

House Resolution 1040

By: Representatives Jones of the 91st, Peake of the 141st, Pezold of the 133rd, Trammell of the 132nd, Gravley of the 67th, and others

A RESOLUTION

- 1 Requesting the United States Congress to consider legislation to deschedule marijuana or
2 otherwise allow the states and territories of the United States of America to determine for
3 themselves the best means of regulating marijuana; and for other purposes.
- 4 WHEREAS, one of the areas in which states have traditionally held the greatest authority is
5 in the exercise of their police powers to determine appropriate law enforcement policies
6 reflective of local values and needs; and
- 7 WHEREAS, states are increasingly serving as laboratories for democracy by adopting a
8 variety of policies regarding marijuana; and
- 9 WHEREAS, over half of the states and the District of Columbia allow the medical use of
10 marijuana, including Georgia; and
- 11 WHEREAS, additional states such as Georgia have enacted measures that allow patients
12 suffering from intractable epilepsy – and sometimes other conditions – to use marijuana
13 products that have low concentrations of THC; and
- 14 WHEREAS, many banks have been unwilling to do business with medical and adult use
15 marijuana businesses because of federal law and policy, resulting in many retailers becoming
16 cash-only businesses, thus increasing the risk of robbery and inhibiting the ability of states
17 to collect taxes; and
- 18 WHEREAS, the possibility of federal intervention could prevent the implementation of
19 recent laws to allow low-THC strains of marijuana for patients suffering from intractable
20 epilepsy; and
- 21 WHEREAS, the General Assembly passed HB 1 in 2015 and the Governor signed it into law,
22 thus affirming our support of states setting marijuana and hemp policy; and

23 WHEREAS, the General Assembly finds and declares in enacting the Controlled Substances
24 Therapeutic Research Act that the potential medicinal value of marijuana has received
25 insufficient study due to a lack of financial incentives for the undertaking of appropriate
26 research by private drug manufacturing concerns; and

27 WHEREAS, the General Assembly further finds and declares that, in enabling individual
28 physicians and their patients to participate in a state sponsored program for the
29 investigational use of marijuana and its derivatives, qualified physicians and surgeons
30 throughout the state will be able to study the benefits of marijuana in a controlled clinical
31 setting, and additional knowledge will be gained with respect to dosage and effects; and

32 WHEREAS, the United States Congress, in the Consolidated and Continuing Appropriations
33 Act of 2015, and renewed in the Consolidated Appropriations Act of 2016, the Continuing
34 Appropriations and Military Construction, Veterans Affairs, and Related Agencies
35 Appropriations Act of 2017, Zika Response and Preparedness Act, and the Further
36 Continuing and Security Assistance Appropriations Act of 2017, codified a funding
37 restriction that prohibits the Department of Justice from using any funds to prevent states
38 from implementing their own state laws that authorize the use, distribution, possession, or
39 cultivation of marijuana for medical purposes.

40 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
41 the members of this body request that federal laws, including the Controlled Substances Act
42 of 1970, be amended to explicitly allow states to set their own marijuana policies without
43 federal interference and urge the administration not to preempt or countermand state
44 marijuana policies.

45 BE IT FURTHER RESOLVED that states should be able to set whatever marijuana and
46 hemp policies work best to improve the public safety, health, and economic development of
47 their communities, or as otherwise expressed by the will of each state's citizens, as a matter
48 of state sovereignty.

49 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized
50 and directed to make appropriate copies of this resolution available for distribution to
51 Georgia's congressional delegation.