

(Reprinted with amendments adopted on April 21, 2023)

FIRST REPRINT

A.J.R. 8

ASSEMBLY JOINT RESOLUTION NO. 8—ASSEMBLYMEN D’SILVA, BRITTNEY MILLER; ANDERSON, BROWN-MAY, CARTER, COHEN, CONSIDINE, DELONG, DICKMAN, GALLANT, GONZÁLEZ, GORELOW, LA RUE HATCH, C.H. MILLER, MONROE-MORENO, MOSCA, NEWBY, NGUYEN, O’NEILL, ORENTLICHER, PETERS, SUMMERS-ARMSTRONG, TAYLOR, THOMAS, TORRES, WATTS AND YEAGER

MARCH 27, 2023

JOINT SPONSORS: SENATORS DONATE, FLORES, HAMMOND, D. HARRIS, NEAL, NGUYEN, OHRENSCHALL, SPEARMAN AND STONE

Referred to Committee on Legislative Operations and Elections

SUMMARY—Urges the Congress of the United States to deschedule marijuana as a schedule I controlled substance. (BDR R-615)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

ASSEMBLY JOINT RESOLUTION—Urging the Congress of the United States to deschedule marijuana as a schedule I controlled substance.

1 WHEREAS, Under Nevada law, cannabis and marijuana share an
2 identical meaning; and

3 WHEREAS, Under the Controlled Substance Act, drugs,
4 substances and certain chemicals used to make drugs are classified
5 into five distinct schedules depending upon the acceptable medical
6 use of the drug and the potential of the drug for abuse; and

7 WHEREAS, Schedule I drugs, substances or chemicals are
8 defined as drugs with no currently accepted medical use and a high
9 potential for abuse; and



1 WHEREAS, Cannabis is classified as a schedule I drug, alongside
2 heroin, although marijuana has many well documented medical
3 uses; and

4 WHEREAS, According to the National Academy of Medicine,
5 modern medical research has confirmed the beneficial uses for
6 marijuana in treating or alleviating the pain, nausea and other
7 symptoms associated with a variety of debilitating medical
8 conditions, including cancer, multiple sclerosis and HIV/AIDS; and

9 WHEREAS, Marijuana has many currently accepted medical uses
10 in the United States, having been recommended by thousands of
11 licensed physicians to at least 350,000 patients in states with
12 medical marijuana laws; and

13 WHEREAS, Marijuana's medical utility has been recognized by a
14 wide range of medical and public health organizations, including,
15 without limitation, the American Academy of HIV Medicine, the
16 American College of Physicians, the American Nurses Association,
17 the American Public Health Association and the Leukemia and
18 Lymphoma Society; and

19 WHEREAS, In 1998 and 2000, Nevada voters approved the
20 *Nevada Medical Marijuana Act*, a referendum initiative intended to
21 amend the Nevada Constitution to legalize marijuana for medical
22 use in Nevada, which passed in two consecutive elections, as is
23 required for a constitutional amendment; and

24 WHEREAS, The medical value of cannabis was enshrined into
25 Nevada's constitution through the addition of Article 4, Section 38
26 of the Nevada Constitution, which requires the Nevada Legislature
27 to provide by law for the use by a patient, upon the advice of his
28 physician, of a plant of the genus Cannabis for the treatment or
29 alleviation of cancer, glaucoma, acquired immunodeficiency
30 syndrome, severe, persistent nausea of cachexia resulting from these
31 or other chronic or debilitating medical conditions, epilepsy and
32 other disorders characterized by seizure, multiple sclerosis and other
33 disorders characterized by muscular spasticity, or other conditions
34 approved pursuant to law for such treatment; and

35 WHEREAS, In 2016, Nevada voters voted upon and approved the
36 Initiative to Regulate and Tax Marijuana, which legalized
37 possession of marijuana for recreational purposes; and

38 WHEREAS, A district court in Nevada has already held that
39 cannabis is no longer a schedule I controlled substance in Nevada;
40 and

41 WHEREAS, There are approximately 5.4 million state-legal
42 patients in the United States and its territories who are unable to
43 receive medical insurance prescription health coverage for medical
44 marijuana, primarily because of marijuana's federal designation as a
45 schedule I controlled substance; and



1 WHEREAS, In its State of the States 2021 report, the advocacy
2 group Safe Access Now estimated that medical marijuana customers
3 at state dispensaries were likely to pay as much as \$350 before they
4 could access and pay for the cost of marijuana; and

5 WHEREAS, Marijuana is not an eligible health savings account
6 expense because of its current federal designation as a schedule I
7 controlled substance; and

8 WHEREAS, Because of marijuana's current federal designation
9 as a schedule I controlled substance, tracing money back to a state
10 marijuana operation could result in criminal prosecution for aiding
11 and abetting a federal crime or money laundering, and most
12 financial institutions are therefore unwilling to accept the legal risks
13 associated with offering financial services to the medical marijuana
14 industry, resulting in medical marijuana distributors having limited
15 access to traditional banking and financial services and forcing them
16 to operate using only cash; and

17 WHEREAS, Operating a business with large amounts of cash on
18 hand is a public safety threat, causing such a business to become a
19 target for crime, thereby putting the safety of staff and patients at
20 risk; and

21 WHEREAS, Marijuana does not belong in schedule I of the
22 Controlled Substances Act, a classification intended for
23 exceptionally dangerous substances with high potential for abuse
24 and no currently accepted medical use; now, therefore, be it

25 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF
26 NEVADA, JOINTLY, That the members of the 82nd Session of the
27 Nevada Legislature hereby urge Congress to support legislation to
28 remove cannabis from schedule I of the Controlled Substances Act;
29 and be it further

30 RESOLVED, That the Chief Clerk of the Assembly prepare and
31 transmit a copy of this resolution to the Vice President of the United
32 States as the presiding officer of the United States Senate, the
33 Speaker of the United States House of Representatives and each
34 member of the Nevada Congressional Delegation; and be it further

35 RESOLVED, That this resolution becomes effective upon
36 passage.

