United States Senate

WASHINGTON, DC 20510

March 28, 2019

The Honorable William Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Barr:

We write to express our opposition to any attempt to reinterpret the United States' obligations under the United Nations' Single Convention on Narcotics of 1961 (Single Convention), which governs the international regulation of controlled substances like marijuana. We have concerns that any changes will unnecessarily hinder the advancement of research on the effects of marijuana for medicinal or therapeutic purposes.

While the Single Convention contained a research exception for the production of controlled substances, the treaty intended to limit the production and distribution of the controlled substances outside of the direct oversight and supervision of the federal government. However, after years of limited research on the effects of medical marijuana, and after many states had moved forward with legalization, the Drug Enforcement Administration (DEA), in consultation with the National Institute on Drug Abuse (NIDA) and the Food and Drug Administration, reassessed their need to provide an adequate supply of research-grade marijuana.

On August 12, 2016, the DEA issued a request for applications to manufacture marijuana for research purposes.[1] In the agency's analysis of the Single Convention, the DEA outlined five conditions for the lawful cultivation of marijuana under Articles 23 and 28 of the treaty. The DEA, as the agency delegated with carrying out the functions of the Single Convention, must:

1. Designate the areas in which, and the plots of land on which, cultivation of the cannabis plant for the purpose of producing cannabis shall be permitted;
2. License cultivators authorized to cultivate cannabis;
3. Specify through such licensing the extent of the land on which the cultivation is permitted;
4. Purchase and take physical possession of all cannabis crops from all cultivators as soon as possible, but not later than four months after the end of the harvest; and
5. Have the exclusive right of importing, exporting, wholesale trading and maintaining stocks of cannabis.

[1] 21 CFR Part 1301, https://www.federalregister.gov/documents/2016/08/12/2016-17955/applications-to-become-registered-under-the-controlled-substances-act-to-manufacture-marijuana-to.

Historically, this operated as a single contract with the National Institute on Drug Abuse (NIDA), through which the federal government was able to maintain a monopoly of the wholesale distribution of the cultivated marijuana. However, to increase the supply of the research-grade marijuana, the DEA revised its oversight and supervisory role. As the agency explained:

> DEA believes it would be consistent with the purposes of articles 23 and 28 of the Single Convention for DEA to register marijuana growers outside of the [National Institute on Drug Abuse]-contract system to supply researchers, provided the growers agree that they may only distribute marijuana with prior, written approval from DEA.

We agree with DEA's analysis that the registration scheme meets the federal government's obligations under the Single Convention. Furthermore, the registration of new manufacturers of research-grade marijuana meets a real need in our country to advance the science behind medical marijuana. No additional changes to our interpretation of the Single Convention are needed to meet this goal.

We believe the licensed production of marijuana for research is critically important. After over two and a half years of delay, it is imperative that you advance the process for registering new manufacturers of research-grade marijuana. We thank you for your consideration of our concerns, and we look forward to the opportunity to work with you this issue.

Sincerely,

BRIAN SCHATZ
United States Senator

CORY A. BOOKER
United States Senator

cc: Uttam Dhillon
Acting Administrator
U.S. Drug Enforcement Administration