

# ATTENTION:

## LANGUAGE IN 118TH CJS APPROPRIATIONS BILL IS HARMFUL TO PATIENTS

On July 9th, 2024, the House Appropriations Committee passed a version of CJS appropriations bill with amendments to

- 1) Block rescheduling efforts for cannabis (Section 623)
- 2) Modifying the medical cannabis amendment from 2014 opens the door for federal interference in state medical cannabis programs again (Section 531(b)) with double penalties



Appropriation Bills	Subcommittee Approval		Committee Approval	
	House ⬇	Senate ⬇	House ⬇	Senate ⬇
Commerce-Justice-Science H.R. 9026 S. 4795	(voice vote) 06/26/2024		31-26 07/09/2024 H. Rept. 118-582	26-3 07/25/2024 S. Rept. 118-198

### LANGUAGE IN THE 118TH CJS APPROPRIATIONS BILL

#### SEC. 623

None of the funds appropriated or otherwise made available by this Act may be used to reschedule marijuana (as such term is defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or remove marijuana from the schedules established under section 202 of the Controlled Substances Act (21 U.S.C. 812).

#### WHY THIS MATTERS:

1 The rescheduling process that was initiated by the 46th Administration has not been completed.



2 Despite campaign promises, POTUS cannot directly reschedule Cannabis. Outside of the current rescheduling process, only Congress can address the scheduling of Cannabis.

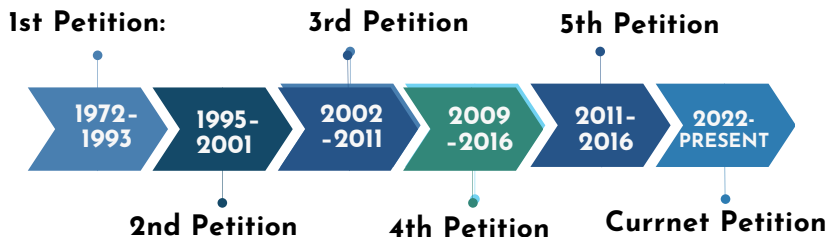


#### CRS REPORT: DOES THE PRESIDENT HAVE THE POWER TO LEGALIZE MARIJUANA?

Updated November 4, 2021

the Supreme Court has held that the President has the power to issue an executive order only if authorized by "an act of Congress or . . . the Constitution itself." The CSA does not provide a direct role for the President in the classification of controlled substances, nor does Article II of the Constitution grant the President power in this area... Thus, it does not appear that the President could directly deschedule or reschedule marijuana by executive order.

3 Patients have waited long enough for the classification of cannabis to recognize its "Currently Accepted Medical Use."



# LANGUAGE IN THE 118TH CJS APPROPRIATIONS BILL

## SEC. 531 MEDICAL CANNABIS AMENDMENT

(a) None of the funds made available under this Act to the Department of Justice may be used, with respect to any of the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, or with respect to the District of Columbia, the Commonwealth of the Northern Marianas Islands, the United States Virgin Islands, Guam, or Puerto Rico, to prevent any of them from implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

(b) Funds made available under this Act to the Department of Justice may be used to enforce violations of 21 U.S.C. 860 (see below).

## 21 U.S.C. 860

Any person who is distributing, possessing with intent to distribute, or manufacturing a controlled substance in or on, or within one thousand feet of, a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university, or a playground, or housing facility owned by a public housing authority, or within 100 feet of a public or private youth center, public swimming pool, or video arcade facility, is subject to

- (1) Twice the maximum punishment,
- (2) At least twice any term of supervised release for a first offense.
- (3) Up to twice the fine Provisions of this paragraph shall not apply to offenses involving 5 grams or less of marihuana.

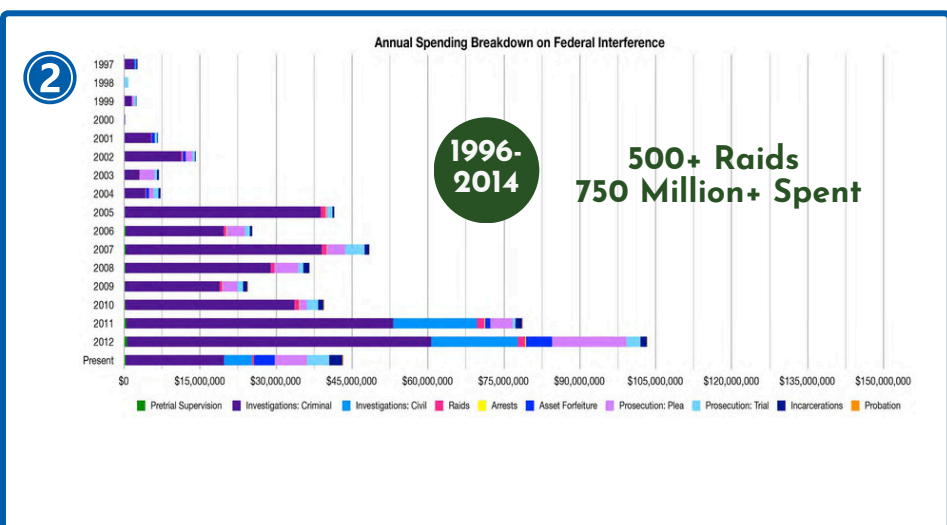
## FEDERAL SENTENCING CHART FOR CANNABIS

QUANTITY	1st OFFENSE	2nd OFFENSE *
1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not less than 20 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not less than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) marijuana plants;	Not less than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual	Not less than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual

## WHY THIS MATTERS

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Over 6 million patients rely on state programs for access to their medicine, the CJS Medical Marijuana Amendment is their only federal protection.



**DON'T LET CJS APPROPRIATIONS STOP PROGRESS FOR PATIENTS!**