

HR 6335

THE “STATES’ MEDICAL MARIJUANA PROPERTY RIGHTS PROTECTION ACT”

Introduced by Rep. Barbara Lee (D, CA-9th)

FACT SHEET

SUMMARY The “States’ Medical Marijuana Property Rights Protection Act” would prevent the Department of Justice (DOJ) from continuing or expanding its current widespread practice of manipulating civil asset forfeiture law to target state-approved medical cannabis (marijuana) dispensaries that are in compliance with state law.

This act is not about the legalization of marijuana, nor is it about restricting the broader use of civil asset forfeiture as an enforcement tool of the federal Controlled Substances Act. This bill is about respecting the rights of landlords – real property owners – who lease to permitted medical cannabis dispensaries in states that have enacted such laws.

The “States’ Medical Marijuana Property Rights Protection Act” will:

- Prohibit the federal government from using 21 U.S.C. 881(7), the civil asset forfeiture statute, to initiate forfeiture proceedings against real property owners solely on grounds related marijuana when the conduct is sanctioned by a duly-approved state medical cannabis law.
- Guarantee the protection of real property against unreasonable seizures when state-approved medical cannabis activity occurs on the property.
- Not prevent the DOJ from using 21 U.S.C. 881(7) against real property in connection with conduct not sanctioned by a duly-approved state medical cannabis law.

The “States’ Medical Marijuana Property Rights Protection Act” is necessary because:

- For more than a year, the DOJ has been engaged in a campaign to undermine the implementation of state law by threatening real property owners with asset forfeiture if they do not promptly evict their state law-compliant medical cannabis businesses. While medical cannabis activity is in violation of federal law, the DOJ has prosecutorial discretion to let local and state officials enforce their own public health laws.
- About 100 million people – or one in three Americans – live in states with duly enacted medical cannabis laws. Currently, 17 states and the District of Columbia have enacted laws authorizing the use of cannabis for medical purposes. These laws affect about 100 million Americans.
- Real property owners have an opportunity to retrieve seized property in civil court, but they are not afforded many of the constitutional rights granted to criminal defendants, such as the right to an attorney and jury trial. In addition, the burden of proof is on the property owner to show their innocence rather than the government having to prove their guilt.
- While the federal government has an important and historic role in protecting the civil rights of individuals against abuses by states, the federal government must not be allowed to ignore a state’s determination to develop, implement and enforce its own public health laws, especially when they aim to protect our most vulnerable citizens.