

**Areas of Inquiry for Ms. Michele Leonhart,
Administrator, Drug Enforcement Administration
U.S. Senate Committee on the Judiciary**

Tentatively Scheduled for Wednesday, November 17, 2010

Negotiating the growing divide between state and federal medical marijuana laws will be among the domestic challenges facing the next DEA Administrator. As the Deputy Director, Ms. Leonhart supervised an unprecedented level of paramilitary-style enforcement raids specifically designed to undermine the effective implementation of state medical cannabis programs. Despite these heavy-handed tactics, fourteen states and the District of Columbia have adopted laws to control and regulate the use and distribution of cannabis to individuals in accordance with state and local laws. More than a quarter of the total population of the United States currently lives in a state that has adopted medical marijuana laws.

1. What are your plans for working to bridge the growing divide between state and federal law concerning the use of marijuana for medical purposes? At what point in this conflict do you think the Administration should commit to working with Congress and legislators in these states to develop a strategy on medical marijuana that embraces state and local law, acknowledges emerging science, and accepts the experiences of patients and physicians concerning the use of cannabis for medical purposes?
2. Medical marijuana advocates like Americans For Safe Access, who track federal raid activity on licensed medical marijuana facilities, have confirmed a decline in raid enforcement activity since the dissemination of the U.S Department of Justice's October 2009 Memo concerning "Investigations and Prosecutions in States Authorizing the Medical Use of Marijuana." Can you explain how the DEA changed its policies and practices to ensure compliance with these new guidelines?
3. Since the Department of Justice issued its memo stating that federal resources should not be used to target individuals in compliance with their state's medical cannabis laws, more than 30 federal enforcement raids have continued to be executed in Colorado, California, Hawaii, and Nevada. These raids have targeted not just medical cannabis patients but also independent laboratories tasked with ensuring that the medical cannabis being distributed through state programs is unadulterated and safe for consumption. Can you please clarify how these raids make "efficient and rational use of the Department's limited investigative and enforcement resources?"
4. The Compassionate Use Laws vary among the different states that have adopted medical marijuana policies. With that in mind, are the facts about whether an individual is in "clear and unambiguous" compliance with their state's law a determination best made by Federal authorities or, perhaps, better left to the judicial and regulatory processes established by each state? Why not remand ongoing and pending cases to the individual states to prosecute violations of state and local law?
5. In 2002, a petition to reschedule marijuana was submitted to DEA per the provisions outlined in the Controlled Substances Act (CSA). In 2004, the DEA forwarded that petition to HHS for a scientific and medical evaluation. What is the status of this petition? Has HHS completed its evaluation? It's been nearly a decade; why the delay and when can advocates expect DEA to reach its final determination on this petition?

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