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**SJR-5 Federal rescheduling of marijuana from a Schedule I drug.** (2017-2018)

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**Senate Joint Resolution No. 5**

**CHAPTER 187**

Relative to federal rescheduling of marijuana from a Schedule I drug.

[ Filed with Secretary of State September 22, 2017. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SJR 5, Stone. Federal rescheduling of marijuana from a Schedule I drug.

This measure would request that the Congress of the United States pass a law to reschedule marijuana or cannabis and its derivatives from a Schedule I drug to an alternative schedule and that the President of the United States sign such legislation.

Fiscal Committee: no

WHEREAS, Marijuana and its derivatives remain classified as a Schedule I drug by the United States Drug Enforcement Administration (DEA); and

WHEREAS, Schedule I drugs, substances, or chemicals are defined as drugs with no currently accepted medical use and a high potential for abuse and include heroin, lysergic acid diethylamide (LSD), marijuana or cannabis, 3,4-methylenedioxymethamphetamine (ecstasy), methaqualone (Quaalude), and peyote; and

WHEREAS, Marijuana or cannabis and its congeners have been studied worldwide outside the United States for years and have shown efficacy for various conditions, such as wasting syndrome, as an antinauseant in those taking chemotherapy, Glaucoma (reduces intraocular pressure), Epilepsy (anti-seizure properties), migraine headaches and other types of pain, and anxiety; and

WHEREAS, The medical and recreational use of marijuana in the State of California has been authorized by the voters through initiatives; and

WHEREAS, Marijuana or cannabis is presently classified by the DEA as a Schedule I drug wherein the possession, sale, or utilization can trigger federal prosecution statutes, including federal forfeiture provisions; and

WHEREAS, Concerns about the criminality and forfeiture provisions in federal law impede traditional banking institutions from doing business with potential clients cultivating, researching, selling, or utilizing marijuana or cannabis and its derivatives, therefore making marijuana commerce very difficult; and

WHEREAS, The inability to use traditional banking institutions impedes local and state government from adequately monitoring true marijuana or cannabis utilization and shortchanges the respective taxes owed to taxing agencies, potentially costing state and local governments hundreds of millions of dollars in lost tax income; and

WHEREAS, Since marijuana or cannabis businesses are unable to legally use traditional banking institutions, many vendors resort to the black market and involvement of organized crime making communities less safe; and

WHEREAS, Marijuana or cannabis and its derivatives cannot be legally studied by research institutions if it remains a Schedule I drug, thereby prohibiting newly discovered and verifiable pharmacological attributes of marijuana or cannabis and its derivatives, which otherwise may enhance the quality of life of those that could truly benefit from its use; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature urges the Congress of the United States to pass a law to reschedule marijuana or cannabis and its derivatives from a Schedule I drug to an alternative schedule, therefore allowing the legal research and development of marijuana or cannabis for medical use and allowing for the legal commerce of marijuana or cannabis so that businesses dealing with marijuana or cannabis can use traditional banks or financial institutions for their banking needs, which would result in providing a legal vehicle for those businesses to pay their taxes, including, but not limited to, payroll taxes, unsecured property taxes, and applicable taxes on the products sold in accordance with state and local laws; and be it further

Resolved, That the Legislature urges the President of the United States to sign such legislation; and be it further

Resolved, 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.