



PRESS RELEASE

Colorado Department of Law
Attorney General John W. Suthers

FOR IMMEDIATE RELEASE

November 7, 2012

CONTACT

Carolyn Tyler
Communications Director
303-866-5632
Carolyn.Tyler@state.co.us

ATTORNEY GENERAL RELEASES STATEMENT ON PASSAGE OF AMENDMENT 64

DENVER —The following statement is to be attributed to [Colorado Attorney General John Suthers](#) in reaction to yesterday’s passage by Colorado voters of Amendment 64.

“Despite my strongly held belief that the ‘legalization’ of marijuana on a state level is very bad public policy, voters can be assured that the Attorney General’s Office will move forward in assisting the pertinent executive branch agencies to implement this new provision in the Colorado Constitution.

Coloradans should be cognizant of two caveats, however. First the ability of the federal government to criminally sanction possession, use and distribution of marijuana, even if grown, distributed and used in a single state, was recognized by the U.S. Supreme Court in *Gonzales v. Raich* (545 US.1,2005). Therefore, absent action by Congress, Coloradans should not expect to see successful legal challenges to the ability of the federal government to enforce its marijuana laws in Colorado. Accordingly, I call upon the United States Department of Justice to make known its intentions regarding prosecution of activities sanctioned by Amendment 64 (particularly large wholesale grow operations) as soon as possible in order to assist state regulators and the citizens of Colorado in making decisions about the implementation of Amendment 64.

Secondly, the proponents of Amendment 64 told voters that it imposed a surtax of up to 15 percent on marijuana sale that would result in up to \$40 million each year going to K-12 schools in the state. In fact Amendment 64 did not comply with required language under the Taxpayers Bill of Rights and no such tax will be imposed. Instead it will be up to the Colorado Legislature whether to refer such a tax to the voters and up to the voters of Colorado whether to actually impose the tax. Therefore, such revenue is speculative and will not be forthcoming when Amendment 64 begins to be implemented.”

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