

**Americans for Safe Access, Et. Al, v Drug Enforcement Administration, 706 F3d 438 (DC Cir, 2013)**

**Issue:** Should the DEA initiate proceedings to reschedule marijuana?

**Holding: NO. The Court upheld the DEA's decision not to reschedule marijuana.**

Americans for Safe Access challenged the decision of the Drug Enforcement Administration not to initiate proceedings to reschedule marijuana as a Schedule I controlled substance. The Department had denied the petition to reschedule marijuana in 2011 finding that “[t]here is no currently accepted medical use of marijuana in the United States” and that “[t]he limited existing clinical evidence is not adequate to warrant rescheduling of marijuana under the CSA.”

The DEA had requested that the Department of Health & Human Services (DHHS) conduct a scientific and medical evaluation as well as a recommendation regarding scheduling. The DHHS concluded that marijuana lacks a currently accepted medical use in the United States.

In addition, the DHHS concluded that though there was on-going research, there were no studies of sufficient quality to assess “the efficacy and full safety profile of marijuana for any medical condition.”

Further there was “a material conflict of opinion among experts” as to medical safety and efficacy, thereby precluding a finding that qualified experts accepted marijuana as medicine. The DEA indicated that anecdotal reports and isolated case reports are not adequate evidence to support an accepted medical use of marijuana. The Court deferred to the DEA's decision.