

## **FDA Statement Re: Marijuana Legislation**

The Food and Drug Administration (FDA) has concerns about any legislation that would prevent the Department of Justice or the Drug Enforcement Administration (DEA) from enforcing the Controlled Substances Act (CSA) with respect to marijuana either generally or in specified States. Marijuana is a Schedule I drug under the CSA. Schedule I substances are defined as having a high potential for abuse and no accepted medical use in the U.S. In 2001, the Department of Health and Human Services (HHS) completed an extensive analysis in response to a request to reschedule marijuana to a less restrictive schedule. After looking at all the relevant data on marijuana, HHS concluded that marijuana should continue to be controlled under Schedule I. DEA is the Federal agency with primary jurisdiction regarding enforcement actions relating to the sale or distribution of marijuana. FDA will continue to cooperate with DEA in these actions.

Several states have passed referenda making marijuana available for a variety of medical conditions, but these laws are in conflict with the CSA and often with the Federal Food, Drug, and Cosmetic (FD&C) Act. FDA's position continues to be that these ballot measures send the wrong message to the public— too many of whom do not recognize the dangers of marijuana – and that these measures are inconsistent with our efforts to ensure that approved medications have undergone rigorous scientific scrutiny and FDA's approval process.

FDA is the sole Federal agency that approves drug products as safe and effective for particular indications, and efforts that seek to bypass the FDA drug approval process would not serve the interests of public health. FDA has not approved marijuana for any indication. Only the disciplined, systematic, scientific conduct of clinical trials can establish whether there is any medicinal value to marijuana, smoked or otherwise.

We reiterate that any legislation that would prevent the Department of Justice or the DEA from enforcing the CSA with respect to marijuana either generally or in specified States would not serve the interests of public health.