

# State of Vermont Senate Chamber



## Montpelier, Vermont Senate Resolution

By Senators Shepard, Bartlett, Canns, Collins, Cummings, Gander, Gossens, Greenwood, Illuzzi, Leddy, Maynard, Mayo, Munt, Sears, Snelling and White,

**S.R. 31.** Senate resolution urging the United States Congress and the United States Food and Drug Administration to work cooperatively to implement the necessary federal statutory and regulatory changes to permit physicians to prescribe marijuana for palliative purposes.

*Whereas*, in recent years there has been an increasing desire, both in Vermont and nationwide, to use marijuana as a palliative for relief from severe pain, and

*Whereas*, in 2003, the United States Ninth Circuit Court of Appeals, in the case of Walters v Conant, upheld the right of California physicians to discuss treatment options, including the use of marijuana, with their patients, and

*Whereas*, the United States Supreme Court has recently refused to hear this case, therefore leaving it as good law in the western states which comprise the United States Ninth Circuit Court of Appeals, and

*Whereas*, the reason this litigation was initiated - and only a small number of states have enacted statutes permitting the use of marijuana for medicinal purposes - is that under federal law, specifically 21 U.S.C. § 812(c)(10), marijuana is classified as a Schedule I controlled substance, which is the most highly regulated schedule, and

*Whereas*, drugs with this classification have been declared by law to have “no currently accepted medical use in treatment in the United States,” and

*Whereas*, prescription drugs are regulated in a way that requires a licensed physician’s authorization in order for an individual to obtain a specified amount of the medication, and

*Whereas*, certain prescription drugs are subjected to tighter restrictions because they are stimulants with the potential to cause serious side-effects if used outside a regimen under a licensed physician’s supervision, and

*Whereas*, the fraudulent acquisition of prescription drugs can lead to criminal penalties for both the person who is in possession of the medication and any physician who provided assistance, and

*Whereas*, the designation of marijuana as a highly restricted prescription medication would make it available to the public for legitimate medicinal purposes in small and regulated quantities while restricting its broad use for nonmedicinal purposes, and

*Whereas*, designating marijuana as a prescription drug will preserve the drug’s freshness and avoid contamination from mold or other sources, *now therefore be it*

### ***Resolved by the Senate:***

That the Senate of the State of Vermont urges the United States Congress and the Food and Drug Administration to work cooperatively to implement the necessary federal statutory and regulatory changes to permit physicians to prescribe marijuana for palliative purposes, *and be it further*

***Resolved:*** That the Secretary of the Senate be directed to send a copy of this resolution to Dr. Lester M. Crawford, Acting Commissioner of the United States Food and Drug Administration, and to each member of the Vermont Congressional Delegation.

---

PRESIDENT OF THE SENATE

ATTESTED TO:

---

David A. Gibson  
Secretary of the Senate

DATE: \_\_\_\_\_