

Obama policy memo discourages Feds from going after state-legal cannabis

Contributed by Chris Conrad
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United States Attorney General Eric Holder outlined a new federal policy** about medical cannabis use and distribution last March. Deputy US Attorney General David Ogden clarified this Oct. 19, directing US Attorneys in medical cannabis states not to focus on individuals whose actions are in clear and unambiguous compliance with state medical cannabis laws.

However, US Attorneys are directed to continue to act in state cases involving unlawful possession, unlawful use of firearms, violence, sales to minors, financial activities inconsistent with legal use (money laundering or financial gains), larger than permitted quantities, sales or possession of other illegal drugs or ties to organized crime. Feds will still trace revenue to foreign operators and protect federal land from damage by illegal growers. Money laundering and organized crime remain high federal prosecution priorities.

That directive seems simple enough. It is good news for legitimate California medical patients and cannabis collectives.

Under the new policy, federal agents, including the DEA, FBI, IRS and other federal agencies would not act against patients, caregivers, and collectives that follow state laws, unless there is evidence of a commercial, profit-making enterprise, or to enforce other federal laws.

Any cannabis possession or use on federal lands, even medical use, may be prosecuted. Yes, that nice ranger with the Smokey Bear hat is a federal agent charged with enforcing federal anti-cannabis laws.

Collectives may better protect themselves from federal prosecution by dealing only with collective members, by complying with all state laws, organized as the California Attorney General-suggested: "non-profit, mutual benefit" corporations.

California cannabis collectives should closely follow Health & Safety Code 11362.5 (Proposition 215), HS 11362.7 (SB 420, esp. 11362.775), Court rulings and the state Attorney General's guidelines. When in doubt, consult an experienced attorney.

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** Posted online at blogs.usdoj.gov/blog/archives/192