



Councilmember Ben Bartlett  
City of Berkeley, District 3

CONSENT CALENDAR  
March 13, 2018

To: Honorable Mayor and Members of the City Council

From: Councilmembers Ben Bartlett and Cheryl Davila

Subject: Support for H.R. 4779, the Restricting Excessive Federal Enforcement and Regulations of Cannabis (REFER) Act of 2018

RECOMMENDATION

Adopt a Resolution of support for the Restraining Excessive Federal Enforcement & Regulations of Cannabis Act (REFER) Act of 2018 introduced by Congresswoman Barbara Lee. Send a copy of the resolution to Congresswoman Barbara Lee.

BACKGROUND

In response to ongoing threats to the cannabis industry from the U.S. Department of Justice and Attorney General Jeff Sessions, Congresswoman Barbara Lee and Congressman Don Young have proposed a bill protecting individuals in states that have laws which permit the use of cannabis for either medical or recreational purposes.

The bill would have three primary functions:

- Prohibit federal funds from being used to prevent states or local governments from implementing or maintaining laws or regulations concerning cannabis.
- Prohibit federal funding from being used for any efforts that seek to “detain, prosecute, sentence, or initiate civil proceedings against an individual, business or property that is involved in the cultivation, distribution, possession, dispensation, or the use of cannabis in accordance with the law or regulation of the state or unit of local government in which the individual is located.”
- Prohibit federal funding from being used to penalize a financial institution “solely because the institution provides financial services to an entity” that is involved in state-sanctioned marijuana-related activities.

As stated by the National Organization for the Reform of Marijuana Laws, “the ongoing enforcement of cannabis prohibition financially burdens taxpayers, encroaches upon civil liberties, engenders disrespect for the law, impedes legitimate scientific research

into the plant's medicinal properties, and disproportionately impacts communities of color.”<sup>1</sup>

As stated by Congresswoman Barbara Lee in a public statement, “The federal government should respect the will of the voters in states that have voted to decriminalize cannabis. It's time to stop wasting taxpayer money on the failed War on Drugs.”<sup>2</sup>

#### ENVIRONMENTAL SUSTAINABILITY

No adverse effects to the environment.

#### CONTACT PERSON

Councilmember Ben Bartlett, 510-981-7130

#### Attachments:

- 1: Resolution in Support of The REFER Act of 2018
- 2: Bill Text of The REFER Act of 2018

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<sup>1</sup> Strekal, Justin. “Just Introduced: The Marijuana Justice Act is in the House.” National Organization for the Reform of Marijuana Laws. Retrieved on February 12, 2018. <http://blog.norml.org/2018/01/17/just-introduced-the-marijuana-justice-act-is-in-the-house/>

<sup>2</sup> Burns, Janet. “Bipartisan REFER Act Targets Sessions' War On Cannabis In High Style.” Forbes. Retrieved on February 12, 2018. <https://www.forbes.com/sites/janetwburns/2018/01/15/bipartisan-re-f-e-r-bill-targets-sessions-war-on-cannabis-in-high-style/#25034f6e7399>

RESOLUTION NO. ##,###-N.S.

SUPPORT FOR H.R. 4779, THE RESTRAINING EXCESSIVE FEDERAL ENFORCEMENT & REGULATIONS OF CANNABIS ACT (REFER) ACT OF 2018

WHEREAS, Attorney General Jeff Sessions announced that he would rescind the Cole memo, an Obama era federal policy that instructed federal prosecutors to limit marijuana prosecutions in states that have legalized cannabis in some form; and

WHEREAS, the ongoing enforcement of cannabis prohibition financially burdens taxpayers, encroaches upon civil liberties, engenders disrespect for the law, impedes legitimate scientific research into the plant's medicinal properties, disproportionately impacts communities of color, and could have a chilling effect on the nascent and budding cannabis industry; and

WHEREAS, the federal government should respect the will of the voters in states that have voted to decriminalize cannabis.

NOW THEREFORE, BE IT RESOLVED that the City of Berkeley calls upon Congress to pass and the President to sign HR 4779, the Restraining Excessive Federal Enforcement & Regulations of Cannabis Act (REFER) Act of 2018.

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(Original Signature of Member)

115TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To protect States and individuals in States that have laws which permit the use of cannabis, and for other purposes.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Ms. LEE introduced the following bill; which was referred to the Committee on \_\_\_\_\_

**A BILL**

To protect States and individuals in States that have laws which permit the use of cannabis, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restraining Excessive  
5 Federal Enforcement & Regulations of Cannabis Act of  
6 2018” or the “REFER Act of 2018”.

1 **SEC. 2. LIMITATION ON THE USE OF FUNDS.**

2 None of the funds made available by any Act of Con-  
3 gress to any department or agency of the United States  
4 may be used to—

5 (1) prevent a State or unit of local government  
6 from implementing or maintaining its State law or  
7 regulation that authorizes the use, distribution, pos-  
8 session, or cultivation of cannabis;

9 (2) detain, prosecute, sentence, or initiate civil  
10 proceedings against an individual, business or prop-  
11 erty, that is involved in the cultivation, distribution,  
12 possession, dispensation, or use of cannabis, in ac-  
13 cordance with the law or regulation of the State or  
14 unit of local government in which the individual is  
15 located; or

16 (3) penalize a financial institution solely be-  
17 cause the institution provides financial services to an  
18 entity that is a manufacturer, producer, or a person  
19 that participates in any business or organized activ-  
20 ity that involves handling cannabis or cannabis prod-  
21 ucts, or any related activity, and engages in such ac-  
22 tivity pursuant to a law or regulation established by  
23 a State or a unit of local government in which the  
24 financial institution is located.

25 **SEC. 3. DEFINITIONS.**

26 In this Act:

1           (1) The term “financial institution” has the  
2 meaning given such term in section 5312 of title 31,  
3 United States Code.

4           (2) The term “State” means any State, the  
5 District of Columbia, any territory or possession of  
6 the United States, or any Indian tribal government.