



Higher Conflict and Controversy: A blog series on medical and recreational marijuana in the workplace - PART 2

By Michael H. Weier • November 21, 2014

I had the privilege to speak in April 2013 at the Washington Self-Insurers Association's Annual Meeting¹ and in November 2014 at the Oregon Workers' Compensation Educational Conference² regarding legalization of medical and recreational marijuana in the Pacific Northwest workplace. This blog is the second in a series of articles based upon my presentations.

Statutes regarding marijuana

Federalism is a division of power among a centralized national government and regional or local governments.

The inherent conflict between the United States federal and state governments is alive and well. This blog – Part 2 of a series – identifies the statutory conflict between federal and state laws regarding legalization of marijuana.

The United States Controlled Substances Act³ (CSA) lists marijuana as a Schedule I drug. Such drugs are deemed to be highly addictive and have no medical value. Accordingly, federal law prohibits physicians from prescribing Schedule I drugs.

In 1996, California became the first state to legalize use of marijuana for medical use.⁴ Two years later, Oregon voters passed a ballot measure that similarly allowed its citizens to possess and use limited amounts of marijuana on advice or recommendation of their physicians.⁵

Thereafter, in 2011, the Washington state Legislature legalized medical marijuana.⁶ Currently, twenty-three states and the District of Columbia have statutes that legalize limited possession and use of marijuana for medicinal purposes.

In 2012, Colorado passed Amendment 64 and Washington State passed Initiative Measure 502,

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Michael H. Weier is firm President and Managing Partner at Reinisch Wilson Weier PC. He may be reached at 503.452.7268 or michaelw@rwwcomplaw.com.

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becoming the first states to legalize marijuana for recreational use. Most recently, on November 4, 2014, the citizens of Oregon⁷, Alaska⁸ and the District of Columbia⁹ passed ballots and became the third, fourth and fifth jurisdictions to legalize recreational use of marijuana.

Fiscal Impact

The estimated fiscal impact of Washington and Oregon laws that legalize marijuana is staggering. Revenue for the 2015 marijuana tax for Washington is estimated at \$25 million.¹⁰ Oregon's annual revenue could increase by an up to \$40 million.¹¹ Legalization of marijuana will undoubtedly be a significant source of increased revenue for the Pacific Northwest. ■

Next blog post: *Federal enforcement guidelines*

¹ *High Conflict and Controversy: Medical and Recreational Marijuana in Washington*, WSIA Annual Meeting, Wenatchee (May 9, 2013)

² *Higher Conflict and Controversy: Recreational Marijuana in Oregon*, OR WCD Educational Conference, Tigard (November 14, 2014)

³ 21 U.S.C., § 811.

⁴ California Proposition 215, The Compassionate Use Act of 1996.

⁵ Ballot Measure 67, Oregon Medical Marijuana Act, ORS Ch. 475, §§ 300 – 246.

⁶ Engrossed Second Substitute Senate Bill (ESSSB) No. 5073 (April 21, 2011).

⁷ Oregon Initiative 53, Measure 91, Control, Regulation and Taxation of Marijuana and Industrial Hemp Act.

⁸ Alaska Measure 2

⁹ D.C. Initiative 71

¹⁰ *CBS News Radio, Inc.*, Fearnow, B., "Marijuana to Boost Washington State Tax Revenue by \$25M in the Next Year." September 14, 2014

¹¹ Chokshi, N., "Oregon expects up to \$40 million in new revenue annually if voters legalize pot this fall." *The Washington Post*, August 11, 2014