

Rep. Rabhi offered the following resolution:

**House Resolution No. 224.**

A resolution calling on the United States Attorney General to respect the people of Michigan's constitutionally-protected right to regulate marihuana at the state level, calling on the President of the United States to replace him if he is unwilling to fulfill this duty.

Whereas, The people of Michigan overwhelmingly support the legalization of marihuana for medical purposes under state law. More than 200,000 Michiganders rely on medical marihuana to treat debilitating conditions such as cancer, glaucoma, and epilepsy; and

Whereas, More than half of the states in the United States have, like Michigan, legalized marihuana for medical use. Furthermore, the recreational use of marijuana has been legalized in approximately nine states. Marihuana law and policy is best handled at the state level, where each state's unique concerns and priorities can be addressed; and

Whereas, The President of the United States has repeatedly expressed that the decision of whether to legalize marihuana "should be a state issue". In recognition of the wisdom of state-level regulation, Congress has barred the federal Department of Justice from using funds to interfere with state medical marihuana programs. The Department of Justice has also, until recently, followed a policy of respect for state marihuana law; and

Whereas, Deputy Attorney General James Cole issued a memorandum to all United States Attorneys on August 29, 2013 setting out marihuana enforcement priorities and stating that a robust system of state laws and regulations "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"; and

Whereas, In defiance of Congress and the President of the United States, Attorney General Jeff Sessions, on January 4, 2018, rescinded the Cole memorandum and reversed longstanding Department of Justice policies of noninterference with state-regulated marihuana announcing a crusade against marihuana even where its medical or recreational use is sanctioned and regulated under state law; and

Whereas, This change in Department of Justice policy and practice infringes upon Michigan's right to self-determination and endangers the ability of seriously ill Michiganders to access the medicine they need without fear of federal prosecution. Such interference is a waste of federal law enforcement resources that could be better directed to other priorities, and is based on mischaracterizations of the purported harms of marihuana use that are contradicted by the best available science; and

Whereas, In taking office, Attorney General Sessions swore to "support and defend" the United States Constitution and to "bear true faith and allegiance". In attacking states' discretion to set marihuana policy, Attorney General Sessions is ignoring the 10<sup>th</sup> Amendment to the United States Constitution, which states that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; now, therefore, be it

Resolved by the House of Representatives, That we call upon the United States Attorney General to respect the people of Michigan's constitutionally-protected right to regulate medical marihuana at the state level, and if he fails to do so, we call upon the President of the United States to replace him with a successor who will more faithfully fulfill this constitutional duty; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Department of Justice, and the members of the Michigan congressional delegation.