

AMERICANS FOR SAFE ACCESS

THE “TRUTH IN TRIALS” ACT

FACT SHEET

Introduced by Rep. Sam Farr (D, CA-17)

The “Truth in Trials” Act enables individuals facing federal prosecution for marijuana-related offenses to provide evidence during trial demonstrating that they were acting pursuant to their state’s duly enacted medical marijuana laws. “Truth in Trials” is not about the merits of medical cannabis. The bill would restore fundamental fairness in federal trials concerning the use or provision of cannabis solely for medical purposes in accordance with state law.

THE “TRUTH IN TRIALS” ACT WILL:

- Ensure fundamental fairness for medical cannabis patients and caregivers who are prosecuted under federal statute. Under the provisions of the bill, patients and their caregivers would be permitted to introduce evidence which may demonstrate compliance with a state medical marijuana law.
- Establish an “affirmative defense” for individuals who are authorized to use and/or provide medical cannabis in accordance with their state law, thereby reaffirming the precept of states’ rights.
- Guarantee the protection of property against unreasonable seizure. If the use of property is found to be in compliance with state law, owners of property seized in the form of cannabis would then have a mechanism to seek the return of their property exclusively for medical use.

THE “TRUTH IN TRIALS” ACT IS NECESSARY BECAUSE:

- One in three Americans lives in a state with duly enacted medical marijuana laws. Currently, 17 states and the District of Columbia have enacted laws that authorize the limited use of cannabis for medical purposes. These laws affect nearly 100 million Americans.
- Individuals following state law are often charged and prosecuted under existing federal law. When facing federal prosecution, these individuals are barred from introducing evidence which may demonstrate compliance with a state medical marijuana law, all but guaranteeing a conviction in federal court. As a result, scores of people operating in strict compliance with their state law have been convicted and have received sentences of up to 20 years in federal prison.
- “Truth in Trials” is a logical and necessary complement to the Department of Justice’s new medical marijuana guidelines. These guidelines do not direct U.S. Attorneys to permit evidence at trial which may demonstrate compliance with state law.

THE “TRUTH IN TRIALS” ACT IS IMPORTANT BECAUSE:

- **Reaffirms States’ Rights:** The “Truth in Trials” Act is a commonsense, compassionate measure that helps reconcile a conflict between federal and state laws on an important private medical matter.
- **Preserves Existing Laws:** The “Truth in Trials” Act defers to existing law by providing for criminal penalties if the defendant’s use of cannabis is not exclusively limited to authorized medical use.
- **Restores Fundamental Fairness:** The “Truth in Trials” Act promotes fundamental fairness by allowing medical cannabis defendants to present all relevant evidence to the judge and jury.