



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 7/10/2017

Agenda Placement: 5A

## Napa County Legislative Subcommittee Board Agenda Letter

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**TO:** Napa County Legislative Subcommittee

**FROM:** Molly Rattigan for Minh Tran - Interim County Executive Officer  
County Executive Office

**REPORT BY:** Michael Karath, Staff Assistant - BOS - 299-1477

**SUBJECT:** H.R. 975 (Rohrabacher) - Respect State Marijuana Laws Act of 2017

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### **RECOMMENDATION**

County Executive Officer seeks discussion and possible action on House Resolution 975 (Rohrabacher), the Respect State Marijuana Laws Act of 2017, that amends the Controlled Substances Act, providing that the Act's regulatory controls and administrative, civil, and criminal penalties do not apply to a person who produces, possesses, distributes, dispenses, administers, or delivers cannabis in compliance with state laws.

### **EXECUTIVE SUMMARY**

Cannabis remains largely illegal under federal law, whether as a medical or non-medical use.

In recent years, the federal government has liberalized its policy with respect to cannabis. Obama Administration memos (which have not been expressly disavowed or repealed by the new Administration) make enforcement of cannabis laws a low priority for federal authorities in states that have a regulatory schemes that address several key points as provided by the federal Department of Justice. H.R. 975 seeks to remove the uncertainty about federal-state cannabis policy by largely prohibiting the federal government from enforcing cannabis laws against participants in states that have robust medical cannabis regulatory structures.

CSAC: Monitor  
RCRC: Support

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

**BACKGROUND AND DISCUSSION**

Under the Controlled Substances Act, it is a violation of federal law to possess, use, cultivate, and/or distribute cannabis.

The Controlled Substances Act is enforced by federal law enforcement agents, and prosecutions are made in federal courts by the U.S. Department of Justice (DOJ). Under the Obama Administration, the DOJ issued a series of memorandums to U.S. Attorneys regarding the use of federal enforcement resources in states that have enacted "laws legalizing cannabis in some form." In the recent enactment of efforts to fund the 2017 Federal Budget, a key section of federal cannabis policy was continued (commonly known as the "Rohrabacher Amendment" after Representative Dana Rohrabacher (R-Orange County)). The amendment prohibits the funding from the budget to be used by the DOJ to prevent states from implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

Notwithstanding the Rohrabacher Amendment, the current DOJ could easily reverse Obama Administration policies and practices and commence activities to eradicate cannabis, namely against the adult use markets as found in Colorado, Washington, Oregon, and states like California where adult use will soon occur (or in medical cannabis states, should the Rohrabacher Amendment expire). If this scenario were to materialize, it could leave a number of counties and cities in a very difficult position as these jurisdictions have begun local licensing schemes (many under the approval of local voters) as the State of California has sanctioned a variety of cannabis activities.

H.R. 975 seeks to resolve this federal-state law uncertainty by largely prohibiting federal interference in state cannabis law.

CSAC: Monitor  
RCRC: Support

**SUPPORTING DOCUMENTS**

- A . H.R. 975 - BILL TEXT - Cannabis; Federal-State Law
- B . H.R. 975 - RCRC Memo - Cannabis Law

Recommendation: Approve

Reviewed By: Molly Rattigan