



Federal Cases



U.S. v. Oakland Cannabis Buyers Cooperative

532 U.S. 483 (2002)

- **Facts:** CA's Prop. 215 allowed a patient or his primary caregiver to cultivate or possess marijuana on the advice of a physician. Bolstered by this enactment, certain groups organized to supply marijuana to patients in a manner consistent with the Act. The Oakland Cannabis Buyers' Cooperative is one such group. The U.S. Government sued the OCBC to stop the cultivation/distribution of marijuana in violation of federal law.
- **Issue:** Is common law medical necessity a legally cognizable defense to charges under the Controlled Substances Act?
- **Holding:** There is no medical necessity defense to a charge under the Controlled Substances Act



Gonzales v. Raich

545 U.S. 1 (2005)

United States Supreme Court, 2005

- **Facts:** Defendants were growing medical marijuana in their home pursuant to California's medical marijuana law. Feds came in and seized their plants, citing the Controlled Substances Act (CSA).
- **Issue:** Is California's medical marijuana law superseded by the CSA?
- **Holding:** Yes. Under the Commerce Clause of the US Constitution, the CSA allows the criminalization of the production and use of home-grown marijuana even in states where medical marijuana is legal.



United States v. McIntosh

2016 U.S.App. LEXIS 15029

9th Circuit Court of Appeals, August, 2016

- **Facts:** Defendants were growing medical marijuana and ran medical marijuana dispensaries pursuant to state medical marijuana laws. DOJ indicted for manufacture, possession, and distribution of marijuana, citing the Controlled Substances Act (CSA).
- **Issue:** Does a congressional appropriations rider that prohibits DOJ from spending funds to prevent states' implementation of medical marijuana laws prohibit these prosecutions?
- **Holding:** In some cases, yes. The rider prohibits DOJ from spending relevant appropriations on the prosecution of individuals who are engaged in conduct permitted by state medical marijuana laws, and who are in strict compliance with said laws.
- Individuals who are not in strict compliance with all state laws and conditions can still be prosecuted under the CSA, as the appropriations rider does not prohibit this.