

Colorado residents are first to ask feds to block legal pot (Update)

February 19 2015, by Kristen Wyatt



Mason Tvert, spokesperson for the Council on Responsible Cannabis Regulation, talks during a news conference in reaction to the announcement that a federal lawsuit is being filed on behalf of two Colorado citizens by a Washington D.C.-based group to shut down the state's \$800-million-a-year marijuana industry early Thursday, Feb. 19, 2015, in Denver. The lawsuit is being sponsored by a group called the Safe Streets Alliance, which is based in the nation's capital and opposes marijuana legalization. (AP Photo/David Zalubowski)

Colorado already is being sued by two neighboring states for legalizing marijuana. Now, the state faces groundbreaking lawsuits from its own residents, who are asking a federal judge to order the new recreational industry to close.

The owners of a mountain hotel and a southern Colorado horse farm argue in a pair of lawsuits filed Thursday in U.S. District Court in Denver that the 2012 marijuana-legalization measure has hurt their property and that the marijuana industry is stinky and attracts unsavory visitors.

The lawsuits are the first in a state that has legalized recreational or medical marijuana in which its own residents are appealing to the federal government to block pot laws.

"It is a bedrock principle of the United States Constitution that federal law is the supreme law of the land," said David Thompson, a lawyer representing the plaintiffs.

The lawsuits are also the first to claim that federal racketeering laws allow them to win damages from pot businesses that flout federal law. The plaintiffs have not specified amounts they would seek.

Experts say the racketeering approach is a new one.

"If these lawsuits are successful, it could be devastating for the industry," said Sam Kamin, a University of Denver law professor who helped craft Colorado's pot regulations. "But it will be very difficult for the plaintiffs to prove damages directly attributable to the marijuana industry."

Colorado Attorney General Cynthia Coffman released a statement saying she would "defend the state's marijuana laws and our clients" if the lawsuits go to trial.



Hope, left, and Mike Reilly of Pueblo, Colo., attend a news conference in reaction to the announcement that a federal lawsuit is being filed on behalf of the couple by a Washington D.C.-based group to shut down the state's \$800-million-a-year marijuana industry early Thursday, Feb. 19, 2015, in Denver. The lawsuit is being sponsored by a group called the Safe Streets Alliance, which is based in the nation's capital and opposes marijuana legalization. (AP Photo/David Zalubowski)

Marijuana legalization supporters say that states are free to stop enforcing certain drug laws, as long as they don't try to overrule the federal Controlled Substances Act.

"Colorado has every right to stop punishing adults for using marijuana," said Mason Tvert, who ran Colorado's legalization campaign and joined about a dozen other legalization supporters who marched to the state

Capitol on Thursday. They carried signs saying, "Regulation Works!"

One legalization backer, Democratic state Rep. Jonathan Singer, said the pot industry has boosted tax coffers and hurt the black market.

"The sky hasn't fallen. We're doing the right thing," Singer said.

Technically, federal law making pot illegal for any purpose remains in effect in the 23 states that have authorized its use for people with certain medical conditions. However, it's not clear how far the federal government can go to compel states to enforce drug laws.

For nearly 20 years, the U.S. Department of Justice has said that marijuana is illegal and that the federal government can enforce even small-possession crimes. However, U.S. authorities have left most enforcement to the states, saying they focus on larger drug crimes.



David Thompson, managing partner of Cooper & Kirk of Washington D.C., speaks during a news conference in reaction to the announcement that his firm is filing a federal lawsuit on behalf of two Colorado citizens by a Washington D.C.-based group to shut down the state's \$800-million-a-year marijuana industry early Thursday, Feb. 19, 2015, in Denver. The lawsuit is being sponsored by a group called the Safe Streets Alliance, which is based in the nation's capital and opposes marijuana legalization. (AP Photo/David Zalubowski)

One of the lawsuits came from the owner of a Pueblo County horse farm, Hope Reilly, who said Thursday that she's "been horrified" to see a marijuana cultivation facility go up next door.

"This land means a great deal to me," said Reilly, who says the pot facility mars "spectacular views" of the Rocky Mountains.

Also suing is the owner of a Holiday Inn, who argues that a pot shop opening nearby is keeping away families.



Colorado Rep. Jonathan Singer, D-Longmont, speaks during a news conference in reaction to the announcement that a federal lawsuit is being filed on behalf of two Colorado citizens by a Washington D.C.-based group to shut down the state's \$800-million-a-year marijuana industry early Thursday, Feb. 19, 2015, in Denver. The lawsuit is being sponsored by a group called the Safe Streets Alliance, which is based in the nation's capital and opposes marijuana legalization. (AP Photo/David Zalubowski)

"Marijuana businesses make bad neighbors," the lawsuit says. "They drive away legitimate businesses' customers, emit pungent, foul odors, attract undesirable visitors, increase criminal activity, increase traffic, and reduce property values."

Nebraska and Oklahoma also are suing Colorado for legalizing marijuana in 2012. Nine former heads of the U.S. Drug Enforcement Administration filed a brief Thursday with the U.S. Supreme Court supporting the two states.

Colorado's pot law "impinges on the interests of all citizens and the United States in a uniform and coherent national drug policy," the brief says.



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Supporters of Colorado's marijuana industry hold placards in support of the state's legalization effort for recreational use during a news conference in reaction to the announcement that a federal lawsuit is being filed on behalf of two Colorado citizens by a Washington D.C.-based group to shut down the state's \$800-million-a-year marijuana industry early Thursday, Feb. 19, 2015, in Denver. The lawsuit is being sponsored by a group called the Safe Streets Alliance, which is based in the nation's capital and opposes marijuana legalization. (AP Photo/David Zalubowski)



Christian E. Sederberg, left, counsel for the Council on Responsible Cannabis Regulation, responds to questions as the group's spokesperson, Mason Tvert, listens during a news conference in reaction to the announcement that a federal lawsuit is being filed on behalf of two Colorado citizens by a Washington D.C.-based group to shut down the state's \$800-million-a-year marijuana industry early Thursday, Feb. 19, 2015, in Denver. The lawsuit is being sponsored by a group called the Safe Streets Alliance, which is based in the nation's capital and opposes marijuana legalization. (AP Photo/David Zalubowski)

More information: Hotel lawsuit: bit.ly/1AoZ0Y3

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