

The STATES Act

**Senator Elizabeth Warren (D-MA) and Senator Cory Gardner (R-CO)
Congressman Earl Blumenauer (D-OR) and Congressman Dave Joyce (R-OH)**

BACKGROUND:

- Today, 47 states have laws permitting marijuana or marijuana-based products. Washington D.C., Puerto Rico, Guam, and a number of tribal nations have similar laws. Last year alone, Michigan, Missouri, Oklahoma, Utah, and Vermont all expanded legal marijuana.
- As states began developing their own approaches to marijuana enforcement, the Department of Justice issued guidance to support these state actions and focus law enforcement resources where most-needed.
- However, this guidance was withdrawn in 2018, causing legal uncertainty that severely limits these state laboratories of democracy, creates public health and safety issues, and undermines the state regulatory regimes.
- Despite more states permitting marijuana, and more Americans acting in compliance with those state laws, the threat of federal prosecution remains until Congress works together to act.
- Furthermore, as states, territories, and tribal nations continue to thoughtfully consider updates to marijuana regulations, often through voter-initiated referendums, it is critical that Congress take immediate steps to safeguard these efforts.

PURPOSE:

- The Strengthening the Tenth Amendment Through Entrusting States (STATES) Act ensures that each State has the right to determine for itself the best approach to marijuana within its borders. The bill also extends these protections to Washington D.C, U.S. territories, and federally recognized tribal nations, and contains common-sense guardrails to ensure that states, territories, and tribal nations regulating marijuana do so in a manner that is safe and respectful of the impacts on their neighbors.

WHAT THE BILL DOES:

- Amends 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.