

June 7, 2018

## STATES Act Bill Addresses Incongruity in Federal Law and State Marijuana Regulation

This morning, Sen. Cory Gardner (R-CO) and Sen. Elizabeth Warren (D-MA) introduced the bipartisan **Strengthening the Tenth Amendment Through Entrusting States Act** (STATES Act) in an attempt to address the incongruity between federal and state law related to legal marijuana. Echoing the agreement between President Trump and Sen. Gardner in April to take a states' rights approach on the issue, the bill amends the Controlled Substances Act (21 U.S.C. 801 et seq.) to protect those individuals and businesses in compliance with state marijuana laws and regulations from federal interference. The Brownstein **Emerging Regulated Industries (ERI) practice group** has been honored to work with Sen. Gardner on this legislation and his bipartisan and federalism-minded approach to addressing this issue.

The STATES Act does nothing to interfere with the federal government's ability to enforce against the illicit drug trade. Instead, it protects law-abiding citizens under their respective state law in accordance with the core tenets of the 10th Amendment. If a state currently does not have legal marijuana, this bill would do nothing to change that. The STATES Act simply provides deference to states that have decided, either through legislative action or by a vote of its citizens, to legalize marijuana for medical or recreational use.

Currently, 29 states have legalized the medical use of marijuana. Among those, nine states and the District of Columbia have also legalized marijuana for recreational use by adults.

Please click [here](#) to view a joint interview with Sen. Gardner and Sen. Warren on the STATES Act.

For further information on this developing congressional activity, please contact any of the ERI team members listed below.

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*Public and private entities are facing significant legal and practical challenges related to the use of cannabis, powdered alcohol, self-driving cars and other new but quickly expanding industries that have high consumer demand and substantial government oversight. Brownstein Hyatt Farber Schreck's Emerging Regulated Industries (ERI) practice group is made up of seasoned attorneys and policy advisors with extensive knowledge in these unique areas. We assist these entities when they face legal uncertainty about how new laws apply to their*

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*operations, the rapid pace of changing laws and regulations at the state and federal level and implementing or complying with current regulations while still meeting strategic goals in an often contentious and time-sensitive environment.*

*This document is intended to provide you with general information regarding the STATES Act and its potential protections for state marijuana regulations. The contents of this document are not intended to provide specific legal advice. If you have any questions about the contents of this document or if you need legal advice as to an issue, please contact the attorneys listed or your regular Brownstein Hyatt Farber Schreck, LLP attorney. This communication may be considered advertising in some jurisdictions.*