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The Congressional Cannabis Compromise

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Introduced legislation says the federal government won't interfere

As more states legalize adult-use recreational marijuana, a clash of state law and federal law has caused confusion. Congress has seemingly reached a crossroads. Congress is addressing these issues with an amendment to the Commerce, Justice, Science, and Related Agencies Appropriations Bill that would prevent federal interference in state and tribal cannabis programs. Yesterday, the House of Representatives (the "House") passed the amendment and it is expected to progress through the legislative process.

Under the amendment, the cannabis industry can expect freedom from the fear of federal law enforcement agencies. The amendment prohibits federal law enforcement agencies from preventing states, Washington D.C. and U.S. territories "from implementing their own laws that authorize the use, distribution, possession, or cultivation of marijuana."

This inclusion of adult-use cannabis programs represents a significant expansion of an existing policy that protects state medical cannabis laws from federal intrusion. The initial policy was first enacted in 2014 and has since been extended through annual spending bills.

Although change may be on the horizon, the measure still requires a recorded vote for final passage through the House, and it ultimately requires Senate approval. For now, emerging businesses in the cannabis industry should ensure full compliance with state laws. Here are a few recommendations:

- Familiarize yourself with your state's evolving regulatory scheme;
- Keep all licenses and permits current; and

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- Remain diligent with inspections, health and safety requirements.

As you are developing your cannabis-related business, it is important to consult with a cannabis law specialist to protect your interests.

For questions about this subject and others concerning the cannabis industry, please contact the authors of this alert or any member of Butzel Long's Cannabis Law Specialty Team.

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