

## Pashman Stein Files Brief with NJ Division of Consumer Affairs in Favor of De-Scheduling Marijuana

---

### RELATED ATTORNEYS

CJ Griffin  
Sean Mack  
Alan Silber  
Michael S. Stein

---

### RELATED PRACTICE AREAS

Cannabis & Hemp Law

---

News  
4.19.18

De-Scheduling could have significant impact on how marijuana is regulated in New Jersey

Pashman Stein Walder Hayden filed a brief today in support of the de-scheduling marijuana, and is in direct response to New Jersey's Division of Consumer Affairs solicitation for public comment on how marijuana is classified under state law and whether any change in its classification status is warranted.

To reevaluate whether the currently accepted uses for medical marijuana warrant a change in its classification as a "Schedule I" drug in New Jersey, a designation that ranks it alongside heroin and LSD, the Division of Consumer Affairs will hold public meetings scheduled for April 19 and April 24 in Trenton and Newark. Alan Silber, a Hackensack-based attorney with Pashman Stein and one of the brief's authors, is scheduled to present the brief on April 24 at 1:45 pm in Trenton. The brief's authors also include Pashman Stein lawyers Sean Mack, CJ Griffin, and Michael Stein.

The Pashman Stein brief argues that cannabis does not meet the definition of a controlled dangerous substance – and never has, and is in favor of de-scheduling cannabis completely. If marijuana is de-scheduled, it could have significant impact on how it is regulated in New Jersey, and it may be the first step towards legalization.

In New Jersey, The Division is statutorily tasked with keeping and amending the five schedules of Controlled Dangerous Substances (CDS), which are identical to the federal schedules. This is the first time New Jersey has reviewed marijuana's classification. Making this evaluation possible was a recent New Jersey Appellate Division decision which indicated that the portion of the statute giving the Director of the Division the power to amend the schedules (including

the power to de-schedule a substance) took precedence over the portion of the statute that required the schedules to conform to the federal schedules.

Pursuant to the statutory criteria, drugs are placed on one of the five schedules depending on the drug's potential for abuse and potential for physical or psychological dependence, relative to other drugs on the schedules.

“The cannabinoids found in the marijuana plant are virtually identical to cannabinoids produced by the human body. In addition, because the potential abuse of cannabis is low, causes fewer and less serious physical or psychological dependence, and has an accepted medical use, cannabis should not be considered at the same level as heroin,” said Silber.

“A substance that is virtually identical to what the human body produces in order to maintain health cannot rationally be classified as a Controlled Dangerous Substance,” noted Silber.

Pashman Stein has formed an Ad Hoc Advisory Committee, national in scope, with experts from States that have legalized cannabis and prominent New Jersey experts and consultants. Several members of that Ad Hoc Committee are also scheduled to testify in Newark or Trenton this month.

[Click here to see the Brief De-Scheduling Marijuana](#)