

**Dear Chief:** How does Amendment 64 affect the Use and Regulation of Marijuana in Alamosa?

**Dear Concerned Citizen:**

Short Answer: The most significant effect is that Amendment 64 means the Alamosa Police Department will not pursue possession of less than one ounce of marijuana by persons 21 or older, so long as there is no use in public taking place. The biggest question we face right now is the conflict between Colorado law and Federal law; moving forward it will also be necessary to interpret how Amendment 64 will be implemented in terms of sale and taxation.

Whether an opponent or proponent, the water is muddy (at best) right now.

1. Federal law prohibits marijuana use, possession, sale, and doesn't recognize it medically.
2. Colorado State Amendment 64 permits adults 21 or older to use (not in public), possess (up to one ounce), cultivate (up to 6 plants, up to 3 mature plants, in enclosed location), and will eventually permit retail sale of marijuana.
3. Colorado State Amendment 20 (Medical Marijuana) permits Juveniles and Adults who are certified patients to use (not in public), possess (up to 2 ounces), cultivate (up to 6 plants, up to 3 mature) and permits caregivers to provide medical marijuana to certified patients.
4. Colorado State Amendment 64 provides ability for municipalities to enact a prohibition on retail sales.
5. To further cloud the issue, Federal law trumps State law and Municipal Ordinances pursuant to the supremacy clause of the United States Constitution. It is however, permissible for State law to be more restrictive.
6. **Can you see how the picture is blurred? We have Federal law, two Colorado State Amendments (64 and 20), and the ability for Municipalities to prohibit retail sales and to prohibit medical marijuana sales and processing facilities.**

This is only the tip of the iceberg; for those (attorneys, courts, law enforcement, leaders) left having to interpret and take action, our task is cumbersome at best. We are expected to apply the right law with a given set of circumstances, but as you can see from the excerpts above there is inherent conflict in need of clarification. Most laws are fairly clear; for instance if you steal something it is pretty much illegal everywhere no matter whether you are a juvenile or adult. The conflicts here are like a puzzle and as it currently stands you practically need a how-to guide that explains if this, then this. If this and not this, then this. And then, you hope you got it right.

Beyond the criminalization/decriminalization question, there are ancillary questions that will need to be answered. How will the State/Federal conflict affect federal funding coming into Colorado, how must/will employers resolve drug testing and drug-free workplace issues related to federal funding in Colorado, what course will insurers take/require when insuring federal-

funding/projects, can people over 21 cultivate marijuana where people under 21 reside where it is being cultivated, how will the state and local governments regulate, tax, and license retail facilities? These are just a few of the other questions out there.

There are a few answers and some direction we can provide:

Key points from Amendment 64:

1. Pertains ONLY to persons 21 or over.
2. Allows for persons 21 and over to possess up to 1 ounce of Marijuana.
3. Allows for persons 21 and over to grow up to 6 Marijuana plants.
4. Does not permit open/public consumption, or in a manner that endangers others.
5. Does not make it permissible to drive while under the influence of Marijuana.
6. Does not trump Federal law, which makes any possession of any amount of marijuana illegal.

The Alamosa Police Department does not enforce federal law. That is done by the Department of Justice. Accordingly, the Alamosa Police Department will be following the mandates of Amendment 64 as it pertains to possession of marijuana. We have as yet received little or no direction from the Justice Department concerning how the Feds will react to this new Colorado law, and so we all await a future resolution of the inherent conflicts set out above, and see how the ancillary questions develop.

Craig Dodd, Chief of Police