

1 **COMMITTEE: Law, Criminal Justice and Public Safety Committee**

2 **POLICY: In Support of States Determining Their Own Marijuana and**

3 **Hemp Policies Without Federal Interference**

4 **TYPE: Resolution**

5 WHEREAS, one of the areas in which states have traditionally held the greatest
6 authority is in the exercise of their police powers to determine appropriate law
7 enforcement policies reflective of local values and needs; and

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9 WHEREAS, the federal government cannot force a state to criminalize cultivating,
10 possessing, or distributing marijuana or hemp—whether for medical, recreational,
11 industrial or other uses—because doing so would constitute unconstitutional
12 commandeering; and

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14 WHEREAS,, states are increasingly serving as laboratories for democracy by adopting
15 a variety of policies regarding marijuana and hemp; and

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17 WHEREAS, nearly half of the states and the District of Columbia allow the medical use
18 of marijuana; and

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20 WHEREAS, 15 additional states have enacted measures that allow patients suffering
21 from intractable epilepsy—and sometimes other conditions--to use strains of marijuana
22 that have low concentrations of THC; and

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24 Whereas, nearly half of the states have passed laws or resolutions relative to the
25 cultivation of hemp; and

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27 WHEREAS, since 2012, voters in the states of Washington Colorado, Oregon and
28 Alaska have enacted laws to replace their prohibitions on adults' use of marijuana with
29 systems of taxation and regulation similar to alcohol; and

30 WHEREAS, many banks have been unwilling to do business with medical and adult use
31 marijuana businesses because of federal law and policy, resulting in many retailers
32 becoming cash-only businesses, thus increasing the risk of robbery and inhibiting the
33 ability of states to collect taxes; and

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35 WHEREAS, the possibility of federal intervention could prevent the implementation of
36 recent laws to allow low-THC strains of marijuana for patients suffering from intractable
37 epilepsy; and

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39 WHEREAS, Congress, in the Consolidated and Continuing Appropriations Act of 2015,
40 codified a funding restriction that prohibits the Department of Justice from using any
41 funds to prevent states from implementing their own state laws that authorize the use,
42 distribution, possession, or cultivation of marijuana for medical purposes.

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44 NOW, THEREFORE, BE IT RESOLVED that the National Conference of State
45 Legislatures believes that federal laws, including the Controlled Substances Act, should
46 be amended to explicitly allow states to set their own marijuana and hemp policies
47 without federal interference and urges the administration not to undermine state
48 marijuana and hemp policies.

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50 BE IT FURTHER RESOLVED that the National Conference of State Legislatures
51 recognizes that its members have differing views on how to treat marijuana and hemp in
52 their states and believes that states and localities should be able to set whatever
53 marijuana and hemp policies work best to improve the public safety,, health, and
54 economic development of their communities.