
Coalition Response to DOJ Enforcement Priorities for Marijuana

Introduction

Marijuana control in the United States is a controversial, quickly evolving topic. In the past 15 years, the status of marijuana at the state level has changed dramatically. In 1995, all 50 states were in compliance with federal law which lists marijuana as a Schedule I drug. According to the Drug Enforcement Administration, “Schedule I drugs, substances, or chemicals are defined as drugs with no currently accepted medical use and a high potential for abuse.”

Currently, 44% of states and the District of Columbia allow “medical marijuana” laws (N= 23), and two of these states (CO and WA) recently legalized marijuana for recreational purposes for those over age 21. The shifting legal status of marijuana is occurring only at the state level. On the Federal level, marijuana remains a Schedule I drug with no legitimate use. This disparity has led to some controversy and confusion over the operational status of those who possess, manufacture, and distribute marijuana in states where initiatives have occurred.

Accompanying these initiatives is a plethora of information, disinformation, exaggerations, and hyperbole as states, communities and citizens try to understand the issues that arise from a marijuana marketplace. Within this mix are thousands of local substance abuse prevention coalitions comprised of community members wrestling with the question: “What do we do now?” This question applies to coalitions who are in states that have already passed “medical marijuana” and marijuana legalization initiatives and legislation as well as those states who are seriously considering such initiatives and legislation. Coalitions in states that have not yet passed “medical marijuana” or marijuana legalization initiatives and legislation are impacted by neighboring states that have already done so, or by pockets of community members pushing for such initiatives and legislation.

This document is a tool to help community coalitions understand the current landscape – nationally and in each of the 50 states – related to marijuana initiatives and legislation. It contains information regarding federal and state initiatives and legislation regarding marijuana, as well as specific steps Drug Free Communities Grantee (DFC) coalitions can take to decrease the consequences associated with the increased access, availability, and changing social norms that “medical” marijuana and legalization bring with it.

The first section describes the most recent U.S. Department of Justice (DOJ) Memorandum and includes the latest information on the Federal government’s stand toward states that pass initiatives or legislation to legalize, “medicalize”, or decriminalize marijuana.

The next section describes state level initiatives and legislation that have passed. This is followed by updates on the only two states that have fully legalized marijuana: Colorado and Washington.

Each section contains discussion points for coalitions to consider when facing the challenges associated with a shifting landscape regarding marijuana.

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Eight DOJ Enforcement Priorities

1. Preventing the distribution of marijuana to minors;
2. Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
3. Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
4. Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
5. Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
6. Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
7. Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
8. Preventing marijuana possession or use on federal property.

The memorandum goes on to say that federal “prosecutors should continue to review marijuana cases on a case-by-case basis...(and that) The primary question in all cases- and in all jurisdictions- should be whether the conduct at issue implicates one or more of the enforcement priorities listed above.” (Memo, 2013 p3).

State Update

The following map describes the most recent status for all marijuana initiatives and legislation throughout the United States as of October 31, 2013. States have been categorized into five categories:

1. Legal and “Medical”- state law provides both “Medical Marijuana” and has legalized personal use at the state level (N=2).
2. “Medical”- state law allows “medical” use of marijuana (N=13) solely (includes District of Columbia)
3. “Medical” and Decrim- state law allows “medical” marijuana and decriminalized marijuana possession (N=9)
4. Decriminalized- state law lowers sanctions for personal possession to a minor fine (summary offenses) but does not allow for “medical” use (N=7)
5. No Change- state laws have not decriminalized or legalized marijuana in any way (N=22)

It should be noted here that the phrase “legalized use” is short hand for describing a system that allows for the full state controlled commercialization of marijuana. This includes possession, cultivation, distribution, transportation, etc., of marijuana.

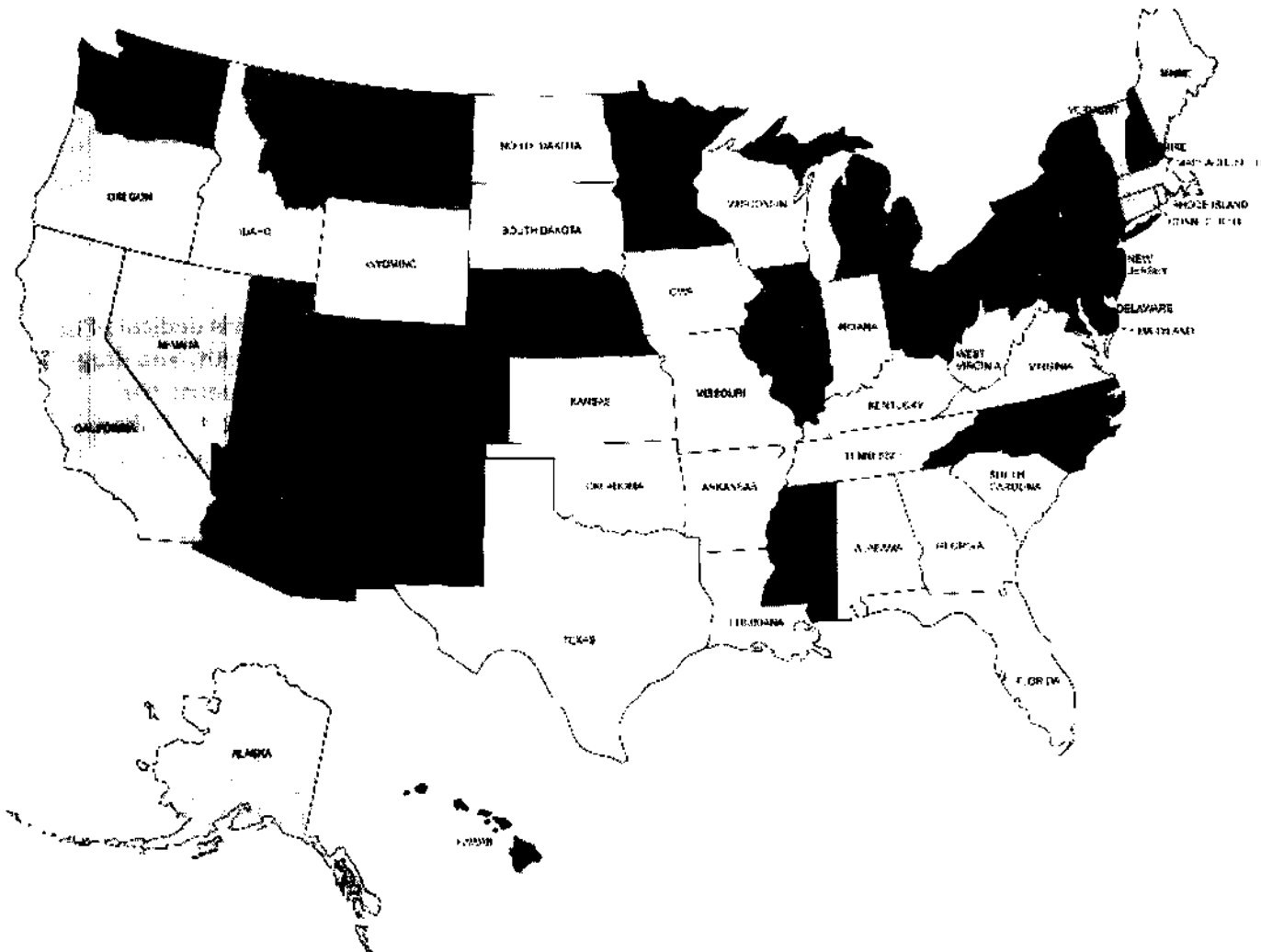
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State Map of "Legalization"

State Laws on Marijuana

- - Legal and Med
- - Medical and Decrim

- - Medical
- - Decrim Only





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CADCA National Coalition Institute

625 Slaters Lane, Suite 300, Alexandria VA 22314

Web site: www.cadca.org

Social network: <http://connectedcommunities.ning.com>

Telephone: 703-706-0560, ext. 240

Fax: 703-706-0579

E-mail: training@cadca.org

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