

The State Cannabis Commerce Act

Introduced by U.S. Senator Ron Wyden | June 27, 2019

Currently, 33 states have approved the use of medical cannabis within their borders and 11 of those states permit adult use, as well as the District of Columbia. Ninety-five percent of Americans now have access to some form of legal cannabis or cannabis derivatives. Despite legalization at the state level, cannabis manufacture, distribution and use is prohibited under federal law.

Since 2014, federal law has prohibited the Department of Justice (DOJ) from using taxpayer funds to prevent states from implementing their own state laws that authorize the use, distribution, possession or cultivation of medical marijuana. This law has been interpreted to prohibit DOJ from prosecuting medical marijuana providers or patients who are in compliance with state law.

While this law provides critical protections for medical marijuana providers and patients, it does not currently apply to adult use cannabis producers or consumers. In addition, it is unclear whether the law protects producers and consumers who transport cannabis between cannabis-legal states.

The State Cannabis Commerce Act would make permanent and expand the existing prohibition against using taxpayer funds to prosecute cannabis producers and consumers.

Specifically, the legislation would prohibit the use of any taxpayer funds to prosecute *any* cannabis producer or consumer who is in compliance with state law. In addition, the legislation would extend these protections to producers or consumers who transport cannabis between cannabis-legal states, provided that both states have legal cannabis programs and that both states affirmatively agree to the transportation.

What if a certain state wants to remain cannabis-free?

This Act does not infringe on the rights of states to not participate in legal cannabis programs. This Act only extends protections to state commerce agreements that are affirmatively entered into by each state involved. There is no mandate that any state participate, but should a state choose to enter an interstate commerce agreement, it will be protected.