

13-0002-536

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, H.R. 710 (Farr), otherwise known as the "Truth in Trials Act," would amend Title 18 of the United States Code, by striking section 3436 and inserting language which would allow any person facing prosecution for violation of any Federal law with regard to a marijuana-related offense to have the ability to establish an "affirmative defense" by providing evidence that any related possession or distribution of marijuana was for medical purposes only, and was in full compliance of State law; and

WHEREAS, under the aforementioned amendment, any cannabis seized in connection with said proceedings shall be returned to the defendant, subsequent to notification of the Attorney General; and

WHEREAS, not only does the proposed amendment further blur the line between State and Federal laws relative to the manufacture, possession, and distribution of marijuana, but it would be one of the first actions to violate other United States laws such as the Controlled Substances Act, creating additional ambiguity for local jurisdictions which attempt to regulate marijuana distribution; and

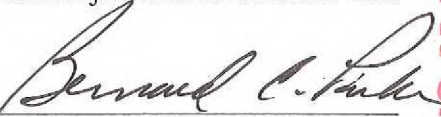
WHEREAS, currently, despite its alleged therapeutic uses, marijuana is listed as a Schedule I drug/chemical (as listed in the Controlled Substances Act), which makes this substance subject to federal control and additionally stipulates that there is no currently accepted medical use allowed; and

WHEREAS, pursuant to California Government Code Section 37100, a city's "legislative body may pass ordinances not in conflict with the Constitution and laws of the state or the United States;" and


WHEREAS, given the evident conflict in Federal and State laws with regard to the manufacture, possession, and distribution of cannabis even for medical purposes, it is imperative that as a local government, the City of Los Angeles uphold Federal law by taking action to oppose any measure, such as H.R. 710, which would be antithetical to existing Federal regulations;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-2014 Federal Legislative Program, OPPOSITION to H.R. 710 (Farr) which would amend Title 18 of the United States Code, to provide an affirmative defense for the medical use of marijuana in accordance with the laws of various states, and for other purposes.

PRESENTED BY:


BERNARD C. PARKS
Councilmember, 8th District

SECONDED BY:




MAR 6 2013
CC

ORIGINAL