

For Immediate Release

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House Panel Approves Hinchey Provision Requesting Clarification
from Obama Administration on Medical Marijuana Policy

Washington, DC - With some uncertainty surrounding the Obama administration's policy on the use of medical marijuana in states that have legalized the drug for that purpose, the House Appropriations Committee today approved a provision authored by Congressman Maurice Hinchey (D-NY) that calls on the U.S. Department of Justice to report to Congress in writing on the administration's position within 60 days of the bill's enactment. The Hinchey provision was included in the report accompanying the Commerce, Justice, Science and Related Agencies appropriations bill for fiscal year 2010. The full House is expected to consider the bill within the next several weeks.

"I'm very pleased that the House Appropriations Committee today approved a simple, straightforward provision that will provide clarity as to what the Obama administration's precise policy is on medical marijuana," Hinchey said. "I've been greatly encouraged by what President Obama and Attorney General Holder's public statements in support of state's determining their own medical marijuana, but remain concerned about the matter since the federal government has still continued raids in states that permit the use of marijuana for medicinal purposes. This provision will provide Congress with the transparency we need to determine whether any further legislative action is needed. It's imperative that the federal government respect states' rights and stay out of the way of patients with debilitating diseases such as cancer who are using medical marijuana in accordance with state law to alleviate their pain."

During the presidential campaign last year, then U.S. Senator-Barack Obama said that he would not use Justice Department resources to raid and prosecute medical marijuana users and prescribers in states where such use is permitted. Earlier this year, Attorney General Eric Holder publicly stated that the Department of Justice would follow through on President Obama's position during the campaign and only pursue federal cases against individuals who violate both state and federal marijuana laws. However, one week after the attorney general's statement on the topic, the Drug Enforcement Agency (DEA) conducted a raid on a medical marijuana clinic in San Francisco, raising questions about the implementation of the attorney general's stated policy. The DEA has not fully explained the reason for a raid in a state that allows the use of medical marijuana.

Thirteen states have adopted laws that allow the use of marijuana for medical purposes. Alaska, California, Colorado, Hawaii, Maine, Michigan, Montana, Nevada, New Mexico, Oregon, Rhode Island, Vermont, and Washington all have laws allowing the use of marijuana to relieve the intense pain and nausea that accompany some debilitating diseases such as cancer, AIDS, and multiple sclerosis. The Bush administration made it nearly impossible for those 13 states to fully implement their medical marijuana laws. The DEA conducted numerous raids and even prosecuted patients who were using marijuana in accordance with state laws to relieve pain, nausea, and other symptoms caused by a variety of illnesses.

Hinchey has offered a measure for several years to protect states' rights and patients by prohibiting the Justice Department from using any funds to prosecute individuals who use medical marijuana in compliance with state law. The measure did not have the support of the full House. The congressman does not plan to offer that measure in light of the Obama administration's previous statement in support of state medical marijuana laws.