, Policy and Authority* (Wolters Kluwer).

Mikos earned his J.D. summa cum laude from the University of Michigan Law School, where he served as articles editor on the *Michigan Law Review* and won numerous awards, including the Henry M. Bates Memorial Scholarship. After graduation, he was a law clerk for Chief Judge Michael Boudin of the U.S. Court of Appeals for the First Circuit. Mikos has taught at the University of California at Davis, where he was twice nominated for the school's Distinguished Teaching Award, as well as at Notre Dame and the University of Michigan. He joined the Vanderbilt Law faculty in 2008, where he now serves as the LaRoche Family Chair in Law.



Jennifer D. Oliva
Professor of Law
Val Nolan Faculty Fellow
Indiana University Bloomington Maurer School of Law

Professor Oliva's research and teaching interests include health law and policy, privacy law, evidence, torts, and complex litigation. Her scholarship has been published by or is forthcoming in, among other

publications, the *Virginia Law Review*, *California Law Review*, *Duke Law Journal*, *Northwestern University Law Review*, *UCLA Law Review*, and online companions to the *University of Chicago Law Review* and

New York University Law Review.

Professor Oliva is a United States Army veteran who serves as a Research Scholar at Georgetown Law's O'Neill Institute for National & Global Health Law, a Senior Scholar with the UCSF/UC Law Consortium on Law, Science & Health Policy, and on the National Pain Advocacy Center's Science & Policy Advisory Council. She is an honors graduate of Georgetown University Law Center, where she was a Public Interest Law Scholar and Executive Notes & Comments Editor of the Georgetown Law Journal.

Prior to attending law school, Professor Oliva earned her masters degree from the University of Oxford and undergraduate degree from the United States Military Academy. While a cadet at West Point, she was selected for the Rhodes and Truman Scholarships. After law school, Professor Oliva served as a federal appellate law clerk to the Honorable Stephanie K. Seymour on the United States Court of Appeals for the Tenth Circuit and the Honorable Thomas L. Ambro on the United States Court of Appeals for the Third Circuit.



Kimani Paul-Emile
Professor and Robert L. Levine Distinguished
Research Scholar
Associate Director of the Center on Race, Law, and
Justice
Faculty Co-Director of the Stein Center for Law &
Ethics
Fordham University School of Law

Kimani Paul-Emile is a Professor of Law and the Robert L. Levine Distinguished Research Scholar at Fordham Law School. She is also Associate Director of Fordham Law School's *Center on Race, Law & Justice*, and faculty co-director of the Fordham Law School Stein Center for Law & Ethics. Dr. Paul-Emile specializes in the areas of law & biomedical ethics, health law, anti-discrimination law, and race and the law, and law and society.

Dr. Paul-Emile's award-winning scholarship has been published widely in such journals as the *Virginia Law Review*, *Georgetown Law Journal*, *UCLA Law Review*, *George Washington Law Review*, *New England Journal of Medicine*, *Journal of the American Medical Association*, and *Annals of Internal Medicine*, among others. Her co-authored article, "Patient and Trainee Experiences with Patient Bias," won the American Board of Internal Medicine Foundation's 2019 John Benson Professionalism Article Prize. For her article, "Blackness as Disability?," Dr. Paul-Emile received the Law and Society Association's 2019 John Hope Franklin Prize. Her co-authored article, "Dealing with Racist Patients," has been viewed over 159,000 times, placing it in the 97th percentile of articles published in the *New England Journal of Medicine* and 99th percentile of all medical journals. Dr. Paul-Emile's scholarship has appeared in or been covered by national and international news organizations and other outlets, including the *New York Times*, *Wall Street Journal*, *Washington Post*, *National Public Radio*, *CBS News*, *MSNBC*, *CNN*, *Newsweek*, and *The Guardian*.

In 2022, Dr. Paul-Emile was awarded an honorary doctorate from Drew University. In 2020, she was selected to serve as a Law and Public Affairs (LAPA) Fellow at Princeton University for the 2020-2021 academic year. Dr. Paul-Emile is also currently a member of the Committee on Science, Technology, and Law of the National Academies of Sciences, Engineering and Medicine. In 2017, Dr. Paul-Emile was awarded a Making a Difference in Real World Bioethics Dilemmas Grant by the Greenwall Foundation for 2017-2019; and in 2013, the foundation chose her to receive a Faculty Scholars Award in Bioethics. In 2012, she was awarded a Public Health Law Research Grant from the Robert Wood Johnson Foundation, the nation's leading philanthropy on health and health care.

Prior to pursuing her doctoral degree, Dr. Paul-Emile served as associate counsel at the Brennan Center for Justice at New York University School of Law, and practiced civil rights law at the Center for Constitutional Rights, where she was a National Association for Public Interest Law (now Equal Justice Works) Fellow and later the William Moses Kunstler Fellow for Racial Justice. Dr. Paul-Emile holds an A.B. degree in Political Science and in American Civilization, with honors, from Brown University; a J.D. from Georgetown University Law Center; and a Ph.D. in American Studies from New York University.



Linda B. Rosenthal
Assemblymember
Assembly District 67

Assemblymember Linda B. Rosenthal represents the 67th Assembly district, which includes the Upper West Side and parts of Clinton/Hell's Kitchen in Manhattan. Elected in 2006 after serving for 13 years as Manhattan District Director and Director of Special Projects for United States Congressman

Jerrold Nadler, Rosenthal succeeded then – Assemblymember, now New York City Comptroller Scott M. Stringer.

Since then, Assemblymember Rosenthal has passed more than 120 laws that have helped to improve the lives of all New York State residents. In previous sessions, Rosenthal has passed laws extending orders of protection to companion animals whose abuse often serves as a warning sign; requiring that applicants of public assistance be provided with information and resources for victims of sexual assault; allowing for same sex couples to adopt non-biological children together in New York State; and prohibiting the sale of electronic cigarettes to minors. In her tenure, Rosenthal has established herself as a leading advocate on affordable housing, domestic violence, consumer protection, government reform, environmental issues and animal cruelty.

Assemblymember Rosenthal received a B.A. in History from the University of Rochester. She is a life-long resident of the Upper West Side.

Chair, Committee on Social Services. Previous Chair, Committee on Alcoholism and Drug Abuse; Commission on Science and Technology; Mitchell-Lama Housing. Standing Committee Assignments: Agriculture; Codes, Housing; Health.



Shaleen Title
Distinguished Cannabis Policy Practitioner in
Residence, Drug Enforcement and Policy Center
Ohio State University Moritz College of Law

Shaleen Title is an attorney and drug policy activist who has been writing, passing, and implementing equitable cannabis laws for over 20 years. She was previously a top cannabis regulator in Massachusetts. Currently, she is founder and director of Parabola Center for Law and Policy, a nonprofit organization focused on marijuana laws that put racial justice and public health ahead of corporate profits.

She also serves as a Distinguished Practitioner in Residence at The Ohio State University Moritz College of Law's Drug Enforcement and Policy Center, where she has authored papers on social equity, interstate commerce, and preventing cannabis monopolies. She has testified before governmental bodies around the world about reparative marijuana laws.

Dubbed "the people's weed watchdog" by Boston Magazine, she is the recipient of multiple lifetime achievement awards and holds a business degree, law degree, and graduate degree in accounting from University of Illinois.



Stacey Ann Tovino

John B. Turner Chair in Law

Director, Graduate Healthcare Law Programs

University of Oklahoma College of Law

Stacey Tovino, JD, PhD, serves as the John B. Turner LLM Program Chair in Law and Director of Graduate Healthcare Law Programs at the University of Oklahoma College of Law. An elected member of the American Law Institute and an invited fellow

of the American Bar Foundation, Professor Tovino's current research focuses on patient privacy and health information confidentiality, mental health law, substance use disorders and the law, and virus and vaccine law. Professor Tovino publishes her interdisciplinary research in textbooks, casebooks, encyclopedias, law reviews, medical and science journals, and ethics and humanities journals.

Her recent non-symposium scholarship has competitively placed in Boston College Law Review (forthcoming 2024), Emory Law Journal (2023), William and Mary Law Review (2023), Cardozo Law Review (2023), Duke Law Journal (2022), Alabama Law Review (2020), Notre Dame Law Review (2019), Iowa Law Review (2019), Alabama Law Review (2018), Washington and Lee Law Review (2017), Minnesota Law Review (2016), Boston College Law Review (2016), and Washington Law Review (2016).

An enthusiastic teacher, Professor Tovino earned law school-wide teaching awards in 2009, 2012, 2013, 2014, 2016, and 2020, as well as an OU College of Law Institutional Impact Award in 2021. Within the legal academy, Professor Tovino has served as Chair of the AALS Section on Law and the Humanities (2023), Chair of the AALS Section on Law, Medicine, and Health Care (2022), Chair of the AALS Section on Torts and Compensation Systems (2018), and Chair of the AALS Section on Law and Mental Disability (2009).

CLE credit for this program is approved in accordance with the requirements of the New York and New Jersey states CLE boards for a maximum of 3.0 CLE credits.