



**U.S. Department of Justice**

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August 2, 2013

Commander Shawn Fischer  
Washington County Sheriff's Office  
Investigations Division  
215 SW Adams, MS 32  
Hillsboro, OR 97123

Re: Return of Medical Marijuana to OMMP Participants

Dear Commander Fischer:

Thank you for contacting my office regarding the current state of federal law with respect to marijuana as it relates to the return of medical marijuana to OMMP participants. As noted in your email, the landscape in Oregon around this issue seems to be shifting. Specifically, you noted that your attorneys are suggesting a policy to return medical marijuana to OMMP participants when their cases have been dismissed, they are acquitted, or when it has been established that their marijuana was being held for "safe keeping. You asked whether the United States Department of Justice has any policies to assist you informing your decision going forward. Specifically, you asked whether we have a policy that states we would not prosecute law enforcement staff for following state laws concerning medical marijuana.

Under the federal Controlled Substances Act, Congress has designated marijuana as a Schedule I controlled substance. As a consequence, possession of even personal use amounts of marijuana is still a violation of federal law under 21 U.S.C. § 844(a), and distribution of marijuana to another person is a violation of federal law under 21 U.S.C. § 841(a). Although the resources of federal law enforcement are focused on combatting major drug trafficking organizations rather than individual users, the act of returning the marijuana to the subject, nevertheless, remains a violation of federal law.

I hope this adequately responds to your inquiry and thank you for your patience. If you have any further questions, please let me know.

Sincerely,

S. AMANDA MARSHALL

United States Attorney

cc: Billy Williams, Criminal Chief