

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 258 Session of 2018

INTRODUCED BY WILLIAMS, FOLMER, COSTA, HUGHES, STREET AND SCHWANK, JANUARY 26, 2018

AS AMENDED, APRIL 23, 2018

A RESOLUTION

1 Urging the Congress of the United States to amend the Controlled
2 Substances Act to remove marijuana as a Schedule I controlled <--
3 substance and to recognize the proven medical purposes of
4 marijuana. BY RESCHEDULING MARIJUANA IN ORDER TO PROTECT THE <--
5 RIGHT UNDER THE SECOND AMENDMENT OF THE CONSTITUTION OF THE
6 UNITED STATES OF PARTICIPANTS IN A STATE-SANCTIONED MEDICAL
7 MARIJUANA PROGRAM TO LEGALLY OWN A FIREARM AND FURTHER
8 CONSIDER WHETHER MARIJUANA HAS A PROVEN MEDICAL PURPOSE.

9 WHEREAS, The Controlled Substances Act (Public Law 91-513, 84
10 Stat. 1236) was enacted by the 91st Congress and became
11 effective May 1, 1970; and

12 WHEREAS, Schedule I drugs, substances or chemicals under the
13 Controlled Substances Act include controlled substances which
14 are found to have highly addictive properties, no currently
15 accepted medical use in the United States and a lack of accepted
16 safety for use of the drug under medical supervision; and

17 WHEREAS, Marijuana is listed as a Schedule I controlled
18 substance under the Controlled Substances Act, and there are no
19 exceptions in Federal law for marijuana purportedly used for
20 medicinal purposes even if the use is sanctioned by State law;
21 and

1       WHEREAS, An ongoing national debate as to the safety and  
2 medical application of marijuana has led nearly 30 states,  
3 including the Commonwealth of Pennsylvania, to approve the use  
4 of marijuana for treatment of certain medical conditions; and

5       WHEREAS, 18 U.S.C. § 922(g)(3) prohibits any person who is an  
6 "unlawful user of or addicted to any controlled substance (as  
7 defined in section 102 of the Controlled Substances Act (21  
8 U.S.C. 802))" from shipping, transporting, receiving or  
9 possessing firearms or ammunition; and

10       WHEREAS, Recent guidance from the United States Department of  
11 Justice has reiterated marijuana's status as an illegal drug  
12 under the Controlled Substances Act; and

13       WHEREAS, Current Federal law restricting possession of a  
14 LEGALLY OWNED firearm by ~~marijuana users in states which have~~ <--  
15 ~~legalized its use~~ PARTICIPANTS IN STATE-SANCTIONED MEDICAL <--  
16 MARIJUANA PROGRAMS creates contradictory legal standards; and

17       ~~WHEREAS, Carving out a special exception for marijuana users~~ <--  
18 ~~to own firearms while marijuana remains classified as a Schedule~~  
19 ~~I controlled substance would create special protections for some~~  
20 ~~federally illegal drug users while preserving restrictions on~~  
21 ~~others; and~~

22       WHEREAS, In order to create a cohesive and unified system  
23 among the states, including states which have not legalized the  
24 medical use of marijuana, the Federal Government must choose to  
25 either ignore the prohibition on MEDICAL marijuana users owning <--  
26 firearms or reschedule marijuana to permit its medical use;  
27 ~~therefore be it~~ AND <--

28       WHEREAS, RESCHEDULING MARIJUANA UNDER THE CONTROLLED  
29 SUBSTANCES ACT WILL PROTECT THE RIGHT UNDER THE SECOND AMENDMENT  
30 OF THE CONSTITUTION OF THE UNITED STATES OF PARTICIPANTS IN A

1 STATE-SANCTIONED MEDICAL MARIJUANA PROGRAM TO OWN FIREARMS WHILE  
2 PRESERVING RESTRICTIONS ON OTHERS; THEREFORE BE IT

3 RESOLVED, That the Senate of the Commonwealth of Pennsylvania  
4 urge the Congress of the United States to amend the Controlled

5 Substances Act ~~to remove marijuana as a Schedule I controlled~~ <--  
6 ~~substance and to recognize the proven medical purposes of~~

7 ~~marijuana; and be it further~~ BY RESCHEDULING MARIJUANA IN ORDER <--  
8 TO PROTECT THE RIGHT UNDER THE SECOND AMENDMENT OF THE

9 CONSTITUTION OF THE UNITED STATES OF PARTICIPANTS IN A STATE-  
10 SANCTIONED MEDICAL MARIJUANA PROGRAM TO LEGALLY OWN A FIREARM

11 AND FURTHER CONSIDER WHETHER MARIJUANA HAS ANY PROVEN MEDICAL  
12 PURPOSE; AND BE IT FURTHER

13 RESOLVED, That a copy of this resolution be transmitted to  
14 the President of the United States, the presiding officers of

15 each house of Congress and to each member of Congress from  
16 Pennsylvania.