



Thursday, December 7, 2023

Hon. Dave Joyce  
U.S. House  
2065 Rayburn House Office Building  
Washington, DC 20515

Hon. Lori Chavez-DeRemer  
U.S. House  
1722 Longworth House Office Building  
Washington, DC 20515

Dear Rep. Dave Joyce,

On behalf of the millions of activists we partner with at Americans for Prosperity, we write to express our support for the Strengthening the Tenth Amendment Through Entrusting States (STATES) Act of 2023. Americans for Prosperity and our activists have been urging Congress to restore states' rights in this policy area for years and the STATES Act would be a strong step toward returning to a proper understanding of federalism.<sup>1</sup>

Sadly, we have not gained the benefits we hoped for from federal prohibition and control of marijuana policy. Trends in marijuana use show no consistent response to enforcement efforts and the prevalence of cannabis use has increased among many age groups compared with the 1970s. All the while, law enforcement agencies have shifted more and more resources away from their core mission of solving and preventing property and violent crime and toward drug enforcement efforts. This leaves too many victims without justice and jeopardizes public safety.

Today, 24 states allow adults to use marijuana, and 38 have a medical marijuana program. States as diverse as Alabama, Connecticut, Montana, Ohio, and Virginia have decided that complete prohibition is an imprudent policy for their citizens. However, the resulting conflict with federal law leaves patients, doctors, small business owners, and law enforcement with significant uncertainty. This situation undermines the credibility of federal law and the rule of law itself.

This reality is why state leaders have begun to forge their own path and disregard outdated federal laws. The American people overwhelmingly support changes to federal laws regarding cannabis and allowing states to make the best decisions for their citizens.<sup>2</sup> Recent polling shows that a record number of Americans (70%) would support Congressional action on this topic.<sup>3</sup> But even in the face of this overwhelming support from voters, Congress has failed to take any action to end this “contradictory and unstable state of affairs [that] strains basic principles of federalism and conceals traps for the unwary.”<sup>4</sup>

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<sup>1</sup> Americans for Prosperity, *AFP, Freedom Partners Urge Judiciary Committees to Pass STATES Act*, Americans for Prosperity (2018), <https://americansforprosperity.org/afp-freedom-partners-urge-judiciary-committees-to-pass-states-act/>.

<sup>2</sup> Ted Van Green, Americans overwhelmingly say marijuana should be legal for medical or recreational use, Pew Research Center (2022), <https://www.pewresearch.org/fact-tank/2022/11/22/americans-overwhelmingly-say-marijuana-should-be-legal-for-medical-or-recreational-use/>; Ipsos, *Two in three Americans support Biden's planned cannabis reforms*, Ipsos (2022), <https://www.ipsos.com/en-us/news-polls/usa-today-drug-policy-poll>.

<sup>3</sup> Lydia Saad, *Grassroots Support for Legalizing Marijuana Hits Record 70%*, Gallup (2023), <https://news.gallup.com/poll/514007/grassroots-support-legalizing-marijuana-hits-record.aspx>.

<sup>4</sup> *Standing Akimbo LLC v. United States*, 594 U. S. \_\_\_\_ (2021) (THOMAS, J., respecting the denial of certiorari).

The STATES Act will end this unsustainable conflict between state and federal law while also achieving the following goals:

1. **Restoring federalism** by amending the Controlled Substances Act so that it no longer applies to someone complying with their state laws.<sup>5</sup>
2. **Supporting small businesses** by creating a marketplace where licensed operators can effectively compete with the illicit market and have access to capital and customers in other states that choose to allow a market for medical or adult use.
3. **Improving public safety** by empowering federal agencies to work with states to ensure product safety and quality, combat driving under the influence, prevent youth access, and prevent addiction and mental health issues.
4. **Refocus federal resources** in ways that more effectively help local law enforcement properly enforce their unique state laws and fight back against the cartels and gangs who undermine public safety in communities across the country.
5. **Protect our veterans** by ensuring that they will not be denied the federal benefits they have earned in states where they can legally use cannabis to treat PTSD and other medical problems.
6. **Prevent youth access** by prohibiting individuals under the age of 21 from consuming or distributing cannabis products, unless prescribed by their doctor.

We applaud you for advancing legislation that is a much-needed response from Congress to these state actions and doing so in a manner that does not impose a top-down mandate on states but instead empowers them to be successful in their policy choices. The STATES Act aligns federal policy with state policy so existing cannabis markets, where they exist, are safer. We urge your colleagues to join you in support of the STATES Act and restore state autonomy in this policy area.

Brent Wm. Gardner  
Chief Government Affairs Officer  
Americans for Prosperity

Jeremiah Mosteller  
Policy Director  
Americans for Prosperity

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<sup>5</sup> NOTE: STATES does not federally legalize cannabis. It merely respects the decisions states have made while still allowing federal agencies to enforce the Schedule I status of marijuana in states that have not adopted any reforms.