

FEDERAL AND NEVADA STATE CODES AND REGULATIONS





1970

COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970

Consolidated a number of federal drug laws and created a revised system for categorizing controlled substances.



1970

COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970

Title II of this act created the Controlled Substance Act (CSA) of 1970, setting up the legal framework for regulating the manufacture, distribution, and use of controlled substances in the United States.



CSA
FEDERAL
1970

CONTROLLED SUBSTANCE ACT (1970)

The Controlled Substances Act is codified within Title 21 of the United States Code, specifically under Chapter 13 (21 U.S.C. § 801 et seq.).

[Controlled Substances Act - Title 21, Chapter 13 of the United States Code](#)



**CSA
FEDERAL
1970**

CONTROLLED SUBSTANCE ACT (1970)

- 1. Drug schedules**
- 2. Enforcement and regulation**



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CONTROLLED SUBSTANCE ACT (1970)

Key sections of the CSA:

- **21 U.S.C. § 812 - Schedules of Controlled Substances**
- **21 U.S.C. § 823 - Registration Requirements**
- **21 U.S.C. § 841 - Prohibited Acts A**
- **21 U.S.C. § 846 - Attempt and Conspiracy**
- **21 U.S.C. § 871 - Attorney General's Authority**
- **21 U.S.C. § 952 - Import and Export of Controlled Substances**

SCHEDULES OF CONTROLLED SUBSTANCES

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Outlines **Schedules I-V**, defined based on:

- Potential for abuse
- Medical use
- Degree of dependence the substance may cause

[21 U.S.C. § 812 - Schedules of controlled substances](#)

SCHEDULE I

1

- High potential for abuse
- No accepted medical use
- Lack of accepted safety for use under medical supervision

Examples include: heroin, cannabis, MDMA, and most psychedelics

21 U.S.C. § 812

SCHEDULE I EXAMPLES RELEVANT TO PSYCHEDELICS INCLUDE:

- **(c)(10): Lysergic acid diethylamide (LSD)**
- **(c)(9): Marijuana and THC (including for cannabis-derived psychedelics)**
- **(c)(14): Psilocybin and psilocin**
- **(c)(11): 3,4-methylenedioxymethamphetamine (MDMA)**
- **(c)(17): Mescaline**
- **(c)(21): N,N-Dimethyltryptamine (DMT)**
- **(c)(22): 5-methoxy-N,N-Dimethyltryptamine (5-MeO-DMT)**
- **(c)(23): Peyote (*Lophophora williamsii*) ***
- **(c)(15): Ibogaine**

*Legal Exemption for Religious Use: American Indian Religious Freedom Act (AIRFA) of 1978: (21 C.F.R. § 1307.31)

21 U.S.C. § 823 - REGISTRATION REQUIREMENTS

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- How researchers can legally study psychedelics by obtaining a DEA Schedule I research license

21 U.S.C. § 823 - REGISTRATION REQUIREMENTS

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- How researchers can legally study psychedelics by obtaining a DEA Schedule I research license.
- Outlines a legal pathway for conducting scientific research under federal law.

21 U.S.C. § 841 - PROHIBITED ACTS A

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- **Outlines key penalties for the illegal manufacture, distribution, and dispensing of controlled substances**
- **Penalties depend on the substance's schedule (I-V) and the amount involved**

21 U.S.C. § 841 - PROHIBITED ACTS A
MANUFACTURING, DISTRIBUTING, DISPENSING

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Penalties for Schedule I or II substances (drugs like heroin, cocaine, psilocybin and LSD)

1. First Offense:

- 10 years to life in prison
- Death or serious injury - 20 years to life.
- Up to \$10 million for individuals, or \$50 million for entities



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2. Second Offense:

- 20 years to life (min life if death or serious injury)
- Fines up to \$20 million for individuals, or \$75 million for entities.



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21 U.S.C. § 844 - PROHIBITED ACTS A PENALTIES FOR SIMPLE POSSESSION

1. First Offense:

- Imprisonment: Up to 1 year.
- Fines: Minimum fine of \$1,000.
- Additional Consequences: The court may also impose probation and mandatory drug treatment programs.

2. Second Offense (or subsequent offenses):

- Imprisonment: Mandatory minimum of 15 days and up to 2 years.
- Fines: Minimum fine of \$2,500.
- Additional Consequences: Penalties increase with each subsequent conviction, potentially leading to longer imprisonment and higher fines.

3. Third Offense (or subsequent offenses):

- Imprisonment: Mandatory minimum of 90 days and up to 3 years.
- Fines: Minimum fine of \$5,000.



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ENFORCEMENT AND REGULATION

The Drug Enforcement Administration (DEA) and the Food and Drug Administration (FDA) collaborate to ensure that drug scheduling decisions are informed by both scientific evidence and enforcement considerations.

ENFORCEMENT AND REGULATION

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DEA

- Primary enforcement agency for the CSA
- Responsible for:
 - Scheduling
 - Rescheduling
 - Enforcing controlled substance regulations
- Regulates manufacture, distribution, and dispensing of controlled substances

ENFORCEMENT AND REGULATION

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FDA

- Plays a critical role in the scientific and medical evaluation of substances
- Provides recommendations to the DEA regarding their appropriate scheduling based on medical use, safety, and abuse potential



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RESCHEDULING A SUBSTANCE

- 1. Congress can directly change the scheduling through legislation**
- 2. A petition can be submitted by DEA, HHS, or an external party (researchers, pharmaceutical companies, advocacy groups).**



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RESCHEDULING BY PETITION

- Initiate petition is submitted.
- The FDA conducts an eight-factor analysis to assess the drug's abuse potential, medical utility, and safety.
- The FDA submits findings HHS, which then provides a recommendation to the DEA.
- The DEA reviews the recommendation, considers public comments, and makes a final decision.
- Rulemaking Process: If the DEA agrees to reschedule, they publish a proposed rule and open a public comment period.
- Final Rule: After considering the comments, the DEA issues a final rule rescheduling the drug.

NEVADA STATE CODES AND REGULATIONS





NRS CHAPTER 453: CONTROLLED SUBSTANCES

This chapter is the primary legal framework for controlled substances in Nevada, including psychedelics.

[NRS Chapter 453 - Controlled Substances](#)



CONTROLLED SUBSTANCE SCHEDULES (I - V)

- Nevada follows a similar scheduling system to the federal government (Schedules I-V).
- Most psychedelics, such as LSD, psilocybin, and MDMA, are classified as Schedule I substances under state law (NRS 453.166)

[NRS Chapter 453 - Controlled Substances](#)



POSSESSION WITH INTENT TO DISTRIBUTE (NRS 453.337)

Penalties for Schedule I or II substances

- **First Offense:** Category D felony; 1 to 4 years in state prison, fines up to \$5,000.

[NRS 453.337 - Possession with Intent to Distribute](#)



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- **Second Offense:** Category C felony, 1-5 years, fines up to \$20,000
- **Third or subsequent:** Category B felony, 3-15 years, fines up to \$20,000

[NRS 453.337 - Possession with Intent to Distribute](#)



POSSESSION OF SCHEDULE I SUBSTANCES (NRS 453.336)

- **First Offense:** Category E felony; 1-4 years in prison, with the possibility of probation

NRS 453.336 - Unlawful Possession Not for Purpose of Sale



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- **Third or Subsequent Offense:** Category C felony; 1-5 years in prison and up to \$10,000 in fines.

NRS 453.336 - Unlawful Possession Not for Purpose of Sale



PEYOTE AND RELIGIOUS USE (NRS 453.541)

Nevada recognizes the religious use of peyote by members of the Native American Church, similar to federal exemptions.

[NRS 453.541 - Exemption of Certain Persons in Connection with Use of Peyote in Religious Ceremonies](#)



MEDICAL RESEARCH

NRS 453.256

- Nevada has stringent regulations for the medical or research use of psychedelics.
- No established system for prescribing or researching psychedelics under state law without a DEA license.

CATEGORIES

01

Research

02

Deprioritization

03

Limits on enforcement funding

04

Defelonization

05

Decriminalization

06

Legalization of cultivation and sharing

07

Legalization of supervised consumption

08

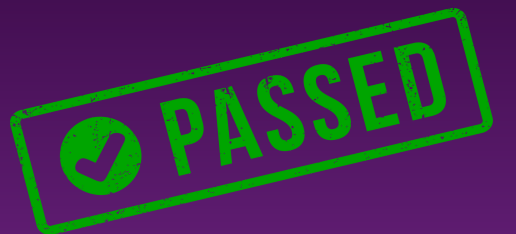
Legalization of a regulated market

1

RESEARCH

Forms stakeholder groups and/or allocates funding to study the safety, efficacy, and policy reform options for psychedelic substances.

- Washington
- Nevada
- Arizona
- Texas
- Minnesota
- Indiana
- Maryland
- Connecticut
- New Mexico
- Vermont



DEPRIORITIZATION

2

Commonly referred to as “lowest law enforcement priority” or LLEP, it does not change the penalties for certain offenses, but makes their enforcement a low priority for law enforcement officials.

24 cities and 2 counties in the United States have implemented LLEP for entheogenic plants and fungi

LIMITS ON ENFORCEMENT FUNDING

3

Forbids law enforcement officials from using government funds to enforce certain laws.

DEFELONIZATION

4

Reduces the penalties for certain offenses from felonies to less serious criminal offenses, such as misdemeanors.

New Jersey has defelonized psilocybin statewide

DECRIMINALIZATION

5

Reduces the penalties for certain offenses (typically possession for personal use) so they are no longer criminal offenses, but they are still illegal (e.g., violators receive a civil fine).

LEGALIZATION OF CULTIVATION AND SHARING

6

Allows adults to use, possess, cultivate, and share nonsynthetic psychedelics without involving payments; typically applies to small amounts and sometimes referred to as the grow-and-give model or grow-gather-give.

Colorado's Natural Medicine Health Act (Proposition 122)


LEGALIZATION OF SUPERVISED CONSUMPTION

7

Establishes a regulated market for the supervised administration of psychedelic substances, usually involving licensing for cultivation, manufacturing, testing, and facilitators who can administer the substance.

Oregon and Colorado

LEGALIZATION OF A REGULATED MARKET



8

Creating a legal, regulated market for psychedelics, where these substances could be sold under specific conditions, including restrictions on age, marketing, and locations of sale. This would be akin to the regulation of alcohol or cannabis in some jurisdictions.