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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair  
2019 - 2020 Regular

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**Bill No:** SJR 10                      **Hearing Date:** January 14, 2020  
**Author:** Bradford  
**Version:** July 2, 2019  
**Urgency:** No                              **Fiscal:** No  
**Consultant:** NS

**Subject:** *Cannabis: Federal Schedules*

## HISTORY

Source: Author

Prior Legislation: SJR 5 (2017, Stone)

Support: Unknown

Opposition: None known

Assembly Floor Vote:

## PURPOSE

*The purpose of this resolution is to urge the Congress and the President of the United States to pass and sign legislation that would remove marijuana or cannabis and its derivatives from the federal drug schedules.*

### Existing Federal Law

*Existing law* prohibits the use, sale or distribution of marijuana under the Controlled Substance Act. (21 U.S.C. § 811 (c)(10).)

*Existing law* places marijuana as a schedule I drug. Schedule I drugs, substances, or chemicals are defined as drugs with no currently accepted medical use and a high potential for abuse. Other Schedule I drugs include heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), and methylenedioxymethamphetamine (ecstasy). (21 U.S. Code § 812 (c)(a).)

*Existing law* states possession of less than 30g of marijuana is a Class B misdemeanor, and will be given a penalty of 180 days in jail and/or a \$1000 fine. If the person has a prior conviction for possessing marijuana, the offense is enhanced to a Class A misdemeanor, carrying a maximum penalty of 365 days in jail and/or a \$5000 fine. If the person has a prior conviction of possessing marijuana and is found to possess more than 30g, the offense is enhanced to a Level 6 felony. This carries a sentence of 6 months to 2 1/2 years and a maximum fine of \$10,000.

**Existing California Law**

*Existing law* legalized the medicinal and recreational use of cannabis for persons 21 years and older through voter initiatives. (Cal Const. Proposition 215, 1996 & Proposition 64, 2015).

*Existing law* establishes the California Uniform Controlled Substances Act which regulates controlled substances. (Health & Saf. Code, § 11000 et seq.)

*Existing law* classifies controlled substances into five schedules according to their danger and potential for abuse. (Health & Saf. Code, §§ 11054-11058.)

*Existing law* states that persons 21 years and older may possess a maximum of 28.5 grams of cannabis or 8 grams of concentrated cannabis. It is also legal to grow up to 6 plants for personal use. (Health & Saf. Code, § 11357.)

*Existing law* provides the following penalties:

- Possessing or growing more than 28.5 grams of cannabis or 8 grams of concentrated cannabis is a misdemeanor crime, and punishable by up to 6 months in county jail and/or a fine of up to \$500.
- Persons under 21 possessing marijuana will be charged with an infraction. Defendants under 18 will be given drug counseling and community service, and those 18 and over will be fined up to \$100. (Health & Saf. Code, § 11357.)

*This resolution states*, in 2016, the majority of California voters passed Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), to legalize, regulate, and tax cannabis for adult use.

*This resolution states*, Californians have legalized cannabis for both adult medicinal and recreational use through the initiative process.

*This resolution states*, thirty-three states, the District of Columbia, Puerto Rico, and Guam have all adopted laws allowing legal access to cannabis.

*This resolution states*, cannabis is presently classified by the United States Drug Enforcement Agency as a Schedule I drug. This means that the possession, sale, or utilization can trigger federal prosecution, including federal forfeiture provisions.

*This resolution states*, schedule I controlled substances are defined in United States Code as drugs or other substances that have a high potential for abuse, have no currently accepted medical use, and lack an accepted safety for use under medical supervision;

*This resolution states*, cannabis has limited potential for abuse, has established medical benefits, and is safe in relation to other controlled substances.

*This resolution states*, ninety percent of the 650,000 Americans arrested for breaking cannabis laws, were arrested for mere possession.

*This resolution states*, people who are Black or Latino make up nearly 47 percent of those arrested for drug law violations, despite being 31.5 percent of the United States population.

*This resolution states*, people of color encounter various social and economic disparities when attempting to enter into the cannabis market, such as barriers to acquiring loans and capital.

*This resolution states*, the United States Food and Drug Administration approved cannabinoids use in treating individuals who experience seizures from epilepsy and symptoms associated with cancer chemotherapy.

*This resolution states*, the health benefits of cannabis and its derivatives cannot be properly researched because it remains a Schedule I drug.

*The resolution states*, California's regulated cannabis industry is projected to represent almost 30 percent of all legal cannabis sales in the United States, contributing billions of dollars to the state's economy and bolstering tourism.

*This resolution states*, traditional banking institutions refuse to do business with the cannabis industry due to it being illegal federally, thereby making cannabis commerce difficult.

*This resolution states*, moving cannabis to a less restrictive schedule would not protect existing state medical cannabis programs or change federal penalties, nor would it prevent people from being penalized for using cannabis.

*This resolution resolves* by the Senate and the Assembly of the State of California, jointly, that the Legislature urges the Congress of the United States to pass legislation that would remove marijuana or cannabis and its derivatives from the federal drug schedules.

*This resolution resolves*, that the Legislature urges the President of the United States to sign such legislation.

*This resolution resolves*, that the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the United States Senate, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

## **COMMENTS**

### **1. Need for this Resolution**

According to the author:

SJR 10 urges the Congress and the President of the United States to pass and sign legislation that would remove marijuana or cannabis and its derivatives from the federal drug schedules. Californians have demonstrated their support to legalize cannabis for medicinal and recreational use through the initiative process.

However, cannabis remains listed as a Schedule I drug – as are heroin, LSD, and ecstasy. In addition, the federal government has designated cannabis as more

dangerous than cocaine, crystal meth, and fentanyl, all of which remain listed as Schedule II drugs.

Removing cannabis from the federal drug schedules would remove obstacles for individuals to enter the legal cannabis market, allow cannabis and its effects to be studied by research institutions, and protect people from being arrested and punished for using cannabis.

## **2. Arguments for Descheduling Marijuana**

This resolution calls on Congress and the President to reschedule Marijuana from a schedule I drug. Supporters of descheduling marijuana state there are multiple purposes for doing so. First, it would allow for research facilities in the U.S. to legally study marijuana and determine what medical benefits stems from it. The FDA has not approved cannabis for any medical use, however it has approved several drugs that contain individual cannabinoids. Cannabinoids are a group of substances found in the cannabis plant. The most commonly used cannabinoids are THC and cannabidiol (CBD), however there are over 100 that have been identified. Drugs containing cannabinoids have been found to be helpful in treating rare forms of epilepsy, nausea and vomiting associated with cancer chemotherapy, and loss of appetite and weight loss associated with HIV/AIDS. In addition, some evidence suggests modest benefits of cannabis or cannabinoids for chronic pain and multiple sclerosis symptoms. Removing marijuana from the federal drug schedule would allow research facilities to do regular and in depth research on the medical benefits of it.

Effective November 9, 2016, Proposition 64 made recreational marijuana legal through a majority of California voters (57.13%). Proposition 64 also allowed for the sale and taxation of recreational marijuana. However, banks and other financial institutions in the state are unable to offer their services. This is due to federal law recognizing marijuana as an illegal drug. This makes it difficult for businesses to pay their taxes, and forces them to only do business in cash which can be dangerous. This situation results in millions of lost revenue to the State.

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