

Clearing the Haze: Rohrabacher Amendment Does Not Change Federal Policy Regarding Medical Marijuana
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Article

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Notwithstanding current news reporting to the contrary, the medical marijuana industry should not rely on the Rohrabacher amendment to preclude enforcement of federal drug laws. Before those in the medical marijuana industry get too excited about the Rohrabacher amendment, the fine print needs to be closely examined. On May 29, 2014, by a vote of 219-189, the House of Representatives added an amendment sponsored by Rep. Dana Rohrabacher (R-CA) to the Fiscal Year 2015 Commerce, Justice, Science Appropriations Act that would bar the Justice Department (including the DEA) from preventing “States from implementing their own State laws that authorize the use, distribution, possession, or cultivation of medical marijuana.” *The Washington Times* incorrectly reported that the amendment would “halt federal prosecutions of medical marijuana in states that have legalized the drug’s use with a doctor’s prescription.” Similarly, *The Los Angeles Times* reported that the measure “would prohibit the Drug Enforcement Administration from busting state-licensed medical marijuana operations.” Notwithstanding these reports, the Rohrabacher amendment does nothing to prevent the DEA from enforcing federal drug laws, namely the Controlled Substances Act (CSA).

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