

# CJS APPROPRIATIONS

## ROHRABACHER-FARR-YOUNG-BLUMENAUER-MCCLINTOCK-COHEN-BROUN-POLIS-STOCKMAN-LEE AMENDMENT

### BACKGROUND:

On the campaign trail and during his first year in office, President Obama promised he was “not going to be using Justice Department resources to try to circumvent state [medical cannabis] laws.” However, the Obama Administration has done everything in its power to undermine state medical cannabis laws. The U.S. Justice Department has conducted hundreds of paramilitary-style raids on medical cannabis producers and distributors, resulting in scores of federal indictments. Beginning in early 2011, U.S. Attorneys from 10 medical cannabis states began threatening medical cannabis providers and their landlords with criminal prosecution and asset forfeiture if they refused to voluntarily shut down. Some of those U.S. Attorneys have gone so far as to threaten elected officials with criminal prosecution if they implemented medical cannabis laws in their state. In the face of such threats, some elected officials have suspended or rolled back their medical cannabis laws.

Despite the extent of scientific studies, government reports, and journal articles from around the world that show the therapeutic value of cannabis, the U.S. Justice Department has significantly escalated its attacks in medical cannabis states. Although the U.S. Supreme Court ruling in *Gonzales v. Raich* held that the federal government had the authority to conduct enforcement actions even in medical cannabis states, it still questioned the wisdom of doing so. Therefore, until the federal government recognizes the medical efficacy of cannabis and aligns its policies with sound science, states should not be obstructed from being responsive to the public health needs of its citizens.

The fiscal impact of the Obama Administration’s actions has been estimated at more than \$350 million. The social impacts of such tactics are also significant. Not only are families being torn apart and people imprisoned, patients are often left with no recourse but to seek their medication from the illicit market, placing them in harm’s way. The Rohrabacher-Farr-Young-Blumenauer-McClintock-Cohen-Broun-Polis-Stockman-Lee Amendment seeks to put scarce federal law enforcement resources to better use. The amendment specifically prohibits the Department of Justice from using appropriated funds to interfere with the implementation of medical cannabis laws in states that have approved such use.

### What is the Rohrabacher-Farr-Young-Blumenauer-McClintock-Cohen-Broun-Polis-Stockman-Lee Amendment?

- The Amendment would recognize the right of states to operate their own programs with respect to the issue of medical cannabis, without prohibitive interference from the U.S. Justice Department, which has been escalating its efforts to stymie these programs.
- The Amendment is a bipartisan effort that would prohibit any funds made available to the Department of Justice from being used to prevent the states of Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Iowa, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, Oregon, Rhode Island, Tennessee, Utah, Vermont, Washington, and Wisconsin, or the District of Columbia, from implementing programs authorized by law.
- The Amendment does not reschedule or otherwise “legalize” medical cannabis. **It also does not prevent the Justice Department from using funds to enforce federal laws against those who do not operate in compliance with state and local medical cannabis laws.**

### Why is the Rohrabacher-Farr-Young-Blumenauer-McClintock-Cohen-Broun-Polis-Stockman-Lee Amendment needed?

- Given the aggressive actions of Obama’s Justice Department, the Amendment is necessary to allow state and local officials to duly implement laws and regulations and avoid further harm to the hundreds of thousands of patients and their state-compliant providers.
- The federal government has failed to implement any of the recommendations provided by the National Academy of Science’s 1999 Institute of Medicine (IOM) report, *Marijuana and Medicine: Assessing the Science Base*. Until the Administration provides access to cannabis for research and therapeutic use, Congress should limit the ability of the Justice Department to arrest and prosecute patients and providers who are acting within their state law.