

**NLC RESOLUTION #2009-\_\_\_\_**  
**MEDICAL USE OF MARIJUANA**

WHEREAS, the various states and municipalities have long shared with the federal government the responsibility to ensure that the public health for all citizens is addressed through competent, thoughtful, and comprehensive legislation and regulation; and

WHEREAS, the responsibility to deal with chronic and debilitating medical conditions in a variety of contexts are shared concerns of the states, municipalities and the federal government; and

WHEREAS, in limited instances health care providers have recognized the benefit of using marijuana to provide relief to persons suffering chronic and/or debilitating medical conditions; and

WHEREAS, numerous states, Alaska, California, Colorado, Hawaii, Maine, Michigan, Montana, Nevada, New Mexico, Oregon, Rhode Island, Vermont and Washington, have allowed physicians to prescribe the medical use of marijuana to only patients suffering from serious and chronic diseases by amending state constitutions authorizing this medical use of marijuana; and

WHEREAS, the federal Controlled Substances Act establishes a regulatory system designed to combat recreational drug use by making it unlawful to manufacture, distribute, dispense or possess any controlled substance including marijuana; and

WHEREAS, the Controlled Substances Act reflects the federal government's perspective that marijuana falls within the category of a recreational drug with no acceptable medical use; and

WHEREAS, there exists an incongruity between states enacting legislation that authorizes medical use of marijuana in certain circumstances and the Controlled

Substances Act's prohibitions against possession or use of marijuana under any circumstances; and

WHEREAS, this disharmony between the states and municipalities' views of medical use of marijuana with the federal governments' view of the illegality of the possession and use of marijuana even in a medical context creates an uncertain and ambiguous regulatory framework within which the states and municipal governments seek to provide public health benefits through appropriate regulations for citizens; and

WHEREAS, federal pronouncements regarding enforcement creates further confusion with respect to the states and municipalities' ability to authorize the use of medical marijuana by amendments to its state's constitution and thereby exempt enforcement related to possession and use of medical marijuana; and

WHEREAS, the National League of Cities ("NLC") has historically recognized and promoted the states' rights to regulate matters that are of state concerns; and

WHEREAS, the NLC now seeks clarification from the federal government with respect to its posture on the parameters within which the states can legitimately and legally allow for the use of medical marijuana under prescribed circumstances.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities urges Congress and its administration to consider the following:

1. The NLC urges Congress to clearly define the role of federal agencies tasked with enforcement of federal laws concerning marijuana to cooperate and coordinate with the states and municipalities to address the illegal use of marijuana.
2. The NLC urges Congress to consider a more precise interpretation of the Controlled Substances Act to recognize and address the perception that the legitimate medical use of marijuana in prescribed circumstances is not in conflict

with the Act's stated purpose by distinguishing between circumstances where medical uses may be authorized and assist states and municipalities' enforcement of uses that are not medically authorized.

3. The NLC urges Congress to clarify that states actions in recognizing the legitimate use of medical marijuana use is solely a matter of states' rights to treat serious and debilitating medical conditions for its citizens and that such action does not implicate the federal interest in the illegal use, possession and manufacture of marijuana as a recreational drug.
4. The NLC urges Congress consider the feasibility of medical marijuana use, and in that context, to define the various aspects of medical marijuana including patients use, care-givers and their role in assisting patients, and clarifying the extent to which medical marijuana may be harvested and dispensed to citizens with legitimate debilitating disease, and thereby assist the states in monitoring such use.