

Lawyer says Utah's new medical cannabis law is a 'full service drug cartel'

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SALT LAKE CITY — An attorney representing a pair of groups suing the state over the new medical cannabis law is warning cities and counties that Utah is essentially creating a state-run drug cartel.



"The Utah Legislature, in a bill entirely different than medical cannabis laws passed in states throughout the nation, has required the Utah Health Department and local health departments, to participate in what, under current federal law, constitutes a felonious, full service drug cartel," wrote Rocky Anderson in a letter shared with FOX 13 on Wednesday night.

Anderson is representing Together for Responsible Use and Cannabis Education and the Epilepsy Association of Utah in their lawsuit over the bill that replaces Proposition 2, the medical cannabis ballot initiative that voters approved. He sent the letter to county commissioners and city councils warning them about the new law — and also asking them to join his lawsuit.

Anderson argued the bill, which creates a state-run marijuana dispensary system would involve the purchase, distribution, transportation, storage and sale of a Schedule 1 controlled substance "all of which is absolutely forbidden by the federal Controlled Substances Act. Each violation is a federal felony."

According to the pro-medical cannabis group Americans for Safe Access, all 46 states with some type of laws face a similar situation (though perhaps not to the extent of Utah's state-run dispensary).

“As of 2016, several federal agencies have issued guidelines and other policy memorandums to manage the conflict between federal and state laws as they pertain to medical marijuana,” the group said.



A bill is also being run in the Utah State Legislature that provides protections to government employees participating in the medical cannabis program so they are not considered drug dealers. The bill, by Sen Luz. Escamilla, D-Salt Lake City, passed out of a Senate Committee on Tuesday morning.

Alternatively, Anderson asked if the counties and cities were interested in joining TRUCE and the Epilepsy Association of Utah’s lawsuit.

“If you are interested in joining or supporting patient advocates in asking the courts to determine the validity of H.B. 3001, please let me know at your earliest convenience. No one can blame anyone for simply asking the courts: Is the statute requiring me to violate federal law valid?” he wrote.

Read the letter here: