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Subject: Senators Warren and Gardner Reintroduce Bipartisan, Bicameral Legislation to Protect States' Marijuana Policies

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Senators Warren and Gardner Reintroduce Bipartisan, Bicameral Legislation to Protect States' Marijuana Policies

The STATES Act keeps states, territories, and tribal nations safe from federal overreach when deciding the best approach to marijuana

[Bill Text \(PDF\)](#) | [One-Pager \(PDF\)](#)

Washington, DC - United States Senators Elizabeth Warren (D-Mass.) and Cory Gardner (R-Colo.) today reintroduced the Strengthening the Tenth Amendment Through Entrusting States Act (STATES Act) to ensure that each State has the right to determine for itself the best approach to marijuana within its borders. U.S. Representatives Earl Blumenauer (D-Ore.) and David Joyce (R-Ohio) have reintroduced the bill in the House. The bipartisan and bicameral legislation also extends these protections to Washington D.C., U.S. territories, and federally recognized tribal nations. Also cosponsoring the bill are Senators Michael Bennet (D-Colo.), Catherine Cortez Masto (D-N.M.), Kevin Cramer (R-N.D.), Amy Klobuchar (D-Minn.), Lisa Murkowski (R-Alaska), Rand Paul (R-Ky.), Dan Sullivan (R-Alaska), and Ron Wyden (D-Ore.).

Forty-seven states have laws permitting marijuana or marijuana-based products, and Washington D.C., Puerto Rico, Guam, and a number of tribal nations have similar laws. Last year alone, Michigan, Missouri, Oklahoma, Utah, and Vermont all expanded legal access to marijuana. As states began developing their own approaches to marijuana enforcement, the Department of Justice issued guidance to support these state actions and focus law enforcement resources more effectively. However, this guidance was withdrawn in 2018, causing legal uncertainty, threatening public health and safety, and undermining the states' regulatory regimes.

"Our federal marijuana laws are outdated and pose a threat to our public health and safety. Marijuana should be legalized, and we must reverse the harm of these failed policies by wiping clean the records of those unjustly jailed for minor marijuana crimes," **said Senator Warren**. "Congress should take immediate action on these important issues by passing the bipartisan STATES Act and protecting states, territories, and tribal nations as they implement their own marijuana laws without federal interference."

"In 2012, Coloradans legalized marijuana at the ballot box and the state created an apparatus to regulate the legal marijuana industry. But because of the one-size-fits-all federal prohibition, state decisions like this put Colorado and other states at odds with the federal government. This is an issue across America, with states like Utah, Oklahoma, Michigan, Vermont, and Missouri approving new or expanded programs just last year," **said Senator Gardner**. "The federal government is closing its eyes and plugging its ears while 47 states have acted. The bipartisan STATES Act fixes this problem once and for all by taking a states' rights approach to the legal marijuana question. The bipartisan, commonsense bill ensures the federal government will respect the will of the voters - whether that is legalization or prohibition - and not interfere in any states' legal marijuana industry."

"Forty-seven states have legalized some form of cannabis and the majority of Americans support its legalization," **said Representative Blumenauer**. "Our outdated laws have ruined lives, devastated communities, and wasted resources for critical medical treatment and research. Congress needs a reality check. The STATES Act is an important part of the blueprint for more rational federal cannabis policy."

"The current federal policy interferes with the ability of states to implement their own cannabis laws, and the resulting system has stifled important medical research, hurt legitimate businesses and diverted critical law enforcement resources needed elsewhere," **said Representative Joyce**. "It's past time for Congress to clarify cannabis policy on the federal level and ensure states are free to make their own decisions in the best interest of their constituents. The STATES Act does just that by respecting the will of the states that have legalized cannabis in some form and allowing them to implement their own policies without fear of repercussion from the federal government."

The STATES Act:

- **Amends the Controlled Substances Act (21 U.S.C. § 801) (CSA)** so that -- as long as states and tribal nations comply with a few basic protections -- its provisions no longer apply to any person acting in compliance with State or

tribal laws relating to the manufacture, production, possession, distribution, dispensation, administration, or delivery of marijuana.

- **Continues to apply the following federal criminal provisions under the CSA** by prohibiting:
 - Endangerment of human life while manufacturing a controlled substance; and
 - Employment of persons under age 18 in marijuana operations.
- **Prohibits the distribution of marijuana at transportation safety facilities** such as rest areas and truck stops.
- **Bars the distribution or sale of marijuana to persons under the age of 21** other than for medical purposes.
- **Instructs the Government Accountability Office to conduct a study on the effects of marijuana legalization** on traffic safety, including whether states are able to accurately evaluate marijuana impairment, testing standards used by these states, and a detailed assessment of traffic incidents.
- **Addresses financial issues caused by federal prohibition** by clearly stating that compliant transactions are not trafficking and do not result in proceeds of an unlawful transaction.

The STATES Act was [first introduced](#) in 2018 in the Senate by Senators Warren and Gardner and in the House by Representatives Joyce and Blumenauer.

The STATES Act is supported by the ACLU, [American Bankers Association](#), American Council of Independent Laboratories, Americans for Prosperity, Americans for Safe Access, Americans for Tax Reform, American Trade Association for Cannabis and Hemp, Professor Randy Barnett of Georgetown University Law Center, Brennan Center for Justice, California Cannabis Industry Association, California State Association of Counties, Campaign for Liberty, Cannabis Trade Federation, Center for Freedom and Prosperity, Citizens Opposing Prohibition, Colorado Bankers Association, Competitive Enterprise Institute, [Cooperative Credit Union Association](#), Credit Union National Association, Drug Policy Alliance, Electronic Transactions Association, [Federated Indians of Graton Rancheria](#), Florida Credit Union Association, Freedom Partners, [the Hoh Indian Tribe](#), Institute for Liberty, [the Jamestown S'Klallam Tribe](#), Law Enforcement Action Partnership, Los Angeles Area Chamber of Commerce, Massachusetts Bankers Association, Marijuana Policy Project, Minorities for Medical Marijuana, [the Muckleshoot Indian Tribe](#), National Cannabis Bar Association, National Cannabis Industry Association, National Cannabis Roundtable, National Conference of State Legislatures, National Organization for the Reform of Marijuana Laws, New Federalism Fund, New York Medical Cannabis Industry Association, New Jersey CannaBusiness Association, [the Nisqually Indian Tribe](#), Northwest Credit Union Association, Oklahoma Cannabis Industry Association, [the Passamaquoddy Tribe at Indian Township](#), [the Puyallup Tribe of Indians](#), R Street, Safe and Responsible Banking Alliance, Professor Ilya Somin of George Mason University Antonin Scalia School of Law, [the Squaxin Island Tribe](#), [the Suquamish Tribe](#), and [the Utu Utu Gwaitu Paiute Tribe](#).

Some organizations point to specific implications of the bill, like enhanced tribal sovereignty and banking law clarity:

"The National Congress of American Indians (NCAI) strongly advocates for the recognition of tribal sovereignty and inclusion of tribal governments in national legislation," **said Jefferson Keel, President of the National Congress of American Indians**. "We appreciate the re-introduction of the STATES Act, which would bring certainty in federal law for tribal nations as separate jurisdictions. Tribal nations, as sovereign governments, and in the spirit of self-determination, must be able to make independent decisions about their own economic, cultural, and social futures at the local, tribal level."

"While ABA does not take a position on the legalization of cannabis and the STATES Act is not a banking specific bill, removing the federal prohibition on cannabis in states that have legalized its use would allow banks to accept deposits and provide basic financial services to state licensed cannabis businesses and their service providers," **wrote Rob Nichols, President and CEO of the American Banking Association**. "That, in turn, would help those communities reduce cash-motivated crimes, increase the efficiency of tax collections, and improve the financial transparency of the cannabis industry."

A supporter of federal legalization of marijuana, Senator Warren is also a cosponsor of the [Marijuana Justice Act](#) and last Congress cosponsored the [Marijuana Freedom and Opportunity Act](#). She also [led](#) a series of letters to federal agencies requesting they reduce barriers to marijuana research, including by rescheduling marijuana.

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