

Congress Continues to Thwart Sessions' Attempt to Attack Medical Marijuana Use

Supporters of recreational marijuana use are still celebrating their legislative victory in Massachusetts. But whether they ultimately will be successful at the federal level still is unclear. While Attorney General Jeff Sessions has been sending signals that indicate that a federal crackdown on the use of marijuana may be imminent in states that have legalized such use, actions by Congress and President Trump have been sending other messages and continue to block Sessions from following through on his threats.

In May, [Sessions delivered a letter to Congress](#) requesting that leaders reject a budget amendment that has been adopted by Congress every year since 2014. The amendment, known as the Rohrabacher-Blumenauer amendment, prevents the Department of Justice from using any funds to undermine state medical marijuana laws. The Department of Justice failed in an attempt to circumvent the amendment in California, with a [federal courts upholding the prohibition](#) in 2016, and [in 2017](#) so long as the medical marijuana purveyors strictly complied with state law.

Despite the letter from Sessions, in July the Senate Appropriations Committee approved the extension of the amendment with strong bi-partisan support. The Republican-led Rules Committee in the U.S. House of representatives also refused to allow a vote to extend the amendment in September. However, a last minute budget deal approved by President Trump and passed by Congress included an extension of the amendment until December 8, 2017.

More recently, Sessions sent letters to the governors and attorneys general of Colorado, Oregon and Washington. According to [published reports](#) in the letters, Sessions affirmed that the DOJ "remains committed to enforcing" the federal ban on marijuana, a "dangerous drug." Sessions also attacked state-specific federal reports that, he alleged, "[raise] serious questions about the efficacy of marijuana regulatory structures in your state."

Representative Dana Rohrabacher, the Republican Congressman who co-sponsored the amendment, continues to push hard to make the amendment permanent. As he told the [Los Angeles Times](#), "Marijuana got more votes than Trump. There are millions of Republicans and independents who voted for it. There are 20 million people a month who use it."

A DOJ attempt to enforce the federal ban in a state that has legalized marijuana would have a chilling effect on the legal marijuana industry throughout the country, including Massachusetts. Investors and entrepreneurs may hesitate to commit financial resources to new businesses if the threat of federal enforcement returns.

However, proponents of medical marijuana use remain optimistic that lawmakers will reach some accommodation soon.

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