

Appendix A

See following pages



U.S. Department of Justice

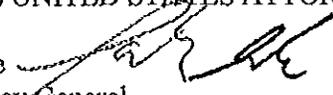
Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

August 29, 2013

MEMORANDUM FOR ALL UNITED STATES ATTORNEYS

FROM: James M. Cole 
Deputy Attorney General

SUBJECT: Guidance Regarding Marijuana Enforcement

In October 2009 and June 2011, the Department issued guidance to federal prosecutors concerning marijuana enforcement under the Controlled Substances Act (CSA). This memorandum updates that guidance in light of state ballot initiatives that legalize under state law the possession of small amounts of marijuana and provide for the regulation of marijuana production, processing, and sale. The guidance set forth herein applies to all federal enforcement activity, including civil enforcement and criminal investigations and prosecutions, concerning marijuana in all states.

As the Department noted in its previous guidance, Congress has determined that marijuana is a dangerous drug and that the illegal distribution and sale of marijuana is a serious crime that provides a significant source of revenue to large-scale criminal enterprises, gangs, and cartels. The Department of Justice is committed to enforcement of the CSA consistent with those determinations. The Department is also committed to using its limited investigative and prosecutorial resources to address the most significant threats in the most effective, consistent, and rational way. In furtherance of those objectives, as several states enacted laws relating to the use of marijuana for medical purposes, the Department in recent years has focused its efforts on certain enforcement priorities that are particularly important to the federal government:

- Preventing the distribution of marijuana to minors;
- Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
- Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
- Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;

- Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
- Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
- Preventing marijuana possession or use on federal property.

These priorities will continue to guide the Department's enforcement of the CSA against marijuana-related conduct. Thus, this memorandum serves as guidance to Department attorneys and law enforcement to focus their enforcement resources and efforts, including prosecution, on persons or organizations whose conduct interferes with any one or more of these priorities, regardless of state law.¹

Outside of these enforcement priorities, the federal government has traditionally relied on states and local law enforcement agencies to address marijuana activity through enforcement of their own narcotics laws. For example, the Department of Justice has not historically devoted resources to prosecuting individuals whose conduct is limited to possession of small amounts of marijuana for personal use on private property. Instead, the Department has left such lower-level or localized activity to state and local authorities and has stepped in to enforce the CSA only when the use, possession, cultivation, or distribution of marijuana has threatened to cause one of the harms identified above.

The enactment of state laws that endeavor to authorize marijuana production, distribution, and possession by establishing a regulatory scheme for these purposes affects this traditional joint federal-state approach to narcotics enforcement. The Department's guidance in this memorandum rests on its expectation that states and local governments that have enacted laws authorizing marijuana-related conduct will implement strong and effective regulatory and enforcement systems that will address the threat those state laws could pose to public safety, public health, and other law enforcement interests. A system adequate to that task must not only contain robust controls and procedures on paper; it must also be effective in practice. Jurisdictions that have implemented systems that provide for regulation of marijuana activity

¹ These enforcement priorities are listed in general terms; each encompasses a variety of conduct that may merit civil or criminal enforcement of the CSA. By way of example only, the Department's interest in preventing the distribution of marijuana to minors would call for enforcement not just when an individual or entity sells or transfers marijuana to a minor, but also when marijuana trafficking takes place near an area associated with minors; when marijuana or marijuana-infused products are marketed in a manner to appeal to minors; or when marijuana is being diverted, directly or indirectly, and purposefully or otherwise, to minors.

must provide the necessary resources and demonstrate the willingness to enforce their laws and regulations in a manner that ensures they do not undermine federal enforcement priorities.

In jurisdictions that have enacted laws legalizing marijuana in some form and that have also implemented strong and effective regulatory and enforcement systems to control the cultivation, distribution, sale, and possession of marijuana, conduct in compliance with those laws and regulations is less likely to threaten the federal priorities set forth above. Indeed, a robust system may affirmatively address those priorities by, for example, implementing effective measures to prevent diversion of marijuana outside of the regulated system and to other states, prohibiting access to marijuana by minors, and replacing an illicit marijuana trade that funds criminal enterprises with a tightly regulated market in which revenues are tracked and accounted for. In those circumstances, consistent with the traditional allocation of federal-state efforts in this area, enforcement of state law by state and local law enforcement and regulatory bodies should remain the primary means of addressing marijuana-related activity. If state enforcement efforts are not sufficiently robust to protect against the harms set forth above, the federal government may seek to challenge the regulatory structure itself in addition to continuing to bring individual enforcement actions, including criminal prosecutions, focused on those harms.

The Department's previous memoranda specifically addressed the exercise of prosecutorial discretion in states with laws authorizing marijuana cultivation and distribution for medical use. In those contexts, the Department advised that it likely was not an efficient use of federal resources to focus enforcement efforts on seriously ill individuals, or on their individual caregivers. In doing so, the previous guidance drew a distinction between the seriously ill and their caregivers, on the one hand, and large-scale, for-profit commercial enterprises, on the other, and advised that the latter continued to be appropriate targets for federal enforcement and prosecution. In drawing this distinction, the Department relied on the common-sense judgment that the size of a marijuana operation was a reasonable proxy for assessing whether marijuana trafficking implicates the federal enforcement priorities set forth above.

As explained above, however, both the existence of a strong and effective state regulatory system, and an operation's compliance with such a system, may allay the threat that an operation's size poses to federal enforcement interests. Accordingly, in exercising prosecutorial discretion, prosecutors should not consider the size or commercial nature of a marijuana operation alone as a proxy for assessing whether marijuana trafficking implicates the Department's enforcement priorities listed above. Rather, prosecutors should continue to review marijuana cases on a case-by-case basis and weigh all available information and evidence, including, but not limited to, whether the operation is demonstrably in compliance with a strong and effective state regulatory system. A marijuana operation's large scale or for-profit nature may be a relevant consideration for assessing the extent to which it undermines a particular federal enforcement priority. The primary question in all cases – and in all jurisdictions – should be whether the conduct at issue implicates one or more of the enforcement priorities listed above.

As with the Department's previous statements on this subject, this memorandum is intended solely as a guide to the exercise of investigative and prosecutorial discretion. This memorandum does not alter in any way the Department's authority to enforce federal law, including federal laws relating to marijuana, regardless of state law. Neither the guidance herein nor any state or local law provides a legal defense to a violation of federal law, including any civil or criminal violation of the CSA. Even in jurisdictions with strong and effective regulatory systems, evidence that particular conduct threatens federal priorities will subject that person or entity to federal enforcement action, based on the circumstances. This memorandum is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal. It applies prospectively to the exercise of prosecutorial discretion in future cases and does not provide defendants or subjects of enforcement action with a basis for reconsideration of any pending civil action or criminal prosecution. Finally, nothing herein precludes investigation or prosecution, even in the absence of any one of the factors listed above, in particular circumstances where investigation and prosecution otherwise serves an important federal interest.

cc: Mythili Raman
Acting Assistant Attorney General, Criminal Division

Loretta E. Lynch
United States Attorney
Eastern District of New York
Chair, Attorney General's Advisory Committee

Michele M. Leonhart
Administrator
Drug Enforcement Administration

H. Marshall Jarrett
Director
Executive Office for United States Attorneys

Ronald T. Hosko
Assistant Director
Criminal Investigative Division
Federal Bureau of Investigation

Appendix B

See following page



House of Representatives

RICH GOLICK
REPRESENTATIVE, DISTRICT 40
2372 SIMPSON FARM WAY
SMYRNA, GEORGIA 30020
(770) 319-0970 (FAX)
E-MAIL: rich.golick@house.ga.gov

STATE CAPITOL, ROOM 218
ATLANTA, GEORGIA 30334
(404) 656-5943
(404) 656-6700 (FAX)

STANDING COMMITTEES:

APPROPRIATIONS
INSURANCE
JUDICIARY -- EX-OFFICIO
JUDICIARY (NON CIVIL) - CHAIRMAN
REGULATED INDUSTRIES
RULES - VICE CHAIRMAN

December 31, 2014

Re: Recommendations for the Medical Cannabis Study Committee Report

To Whom It May Concern:

I have signed the report of the Joint Study Committee on the Prescription of Medical Cannabis for Serious Medical Conditions in support of the two formal Committee recommendations only set out in the report that begin on Page 12.

Sincerely,

Rich Golick
State Representative
District 40

Appendix C

See following page

CURT THOMPSON
District 5
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Tucker, GA 30084
Tel: (404) 643-2649

121-I State Capitol
Atlanta, Georgia, 30334
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Fax: (404) 651-7078

E-mail: curt@curlthompson.com
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www.facebook.com/StateSenatorCurtThompson
www.makingyourvoicecount.com



The State Senate
Atlanta, Georgia 30334

COMMITTEES:

Special Judiciary, *Chairman*
Appropriations
Economic Development
Higher Education

COMMISSIONS:

Georgia Code Revision Commission

December 29, 2014

Re: Recommendations for the Medical Cannabis Study Committee Report

To Whom It May Concern:

I have some recommendations for changes to the Medical Cannabis Final Study Committee Report. Finding 1 should be removed because criminal laws related to non-medical marijuana use is not on topic to a study committee report on medical use. While some witnesses may have made passing comments on the subject there was no testimony taken on changes to the criminal laws related to non-medical marijuana use, there was no questioning on this subject, no witnesses presented on this topic, were asked to present on this topic, and no opportunity was given or even suggested for members to suggest witnesses to discuss this topic.

A finding should be added as follows: "The General Assembly should pass a medical marijuana structure that is sufficiently broad to permit all medically recognized treatments and delivery mechanisms. Said structure should create a system that allows seriously ill Georgian's with qualifying diagnosis reasonable access to medicinal marijuana in a delivery system that will best treat their illness."

Please do not hesitate to contact me directly if you have any questions or concerns. I can be reached by cell at (404-643-2649).

Best regards,

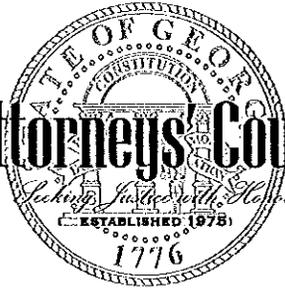
A handwritten signature in black ink, appearing to read "Curt B. Thompson, II". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Curt B. Thompson, II
State Senator, District 5

Appendix D

See following page

Prosecuting Attorneys' Council of Georgia



CHARLES A. SPAHOS
Executive Director

December 30, 2014

DANNY PORTER
Chair
District Attorney
Gwinnett Judicial Circuit

Senator Renee Unterman, Co-Chairperson
Representative Allen Peake, Co-Chairperson
Joint Study Committee on the Prescription of Medical Cannabis for Serious Medical Conditions

STEPHANIE WOODARD
Vice Chair
Solicitor-General
Hall County

While I participated as a member of the Medical Marijuana Study Committee, signed the attached report and agree with much of what occurred, I do not agree with several of the statements made in the report nor can I support several of the concepts discussed in the report. In particular, I would like to point out the following areas in which I do not and cannot support:

LEIGH PATTERSON
Secretary
District Attorney
Rome Judicial Circuit

1. Law enforcement representatives never testified that they support growing, cultivating, processing or otherwise distributing marijuana in Georgia. In fact, numerous concerns were discussed regarding the legalization of manufacturing marijuana. While several law enforcement and prosecution representatives indicated they do not oppose possessing an oil with a low THC level used to treat diagnosed medical issues in children and adults (see page 6 of the report), every one of those speakers testified that they have great concerns of the slippery slope that legalization in any form creates.

HAYWARD ALTMAN
District Attorney
Middle Judicial Circuit

2. While I am not fundamentally opposed to recommendations 1 & 2, as a prosecuting attorney and a member of the State Bar of Georgia, I cannot recommend that the Georgia General Assembly pass a statute that will be in direct conflict with federal law. Any attempt to legalize marijuana or any substance that contains THC will conflict with current federal law.

SHERRY BOSTON
Solicitor-General
DeKalb County

FREDRIC D. BRIGHT
District Attorney
Ocmulgee Judicial Circuit

3. As to the suggested additional measures, I heard no compelling testimony related to necessity or purpose for manufacturing or cultivating marijuana. If the Georgia legislature does anything related to the legalization of the possession of cannabidiol (CBD), it should consider joining the other nine states that have done so without authorizing the cultivation of marijuana.

TASHA MOBLEY
Solicitor-General
Clayton County

BRIAN RICKMAN
District Attorney
Mountain Judicial Circuit

ASHLEY WRIGHT
District Attorney
Augusta Judicial Circuit

I appreciate the opportunity to serve and participate in this process and encourage the members of the General Assembly to travel cautiously down any road that would bring this State into conflict with federal law and provide its citizens with a false sense that the use of cannabidiol is not a violation of federal law.

Charles A. "Chuck" Spahos
Executive Director
Prosecuting Attorneys' Council

**FINAL REPORT OF THE JOINT STUDY COMMITTEE
ON THE PRESCRIPTION OF MEDICAL CANNABIS FOR SERIOUS MEDICAL CONDITIONS**



The Honorable Renee Unterman, Co-Chairperson
Senator, District 45

The Honorable Allen Peake, Co-Chairperson
Representative, District 141

The Honorable Dean Burke
Senator, District 11

The Honorable Butch Miller
Senator, District 49

The Honorable Curt Thompson
Senator, District 5

The Honorable Rich Golick
Representative, District 40

The Honorable Micah Gravley
Representative, District 67

The Honorable Margaret D. Kaiser
Representative, District 59

Mr. Charles Spahos
Executive Director, Prosecuting Attorneys' Council of Georgia

Dr. Matthews W. Gwynn, M.D.
Medical Association of Georgia

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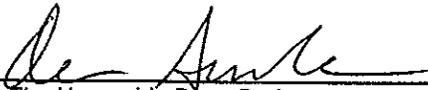
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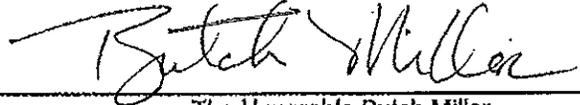
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49th₂

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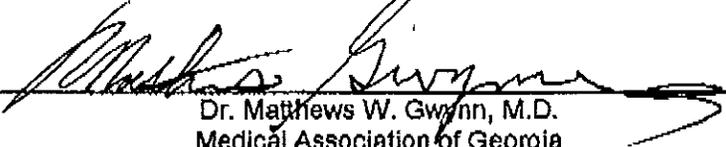
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