

MEMORANDUM

Agenda Item No. 11(A)(7)

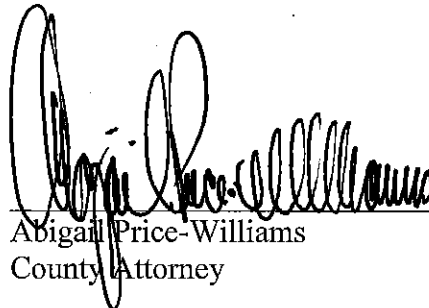
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: March 21, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the United States Congress and the Trump Administration to continue to allow states, such as Florida, to authorize and implement the use of medical marijuana; opposing future federal legislation or policy changes that may adversely impact Florida's implementation of Amendment 2 related to medical marijuana and the implementation of medical marijuana initiatives in other states

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Abigail Price-Williams
County Attorney

APW/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: March 21, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(7)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(7)
3-21-17

RESOLUTION NO. _____

RESOLUTION URGING THE UNITED STATES CONGRESS AND THE TRUMP ADMINISTRATION TO CONTINUE TO ALLOW STATES, SUCH AS FLORIDA, TO AUTHORIZE AND IMPLEMENT THE USE OF MEDICAL MARIJUANA; OPPOSING FUTURE FEDERAL LEGISLATION OR POLICY CHANGES THAT MAY ADVERSELY IMPACT FLORIDA'S IMPLEMENTATION OF AMENDMENT 2 RELATED TO MEDICAL MARIJUANA AND THE IMPLEMENTATION OF MEDICAL MARIJUANA INITIATIVES IN OTHER STATES

WHEREAS, on November 8, 2016, Amendment 2, entitled "Use of Marijuana for Debilitating Medical Conditions," passed with 71 percent of the vote in Florida; and

WHEREAS, Amendment 2 allows individuals with debilitating medical conditions, as determined by a licensed Florida physician, to use marijuana for medical purposes and allows caregivers to assist with patients' medical use of marijuana; and

WHEREAS, with the passage of Amendment 2, Florida joined a growing number of states that have authorized the use of marijuana for medicinal purposes; and

WHEREAS, currently, medical marijuana is authorized by state law or state ballot initiative in 28 states and the District of Columbia; and

WHEREAS, under federal law, however, marijuana remains an illegal substance, even when used for medicinal purposes; and

WHEREAS, in 2013, the U.S. Justice Department (DOJ) issued a memorandum to all federal prosecutors indicating that the DOJ is committed to the enforcement of federal law, but that prosecutorial enforcement priorities should center upon: preventing distribution of marijuana to minors; preventing marijuana sales revenue from funding, or falling into the hands of, gangs, criminal enterprises, and cartels; preventing the diversion of marijuana to states where it remains illegal; preventing state-authorized marijuana activity from being used as a pretext or cover for illegal activity or illegal drug trafficking; preventing violence and the use of firearms in the marijuana industry; preventing “drugged driving” and other adverse public health consequences stemming from marijuana use; preventing the growing of marijuana on public lands; and preventing the possession or use of marijuana on federal property; and

WHEREAS, the 2013 DOJ memorandum further indicates that marijuana enforcement efforts in states where legally authorized, and where robust regulatory schemes have been employed, should not be a top priority: “[i]n jurisdictions that have enacted laws legalizing marijuana and that have also implemented strong and effective regulatory and enforcement systems to control the cultivation, distribution, sale, and possession of marijuana, conduct in compliance with those laws and regulations is less likely to threaten the federal priorities set forth above”; and

WHEREAS, in 2014, Congress passed a spending bill, which President Obama signed, that prohibits the DOJ from using federal funds to enforce federal drug laws with respect to medical marijuana programs that comply with state laws; and

WHEREAS, while that spending prohibition remains in effect today, it must be renewed annually by Congress; and

WHEREAS, when campaigning for office, President Trump indicated in interviews with the *Washington Post* and *C-SPAN* that he supported medical marijuana and that he would respect states' rights where the drug has been legalized for medicinal purposes; and

WHEREAS, U.S. Attorney General Jeff Sessions stated during his confirmation hearing that disrupting state authorized marijuana programs through the enforcement of federal marijuana laws could create a strain on federal resources; and

WHEREAS, Attorney General Sessions also indicated that the 2013 DOJ memorandum provided valuable guidance for evaluating cases, but expressed skepticism as to whether the guidelines in the memorandum had always been followed in the past; and

WHEREAS, Attorney General Sessions further noted that while "it is not the Attorney General's job to decide what laws to enforce," he would use "good judgment" when deciding how to enforce federal marijuana laws and would "try to do [his] duty in a fair and just way"; and

WHEREAS, according to a recent comprehensive study and report released by the National Academies of Science, Engineering, and Medicine, marijuana offers important medicinal benefits, especially for those suffering from chronic pain, multiple sclerosis, and chemotherapy-related nausea and vomiting, although more research is needed to reach conclusive judgments on whether medical marijuana can effectively treat many of the other diseases and symptoms that it has been thought to help; and

WHEREAS, with respect to states that have decided medical marijuana should be available to treat illnesses and have enacted appropriate regulatory schemes to protect health and safety, the federal government should, at a minimum, continue to allow state authorized programs to operate in accordance with current federal policy; and

WHEREAS, alternatively, federal drug laws should be revised or amended so that medical marijuana is no longer prohibited where states have authorized its cultivation, distribution, possession, and use locally, provided that appropriate regulatory schemes to protect health and safety have also been enacted,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the United States Congress and the Trump Administration to continue to allow states, such as Florida, to authorize and implement the use of medical marijuana.

Section 2. Opposes future federal legislation or policy changes that may adversely impact Florida's implementation of Amendment 2 related to medical marijuana and the implementation of medical marijuana initiatives in other states.

Section 3. Directs the Clerk of the Board to transmit certified copies of this resolution to the President of the United States, the Members of the Florida Congressional Delegation, and the Attorney General of the United States.

Section 4. Directs the County's federal lobbyists to advocate for the legislative and administrative action described in Section 1 above and to oppose the legislative and administrative action described in Section 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2017 Federal Legislature Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of March, 2017. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

James Eddie Kirtley

