
ASSEMBLY JOINT RESOLUTION NO. 8—ASSEMBLYMEN D’SILVA
AND BRITTNEY MILLER

MARCH 27, 2023

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.

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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

10 WHEREAS, Cannabis is classified as a schedule I drug, alongside
11 heroin, although marijuana has many well documented medical
12 uses; and

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

18 WHEREAS, Marijuana has many currently accepted medical uses
19 in the United States, having been recommended by thousands of



1 licensed physicians to at least 350,000 patients in states with
2 medical marijuana laws; and

3 WHEREAS, Marijuana’s medical utility has been recognized by a
4 wide range of medical and public health organizations, including,
5 without limitation, the American Academy of HIV Medicine, the
6 American College of Physicians, the American Nurses Association,
7 the American Public Health Association and the Leukemia and
8 Lymphoma Society; and

9 WHEREAS, In 1998 and 2000, Nevada voters approved the
10 *Nevada Medical Marijuana Act*, a referendum initiative intended to
11 amend the Nevada Constitution to legalize marijuana for medical
12 use in Nevada, which passed in two consecutive elections, as is
13 required for a constitutional amendment; and

14 WHEREAS, The medical value of cannabis was enshrined into
15 Nevada’s constitution through the addition of Article 4, Section 38
16 of the Nevada Constitution, which requires the Nevada Legislature
17 to provide by law for the use by a patient, upon the advice of his
18 physician, of a plant of the genus *Cannabis* for the treatment or
19 alleviation of cancer, glaucoma, acquired immunodeficiency
20 syndrome, severe, persistent nausea of cachexia resulting from these
21 or other chronic or debilitating medical conditions, epilepsy and
22 other disorders characterized by seizure, multiple sclerosis and other
23 disorders characterized by muscular spasticity, or other conditions
24 approved pursuant to law for such treatment; and

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

28 WHEREAS, A district court in Nevada has already held that
29 cannabis is no longer a schedule I controlled substance in Nevada;
30 and

31 WHEREAS, There are approximately 5.4 million state-legal
32 patients in the United States and its territories who are unable to
33 receive medical insurance prescription health coverage for medical
34 marijuana, primarily because of marijuana’s federal designation as a
35 schedule I controlled substance; and

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

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

43 WHEREAS, Because of marijuana’s current federal designation
44 as a schedule I controlled substance, tracing money back to a state
45 marijuana operation could result in criminal prosecution for aiding



1 and abetting a federal crime or money laundering, and most
2 financial institutions are therefore unwilling to accept the legal risks
3 associated with offering financial services to the medical marijuana
4 industry, resulting in medical marijuana distributors having limited
5 access to traditional banking and financial services and forcing them
6 to operate using only cash; and

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

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

15 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF
16 NEVADA, JOINTLY, That the members of the 82nd Session of the
17 Nevada Legislature hereby urge Congress to support legislation to
18 remove cannabis from schedule I of the Controlled Substances Act;
19 and be it further

20 RESOLVED, That the Chief Clerk of the Assembly prepare and
21 transmit a copy of this resolution to the Vice President of the United
22 States as the presiding officer of the United States Senate, the
23 Speaker of the United States House of Representatives and each
24 member of the Nevada Congressional Delegation; and be it further

25 RESOLVED, That this resolution becomes effective upon
26 passage.

