



Marijuana Policy in the United States: Information for Tribal Leaders

The Ground Rules: Cole Memorandum to United States Attorneys

"The eight priorities in the Cole Memorandum (below) will guide the United States Attorneys' marijuana enforcement efforts in Indian Country, including in the event that sovereign Indian Nations seek to legalize the cultivation or use of marijuana in Indian Country. Consistent with the Attorney General's 2010 Indian Country Initiative...each United States Attorney should consult with the affected tribes on a government-to-government basis."

1. Preventing the distribution of marijuana to minors;
2. Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
3. Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
4. Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or illegal activity;
5. Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
6. Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
7. Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
8. Preventing marijuana possession or use on federal property.

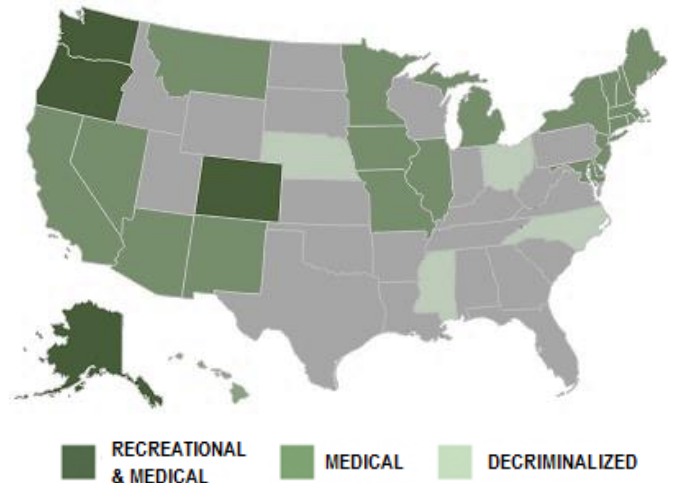
Legal Status of Marijuana as of January 20, 2015

50% (1.945 million) of American Indians and Alaska Natives (AI/ANs) and **37%** (209) of federally recognized tribes are in the 23 states where medical marijuana use (alone) is legal.

10% (394,618) of AI/ANs and **47%** (266) of federally recognized tribes are in Alaska, Colorado, Oregon, Washington, and the District of Columbia, where recreational *and* medical use of marijuana are legal.

While **84%** (475) of federally recognized tribes are in states where medical marijuana is legal, the majority of tribal codes criminalize marijuana possession and trafficking.

Sources: *The Economist* (2015); U.S. Census Bureau Population Estimates (2013); National Indian Law Library Tribal Law Gateway (2015)



Research Concerning Marijuana Use

- 1 in 2** On average, 56% of 8th grade American Indian students (13-14 years old) living on or near a reservation reported that they had **used marijuana at least once**. This is compared with 16% (1 in 6) of all other 8th grade students (Stanley et al., 2013).
- 1 in 3** On average, 35% of the 8th grade American Indian students reported they **used marijuana in the past month**. This is compared with 7% (1 in 14) of all other 8th grade students (Stanley et al., 2013).
- 1 in 6** On average, 16% of **4-6th grade American Indian students (9-12 years old)** living on or near a reservation reported they had used marijuana at least once. This is compared with 3% (1 in 33) of all other 4-6th grade students (Stanley et al., 2013).
- 8** Over a 38-year study, NIH researchers found that people who used marijuana heavily in their teens and continued their dependence through adulthood **dropped an average of 8 IQ points** between the ages of 13 and 38 (Meier et al., 2014).
- 2x** Researchers have observed that the **risk of involvement in a motor vehicle accident** increases approximately two-fold after smoking marijuana (Hartman and Huestis, 2013).

References

Hartman, R.L. and Huestis, M.A. (2013). Cannabis effects on driving skills. *Clinical Chemistry* 59 (3), pp. 478-492. doi: 10.1373/clinchem.2012.194381.

Meier, M.H., Caspi, A., Ambler, A., Harrington, H., Houts, R. Keefe, R.S., McDonald, K., Ward, A., Poulton, R. and Moffitt, T.E. (2012). Persistent cannabis users show neuropsychological decline from childhood to midlife. *Proceedings of the National Academy of Sciences of the U.S.A.* 109 (40), pp. E2657-E2664.

Stanley L.R., Harness, S., Swaim, R.C., & Beauvais F. (2013, in press). Rates of substance use among American Indian students in 8th, 10th and 12th Grades Living on or Near Reservations; Update, 2009-2012. *Public Health Reports* 129 (2), pp. 156-163. Data available online at: <http://triethniccenter.colostate.edu/ai.htm>.

