



# State vs Federal Cannabis Laws

# Federal Law

- ▶ Federal government doesn't view cannabis as medicine
- ▶ *Gonzales v. Raich* (2005) - government has the constitutional authority to prohibit cannabis for all purposes
- ▶ Federal law enforcement can prosecute medical cannabis patients

# Federal Guidelines

- ▶ Department of Justice issues guidance to prosecutors in 2013
  1. Preventing of distribution of marijuana to minors;
  2. Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs or cartels;
  3. Preventing the diversion of marijuana from states where it is legal under to state law in some form to other states;
  4. Preventing state-authorized marijuana activity from being used as a cover or a pretext to traffic other illegal drugs or other illegal activity;
  5. Preventing violence or the use of firearms in cultivation and distribution of marijuana;
  6. Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
  7. Preventing the growing of marijuana on public lands and the attendant public safety and environment dangers posed by marijuana production on public lands;
  8. Preventing marijuana possession or use on federal property.

# State Law - Georgia

- ▶ Cannabis is illegal in the state of Georgia
- ▶ Decriminalization in some counties
- ▶ Low THC Oil Registry

# Georgia Low THC Oil Law

- ▶ Georgia's laws are limited
- ▶ Patients with the covered conditions can apply for the registry card
- ▶ Patients can possess 20 fluid ounces of Low THC Oil

# Comparison: Georgia vs Federal

## ▶ Federal

- ▶ Illegal to possess or sell cannabis even for medical purposes
- ▶ Does not view cannabis as being suitable for medicinal purposes
- ▶ Federal law enforcement can prosecute medical cannabis patients

## ▶ Georgia

- ▶ Illegal to possess or sell cannabis
- ▶ Patients who are on the medical cannabis registry can possess 20 fluid ounces of Low THC Oil
- ▶ Vapes and edibles containing the Low THC Oil are not allowed

# Resources

- <sup>1</sup>Americans for Safe Access. Federal Marijuana Law. [https://www.safeaccessnow.org/federal\\_marijuana\\_law](https://www.safeaccessnow.org/federal_marijuana_law). Accessed September 19, 2020
- <sup>2</sup>Georgia Department of Health and Human Services. What Citizen Need to Know about Georgia's Medical Marijuana Law. <https://dph.georgia.gov/low-thc-oil-faq-general-public>. Accessed September 18, 2020



Thank You

