



POLITICS

Biden's Drug Czar Wants To Make It Easier To Research Marijuana, Psychedelics And Other Schedule I Substances



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By Kyle Jaeger



The Biden administration proposed a change to the federal drug scheduling system on Thursday that it hopes will streamline research into Schedule I controlled substances including marijuana and psychedelics such as psilocybin.

The White House Office of National Drug Control Policy (ONDCP) said in a letter to congressional leaders and a plan posted on the agency's website that it wants to encourage research in part by simplifying the registration process for scientists to access Schedule I drugs so that they match those for less-restricted Schedule II substances.

This is part of a broader White House initiative to develop what it says is a strategy to reduce the supply of illicit fentanyl analogues, while "protecting civil rights, and reducing barriers to scientific research for all schedule I substances."

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ONDCP said that what it wants to do is “align research registration for all schedule I substances more closely with the research registration process for schedule II substances.”

“The Biden-Harris Administration strongly supports expanding the research of [fentanyl-related substances] and other schedule I substances to help advance evidence-based public policy,” it said.

Under the current process, both Schedule I and Schedule II DEA registration applications must include a general research proposal, information on storage and security, and experience and qualifications to conduct the studies.

For applicants seeking access to Schedule I drugs, however, there’s an additional burden to have the secretary of health and human services “determine the qualifications and competency of each practitioner requesting registration, as well as the merits of the research protocol.”

While some advocates, researchers and officials say that makes the process to get approved for studying Schedule I drugs more burdensome and lengthy, some experts familiar with the Drug Enforcement Administration (DEA) registration procedures are tempering expectations about the practical effects of aligning Schedule I and Schedule II applications. The difference is largely a matter of extra paperwork for the more restrictive category, they contend.

In any case, ONDCP’s intent to streamline research into Schedule I drugs is notable and seems to be part of a theme that’s developing within the administration.

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“DEA firmly believes in supporting regulated research of schedule I controlled substances,” it said in a Federal Register filing this week. “Therefore, the [Aggregate Production Quota] increases reflect the need to fulfill research and development requirements in the production of new drug products, and the study of marijuana effects in particular, as necessary steps toward potential Food and Drug Administration (FDA) approval of new drug products.”

Meeting the new production goal for marijuana in particular could be simplified now that DEA has decided to end the current monopoly on federally authorized cannabis manufacturing that the University of Mississippi has had for half a century by [approving additional growers for research](#).

But while the production developments are promising, advocates are still frustrated that these plants and fungi remain in the strictest drug category in the first place, especially considering the existing research that shows their medical value for certain conditions.

A federal appeals court on Monday dismissed a petition to [require DEA to reevaluate cannabis's scheduling](#) under the Controlled Substances Act. However, one judge did say in a concurring opinion that the agency may soon be forced to consider a policy change anyway based on a misinterpretation of the therapeutic value of marijuana.

President Joe Biden has made much of the potential impact of modest rescheduling for marijuana, despite the fact that cannabis-related offenses would still carry significant criminal penalties in Schedule II, which also covers drugs like cocaine.

In April, White House Press Secretary Jen Psaki said Biden's campaign pledge to release federal inmates with marijuana convictions [will start with rescheduling cannabis](#)—a proposal that advocates say wouldn't actually accomplish what she suggested.

In any case, this latest development on recommending an alignment of Schedule I and Schedule II research registration processes is part of a larger issue that primarily deals with fentanyl analogues. And some advocacy groups like the Drug Policy Alliance (DPA) and the Leadership Conference on Civil and Human Rights have expressed frustration that the administration is urging a permanent and restrictive scheduling classification for the substances.

“We cannot continue doing the same thing and expect to get different results,” Maritza Perez, director of national affairs at DPA, [said](#) in a press release. “Despite the Biden administration's stated commitment to criminal justice reform and ending racial disparities in the system, the recommendation to permanently schedule fentanyl-related substances echoes the failed drug policies of our past.”

“Today's proposal is reminiscent of these policies, which led to over policing and enforcement, disproportionately impacted people of color, overcrowded prisons, and cost lives,” she said. “This proposal is a major step backwards in the fight to dismantle the harms of the past and save lives.”

Read ONDCP's letter on fentanyl and drug research recommendations below:



Majority Leader United States Senate S-230 The Capitol Washington, DC 20510
The Honorable Nancy Pelosi Speaker United States House of Representatives H-232 The Capitol Washington, DC 20515
Dear Leader Schumer, Leader McConnell, Speaker Pelosi, and Leader McCarthy:

We appreciate your continued partnership as we seek to curb the overdose epidemic by advancing an addiction infrastructure to prevent substance use and treat people with substance use disorder, while also disrupting drug trafficking at home and abroad.

As you know, on February 6, 2018, the Department of Justice issued a rule temporarily placing the class of fentanyl-related substances (FRS) not otherwise scheduled into schedule 1 of the Controlled Substances Act (CSA). On May 4, 2021, President Biden signed into law the Expanding Temporary Emergency Scheduling of Fentanyl Analogs Act, which extended the temporary scheduling until October 22, 2021.

The Office of National Drug Control Policy (ONDCP), the Department of Justice, and the Department of Health and Human Services have met regularly to develop a comprehensive approach that addresses the complex issues surrounding the scheduling of FRS. We are pleased to present to Congress a long-term, consensus approach that advances efforts to reduce the supply and availability of illicitly manufactured FRS, while protecting civil rights, and reducing barriers to scientific research for all schedule 1 substances.

This approach has five main components:

First, the approach would permanently place FRS into schedule 1 of the CSA. This provides law enforcement with the tools they need to respond to the trafficking and manufacture of illicitly manufactured synthetic opioids. Following the temporary class-wide scheduling of FRS in 2018, DEA National Forensic Laboratory Information System (NFLIS) data show that law enforcement encounters of fentanyl analogs that were not individually scheduled declined by almost 90%, when comparing total encounters from 2016 and 2017 to total encounters of uncontrolled fentanyl analogs from 2018 and 2019.

Second, the approach would create a streamlined process overseen by the Department of Health and Human Services to identify and remove or reschedule any individual FRS that is found to not have a high potential for abuse as defined in the CSA.

Third, the proposal would exclude those FRS that are scheduled by class from certain quantity-based mandatory minimum penalties normally associated with domestic trafficking, and import and export offenses of CSA schedule 1 compounds. It would further ensure that a federal court can vacate or reduce the sentence of an individual convicted of an offense involving an individual FRS that is subsequently removed or rescheduled from schedule 1.

Fourth, the approach establishes a simplified process that would align research registration for all schedule 1 substances more closely with the research registration process for

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ONDCP drug scheduling letter by Marijuana Moment

California Will Use Marijuana Tax Dollars To Support Cultivator Environmental Clean-Up, State Announces



California officials on Thursday announced that they are soliciting concept proposals for a program aimed at helping small marijuana cultivators with environmental clean-up and restoration efforts. Applications for the California Department of Fish and Wildlife's (CDFW) Cannabis Restoration Grant Program will be released this fall and remain open through the spring of 2023. Rather than ... Continue reading

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Feds highlight cannabis research barriers (Newsletter: October 26, 2021)



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State Attorneys General Warn About Marijuana-Infused Candy And Snacks Ahead Of Halloween



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By Kyle Jaeger



As Halloween approaches, attorneys general from multiple states across the U.S. are warning parents about illicit marijuana products that resemble popular candies and snacks like

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misleadingly marketed. The officials aren't necessarily suggesting that people are intentionally handing out the THC-infused candies to trick-or-treaters—a myth that cannabis advocates have long worked to debunk—but it does fit within a theme of messaging that

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Marijuana Legalization Is More Popular In Maryland Than President Biden, Poll Finds



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By Kyle Jaeger



Marijuana legalization is more popular in Maryland than President Joe Biden and the state's two U.S. senators, a new poll found.

As lawmakers work to enact cannabis reform in the coming year, the survey from Goucher College shows a strong majority of the public (60 percent) is in favor of the policy.

But while legalization earned more support than Biden (53 percent) or either Democratic senators, Chris Van Hollen (44 percent) and Ben Cardin (46 percent), that majority support is seven percentage points lower than when Marylanders were last asked about it in March.

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DC Voters Strongly Support Drug Decriminalization, Poll Finds As Activists Launch Campaign



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By Kyle Jaeger



Washington, D.C. voters are strongly in favor of proposals to broadly decriminalize drugs and establish harm reduction centers, a new poll found.

One week after activists [announced an effort to pressure local lawmakers enact the reforms](#), a coalition of activists group organized under the banner of DecrimPovertyDC released a survey showing just how popular the policy changes are among D.C. residents. It also found that voters would be more likely to elect local legislators who embrace decriminalization.

At a top level, 83 percent of respondents said that they favor having the D.C. Council pass an ordinance to “remove criminal penalties for possession of small amounts of commonly-used

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