WHEREAS, forty-six (46) states permit the use of some form of medical marijuana and nine (9) states have made it legal for adult use.

WHEREAS, as more states, territories, and tribes thoughtfully consider updates to marijuana regulations, often through voter-initiated referendums, it is critical that Congress take immediate steps to safeguard their right to do so.

WHEREAS, recognizing the evolving position of states, in 2014 Congress began protecting medical marijuana states from federal interference by prohibiting the Department of Justice from preventing the implementation of state laws that authorize the use, distribution, possession or cultivation of medical marijuana. The Department of Justice likewise underscored its respect for state action by providing federal prosecutors guidance in the form of the “Cole Memo”, which directed limited federal resources away from prosecuting marijuana operations operating in compliance with state law.

WHEREAS, the rescission of the “Cole Memo” earlier this year has complicated the marketplace for businesses that states now deem legal. This return to one-size-fits-all federal prohibition is incongruent with reality, undermines the 46 carefully-crafted regulatory structures and impedes states’ abilities to be effective laboratories of democracy.

WHEREAS, federal legislation (Senate Bill 3032), Strengthening the Tenth Amendment Through Entrusting States (STATES) Act is being proposed.

WHEREAS, The STATES Act restores the federal-state balance by codifying protections for those operating in accordance with state law. The STATES Act is about respecting the authority of states to act, lead and respond to the evolving needs and attitudes of their citizens. Whether a state maintains the prohibition or chooses a different path, the STATES Act ensures that the federal government is a partner rather than an impediment.

WHEREAS, the STATES Act amends the Controlled Substances Act (21 U.S.C. § 801 et seq.) (CSA) so that -- as long as states and tribes comply with a few basic protections -- its provisions no longer apply to any person acting in compliance with State or tribal laws relating to the manufacture, production, possession, distribution, dispensation, administration, or delivery of marijuana.

WHEREAS, the STATES Act amends the definition of “marihuana” under the CSA (21 U.S.C. § 802(16)) to exclude industrial hemp, as defined in section 7606(b) of the Agricultural Act of 2014 (7 U.S.C. § 5940(b)).
WHEREAS, the STATES Act does not alter CSA Section 417 (prohibition on endangering human life while manufacturing a controlled substance) and maintains the prohibition on employing persons under age 18 in marijuana operations, two federal requirements with which states, territories, and tribes must continue to comply.

WHEREAS, the STATES Act prohibits the distribution of marijuana at transportation safety facilities such as rest areas and truck stops (Section 409).

WHEREAS, the STATES Act does not allow for the distribution or sale of marijuana to persons under the age of 21 (Section 418) other than for medical purposes.

WHEREAS, to address financial issues caused by federal prohibition, the STATES Act states that compliant transactions are not trafficking and do not result in proceeds of an unlawful transaction.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Clark County, Nevada lends its support in the passage of the STATES Act.

PASSED, ADOPTED AND APPROVED THIS _____ DAY OF ____________________ 2018.

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STEVE SISOLAK, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

ATTEST:

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LYNN GOYA, COUNTY CLERK