



Compassionate Use Campaign

Medical Marijuana and Federal Law

Please Support Medical Marijuana in Connecticut by Supporting House Bill 6715

U.S. Supreme Court Medical Marijuana Decision and Federal Law

- Since 1996, eleven states have enacted laws that confer various state legal protections on persons authorized by the state to use medical marijuana, and the people who provide care to them (including physicians and caregivers). The states are Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, Oregon, Rhode Island, Vermont, and Washington.

- The impact of the U.S. Supreme Court's June 2005 decision in the *Gonzalez v. Raich* case regarding the state laws that remove criminal penalties from the medical use of marijuana does not weaken or negate current state medical marijuana laws or prevent other states from enacting similar laws. These state laws have not been challenged by the federal government because the states have full authority to enact such legislation.

- Under state and federal law, states can confer state protections on patients, e.g., to cultivate, possess, transport, administer and use medical marijuana with the assistance of physicians and caregivers; but it is questionable whether states can themselves lawfully supply or distribute the marijuana. After the *Raich* decision, federal officials retain authority to enforce federal drug laws against medical marijuana patients and their caregivers notwithstanding state law. Over 99% of all marijuana arrest convictions are on the state level. State laws preside over federal law with regards to marijuana conviction and arrests.

Here's what the experts say about Raich's effect on their states' medical marijuana laws:

Alaska Attorney General David Marquez

"Attorney General David Marquez has advised the Alaska Department of Health and Social Services that the recent United States Supreme Court decision in *Gonzalez v. Raich*, 125 S. Ct. 2195 (2005), does not prohibit the state from registering medical marijuana users."

—state press release issued July 21, 2005

California Attorney General Bill Lockyer

"Today's ruling does not overturn California law permitting the use of medical marijuana . . . Although I am disappointed in the outcome of today's decision, legitimate medical marijuana patients in California must know that state and federal laws are no different today than they were yesterday. Californians spoke overwhelmingly in favor of medical marijuana by passing Proposition 215, the Compassionate Use Initiative, and that law still stands in our state."

—statement issued June 6, 2005

Colorado Attorney General John Suthers

"The Attorney General's Office found that the *Raich* decision, which ruled federal authorities can prosecute people for use and possession of marijuana, does not directly impact the viability of the Colorado constitutional amendment or the enabling statute allowing the [state's medical marijuana] program."

—official press release issued June 30, 2005

Washington State Department of Health Spokesman Donn Moyer

"In Washington State, the ruling has no practical impact."

—as reported by the Associated Press, June 7, 2005