

# Bipartisan STATES Act Reintroduced in the 116th Congress



**Washington, D.C.** – The bipartisan, bicameral, Strengthening the Tenth Amendment Through Entrusting States Act (STATES Act) was reintroduced today by U.S. Senators Cory Gardner (R-CO) and Elizabeth Warren (D-MA), along with U.S. Representatives Earl Blumenauer (D-OR) and David Joyce (R-OH) to ensure that each State has the right to determine for itself the best approach to cannabis within its borders. This legislation would also extend these protections to Washington D.C., U.S. territories, and federally recognized tribal nations. The STATES Act is being cosponsored by Senators Bennet (D-CO), Cortez Masto (D-NV), Cramer (R-ND), Klobuchar (D-MN), Murkowski (R-AK), Paul (R-KY), Sullivan (R-AK), and Wyden (D-OR).

Currently, 47 states along with Washington, D.C., Puerto Rico, Guam and numerous tribal nations have laws permitting cannabis or cannabis-based products. In 2018 alone, Michigan, Oklahoma, Utah, and Vermont all expanded legal cannabis. Under the Obama Administration, the Department of Justice (DOJ) issued a guidance to support these state actions and refocused law enforcement resources elsewhere. However, this guidance was rescinded by the DOJ in 2018, causing legal uncertainty that severely limits the cannabis industry. Specifically, the STATES Act would:

- Amend the Controlled Substances Act (21 U.S.C. § 801 et seq.) (CSA) so that -- as long as states and tribal nations 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.
- The bill does not alter the CSA prohibition on endangering human life while manufacturing a controlled substance (Section 417) and maintains the prohibition on employing persons under age 18 in marijuana operations (Section 420), two federal requirements with which states, territories, and tribes must continue to comply.
- The bill maintains the prohibition on the distribution of marijuana at transportation safety facilities such as rest areas and truck stops (Section 409).
- The bill does not allow for the distribution or sale of marijuana to persons under the age of 21 (Section 418) other than for medical purposes.
- The bill instructs the Government Accountability Office (GAO) to conduct a study on the effects of marijuana legalization on traffic safety, including whether States are able to accurately evaluate marijuana impairment, testing standards used by these States, and a detailed assessment of traffic incidents.
- To address financial issues caused by federal prohibition, the bill clearly states that compliant transactions are not trafficking and do not result in proceeds of an unlawful transaction.

Along with ACIL, 32 other organizations have signed on as supporters of this legislation, including: American Bankers Association, ACLU, Americans for Prosperity, Americans for Safe Access, Americans for Tax Reform, American Trade Association for Cannabis and Hemp, Brennan Center for Justice, California Cannabis Industry Association, California State Association of Counties, Campaign for Liberty, Cannabis Trade Federation, Center for Freedom and Prosperity, Citizens Opposing Prohibition, Colorado Bankers Association, Competitive Enterprise Institute, Cooperative Credit Union Association, Credit Union National Association, Drug Policy Alliance, Electronic Transactions Association, Federated Indians of Graton Rancheria, Florida Credit Union Association, the Hoh Indian Tribe, the Jamestown S'Klallam Tribe, Law Enforcement Action Partnership, Massachusetts Bankers Association, Marijuana Policy Project, Minorities for Medical Marijuana, the Muckleshoot Indian Tribe, National Cannabis Industry Association, National Cannabis Roundtable, National Conference of State Legislatures, National Organization for the Reform of Marijuana Laws, New Federalism Fund, New York Medical Cannabis Industry Association, New Jersey CannaBusiness Association, the Nisqually Indian Tribe, Oklahoma Cannabis Industry Association, the Passamaquoddy Tribe at Indian Township, the Puyallup Tribe of Indians, R Street, Safe and Responsible Banking Alliance, the Squaxin Island Tribe, the Suquamish Tribe, and the Utu Utu Gwaitu Paiute Tribe.