

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

1:23-cv-1075(GLS/DJS)

CANNABIS IMPACT PREVENTION COALITION,
LLC.; CANNABIS INDUSTRY VICTIMS SEEKING
JUSTICE, LLC.; RENNEE BARCHITTA; EDWIN DE
LA CRUZ; ERIC R. DE LA CRUZ; PHIL ORENSTEIN;
PHILIP MCMANUS; ROBERT CAEMMERER;
RICHARD P. MCARTHUR; RONNIE HICKEY AND
JOHN AND JANE DOES 1-15 AND XYZ
CORPORATIONS 1-15, JOINTLY

Plaintiffs,

V.

KATHY HOCHUL, GOVERNOR OF NEW YORK,
IN HER OFFICIAL AND PERSONAL CAPACITIES;
NEW YORK STATE CANNABIS CONTROL BOARD;
NEW YORK STATE OFFICE OF CANNABIS
MANAGEMENT; TREMAINE WRIGHT
CHAIRWOMAN OF THE NEW YORK STATE
CANNABIS CONTROL BOARD IN HER
OFFICIAL AND PERSONAL CAPACITIES; CHRIS
ALEXANDER EXECUTIVE DIRECTOR OF THE
NEW YORK STATE OFFICE OF CANNABIS
MANAGEMENT, IN HIS OFFICIAL AND PERSONAL
CAPACITIES; AMANDA HILLER, ACTING
COMMISSIONER OF THE STATE DEPARTMENT OF
TAXATION AND FINANCE IN HER OFFICIAL AND
PERSONAL CAPACITIES; AND JOHN AND JANE
DOES 1-15 AND XYZ CORPORATIONS 1-15,
JOINTLY

Defendants

COMPLAINT FOR

1. Declaratory Judgment
2. Injunction
3. 21 U.S.C. 801, et. seq.
4. 42 U.S.C. 1983
5. 21 U.S.C. 301, et seq.
6. NY Finance Law 123
7. 18 U.S.C. 1956, 1957,
1961, 1962, 1963, 1964

INTRODUCTION

Petitioners by and through their undersigned counsel, hereby commence this action against Defendants KATHY HOCHUL Governor of New York in her official and personal capacities, the NEW YORK STATE CANNABIS CONTROL BOARD ("CCB"), the NEW

YORK STATE OFFICE OF CANNABIS MANAGEMENT ("OCM"), TREMAINE WRIGHT, in her official and personal capacities as Chairwoman of the New York State Cannabis Control Board, CHRIS ALEXANDER, in his official and personal capacities as Executive Director of the New York State Office of Cannabis Management and AMANDA HILLER, ACTING COMMISSIONER OF THE STATE DEPARTMENT OF TAXATION AND FINANCE in her official and personal capacities (collectively the "Defendants").

The statements and facts herein are based on information and belief.

RELEVANT FACTS

1. The New York Legislature enacted the Marijuana Regulation and Taxation Act ("the MRTA" aka "McKinney's Cannabis Law 1.") on March 31, 2021. [1] The statute purported to legalize cannabis products for adult use, established an Office of Cannabis Management (OCM) as an independent agency within the Division of Alcoholic Beverage Control to regulate the cannabis marketplace, and assigned the OCM and the Cannabis Control Board (CCB) (its oversight board) with launching New York's adult use cannabis industry.

2. The MRTA instructed OCM and CCB with, among other things to engage in:

- a. launching New York's adult use cannabis program;
- b. protecting the public health, safety and welfare of the people of the state; and
- c. generating sufficient tax revenue through marijuana sales to "re-invest" in communities allegedly disproportionately "harmed" by federal and state drug policies.

McKinney's Cannabis Law 2. Legislative findings and intent. The intent of this law is to increase the use of marijuana in New York and to derive income for the state government from this increase.

3. In 2022, Defendant Governor Hochul then proposed, and the Legislature enacted,

the NY "Social Equity Cannabis Investment Fund." The Fund is a public-private partnership to provide start-up financial support for "justice-involved" cannabis dispensary licensees. "Justice-involved" are those individuals who had prior marijuana convictions and their families. (Exhibits 1 and 2). The "dispensaries" are marijuana trafficking operations. "Trafficking" is the appropriate word for this under federal law. 21 U.S.C. 841(a).

4. The \$200,000,000 Social Equity Cannabis Investment Fund is seeded with \$50,000,000 in State funds, which are expected to be repaid from tax revenue generated by cannabis sales (proceeds of marijuana trafficking), and \$150 million in private investment. (Exhibits 1 and 2).

5. The Dormitory Authority of the State of New York ("DASNY") will be financing the establishment and development of the marijuana trafficking operations that Defendants have named "adult-use retail cannabis dispensaries" ("RCDs"). DASNY is New York State's public finance and construction authority. DASNY normally finances, designs, and builds health and education infrastructure. Ironically, DASNY would instead become the biggest marijuana trafficking landlord in New York. This hardly comports with DASNY's original mission of building health and education infrastructure. DASNY would instead be the leasing authority for marijuana trafficking locations ("RCDs"). DASNY would lease real estate and sub-lease to properties for the purpose of trafficking in marijuana, with DASNY responsible for collecting rent from marijuana trafficking operations ("RCDs") and paying these illegal monies to the primary landlord. (Exhibits 1 and 2)

6. This illegal marijuana trafficking finance scheme is described in excerpts from a

June 22, 2022, press release from Governor Hochul that mentions the Social Equity Cannabis Investment Fund to be managed by a state created “fund manager.” (See Exhibit I for the full document). In an Orwellian change of terms, formerly convicted drug criminals are now transformed to “social equity entrepreneurs” and marijuana trafficking operations are now “dispensaries.” The press release states:

Social Equity Cannabis Investment Fund

The Social Equity Cannabis Investment Fund, which was authorized as part of the 2022-2023 Budget by Governor Hochul and the New York State Legislature, is a public-private limited partnership that will be formed to position social equity entrepreneurs to succeed in New York's newly created adult use cannabis industry. It will allow the state to invest in a private fund to finance the leasing and equipping of up to 150 conditional adult-use retail dispensaries in New York State to be operated by individuals who have been impacted by the inequitable enforcement of marijuana laws. It is the first of its kind in the nation. (emphasis added)

The Fund will help those who have a Conditional Adult Use Retail Dispensary License (CAURD) meet the costs of establishing adult-use cannabis retail dispensaries, including the identification and leasing of suitable retail locations and design, construction, and fit-out of the spaces. It is supported by up to \$50 million in licensing fees and revenue from the adult-use cannabis industry and up to \$150 million from the private sector that will be raised by the fund manager. (Exhibit 1 page 3)

7. In May 2022, the Dormitory Authority for the State of New York (DASNY) issued a request for proposals seeking a fund manager to sponsor and manage the \$200 million fund. (Exhibit 1 page 4). This was done by amending Section 99-ii of the state finance law by adding a new subdivision 2-a that provides:

(d) subject to available appropriations and providing that no more than fifty million dollars in funding, shall be made available, whether directly or indirectly for investment in a private debt or equity fund formed pursuant to subdivision thirty-two of section one thousand six hundred seventy-eight of the public authorities law or to cover capital costs associated with establishing conditional adult-use cannabis retail dispensaries for operation by social equity licensees duly licensed pursuant to article two of the cannabis law. Such capital costs shall include all costs, including closely related ancillary costs, related to the leasing, planning, design, construction, reconstruction, rehabilitation, improvement, furnishing, and equipping of such adult-use cannabis retail

dispensaries, to the extent such work has been undertaken or costs for such work incurred by: (i) the office of cannabis management and the cannabis control board, (ii) the dormitory authority of the state of New York, or any subsidiary thereof, under agreement with the office of cannabis management and the cannabis control board, or with the private debt or equity fund formed pursuant to subdivision thirty-two of section one thousand six hundred seventy-eight of the public authorities law, or (iii) the private debt or equity fund formed pursuant to subdivision thirty-two of section one thousand, six hundred seventy-eight of the public authorities law. Any repayment of the state's investment by the fund, as authorized in this paragraph shall be deposited in the New York state cannabis revenue fund. (emphasis added)

8. The law also enables the state Dormitory Authority

(d) To enter, as lessor or as agent for the lessor, into leases, subleases, or other agreements with the social equity licensees operating for the conditional adult-use cannabis retail dispensaries; provided that (i) the authority shall only enter in lease agreements as agent of the private debt or equity fund selected pursuant to subdivision thirty-two of this section, (ii) any general terms of such lease agreement, and any material deviations or changes therefrom, are approved by the office of cannabis management. McKinney's Public Authorities Law 1678 Powers of the authority (30)(d) Effective: May 3, 2023. (emphasis added)

9. This requires the Dormitory Authority to become the landlord for the marijuana trafficking operations. However, property owners and landlords who rent or provide locations for marijuana trafficking remain subject to federal prosecution for violating the federal Controlled Substance Act. It is unlawful to knowingly open, lease, rent, maintain, or use property for the manufacturing, storing, or distribution of controlled substances. 21 U.S.C. 856 (Maintaining drug-involved premises).

10. The Defendants' plan includes the selection of Social Equity Impact Ventures GP I, LLC, a Delaware corporation to sponsor and manage the \$200 million New York Social Equity Cannabis Investment Fund. (Exhibit 2). The Social Equity Cannabis Investment Fund will allow the state to invest in a private fund to finance the leasing and equipping of up to 150 marijuana trafficking operations in New York State. The Fund will help meet the costs of

establishing adult-use cannabis retail dispensaries, including the identification and leasing of suitable retail locations and design, construction, and fit-out of the spaces.

11. This is a current process within the last 12 months. As an example, see the agenda for a May 30, 2023, meeting of the Office of Cannabis Management at which they selected Social Equity Impact Ventures GP I, LLC as the fund manager. (Exhibit 2)

No. 2023-20

May 30th 2023

RESOLUTION TO APPROVE AMENDMENTS TO THE LIMITED PARTNERSHIP AGREEMENT BETWEEN THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK AND SOCIAL EQUITY IMPACT VENTURES GP I, LLC

WHEREAS, pursuant to Section 99-ii(3)(d) of the State Finance Law (the "New York state cannabis revenue fund"), the State has authorized, subject to available appropriations, no more than fifty million dollars in funding for investment in a private debt or equity fund formed pursuant to Section 1678(32) of the Public Authorities Law;

WHEREAS, pursuant to Section 99-ii(3)(d) of the State Finance Law, the purpose of the fund is to fund the capital costs associated with establishing conditional retail-use cannabis retail dispensaries for operation by certain selected licensees; (Exhibit 2)

12. Defendants are attempting to orchestrate a marijuana trafficking operation sponsored by the State of New York utilizing taxpayer funds and public employees and resources. Their blatant disregard of every major objective embodied in federal controlled substances law directly conflicts with, and otherwise stands as an obstacle to, Congress's mandate that production, possession and distribution of Schedule I drugs, including marijuana, be prohibited. Congress has repeatedly refused to repeal or amend the federal Controlled Substances Act that makes marijuana illegal. This prohibition embodies not just the considered judgment of Congress, but also international treaty obligations that have been ratified by the United States (and relied upon by other countries that are similarly obligated). Such treaties are the supreme law of the United States. [2] The 1961 Single Convention on Narcotic Drugs

(“Single Convention”) requires signatories to prohibit the recreational use of cannabis within their territories. [3] The United States is a signatory to this treaty, which was ratified by the United States Senate and entered into force on June 24, 1967. [4] The 1970 Controlled Substances Act, Title 21, United States Code, Sect. 801 et seq. prohibits the production, sale, and possession of marijuana as a Schedule I controlled substance in the United States. [5]

13. Marijuana is not a “states’ rights” issue under the U.S. Constitution. The U.S. Supreme Court has upheld under the Commerce Clause the application of the federal Controlled Substances Act (CSA) to the interstate and intrastate growth and possession of marijuana. The CSA is enforced by the Drug Enforcement Administration (DEA) and other federal agencies.

14. CCB and OCM have violated federal law by improperly assuming the roles of the U.S. Congress and the federal Drug Enforcement Administration (DEA) and the Food and Drug Administration (FDA). Defendants seek to impose their own policies and judgment over those of Congress and the federal agencies that are far better experienced and qualified and are designated by federal law to exercise such judgments and create such policies.

15. The Federal Food, Drug, and Cosmetic Act (FDCA), 21 U.S.C.A. § 301 et seq., rests upon constitutional power resident in Congress to regulate interstate commerce and seeks to keep interstate channels free from deleterious, adulterated, and misbranded articles of specified types to end that public health and safety might be advanced. Carnohan v. U.S., 616 F.2d 1120 (CA 9 1980). The FDCA is construed to be applicable to articles in commerce from the moment of their introduction into interstate commerce to the moment of delivery to the ultimate consumer, and to prevent misbranding while articles are held for sale after shipment in interstate commerce. The FDCA does not exceed constitutional power of Congress and does not invade

powers reserved to the states. U.S. v. 4 Devices, Labeled in Part "Color-Therm," 176 F.2d 652 (CA 10 1949). In adopting the FDCA, Congress was regulating what it regarded as illicit articles of commerce. U.S. v. 7 Jugs, etc., of Dr. Salsbury's Rakos, 53 F. Supp. 746 (DMN 1944); U.S.C.A. Const. Art. I § 8, cl. 3, USCA CONST Art. I § 8, cl. 3. Marijuana products are "illicit articles of commerce" and are subject to federal law. Gonzales v. Raich, 545 U.S. 1, 29 (2005).

16. The Supremacy Clause unambiguously provides that if there is any conflict between federal and state law, federal law shall prevail. Gonzales v. Raich, 545 U.S. 1 (2005). See, United States v. Oakland Cannabis Buyers' Cooperative, 532 U.S. 483, 490 (2001) (holding that there is no medical-necessity exception to the Controlled Substances Act's prohibitions on manufacturing and distributing marijuana).

17. This lawsuit seeks to put an end to the Defendants' unconstitutional *ultra vires* venture into financing marijuana trafficking in violation of federal law and to compel CCB and OCM to perform their executive duties in accordance with federal law.

18. Defendants' arbitrary and capricious foray into financing marijuana trafficking will harm our national controlled substances protections and food and drug laws enacted under the Commerce Clause and thus will eliminate those legal consumer protections for the citizens of New York whom the Petitioners support and for whom they advocate.

19. The United States Court for the Northern District of New York has already acknowledged the relevance of the Commerce Clause to Defendants' plan by issuing a preliminary injunction to a portion of this flawed program, citing that a discriminatory effect warranted such action. Variscite NY One v New York 1, 22 cv 1013 (GLS/DJS) 2022 WL 17257900 at *19 (N.D.N.Y. Nov. 10, 2022).

THE PARTIES

20. Petitioner Cannabis Impact Prevention Coalition, LLC. (CIPC) is a corporation organized under the laws of the State of New York.¹ The mission of CIPC is to prevent the social, health, public safety, and environmental impacts of marijuana. CIPC has taxpayer and resident members in New York, some of whom are listed as Plaintiffs.

21. Cannabis Industry Victims Seeking Justice (CIVSJ), is a corporation organized under the laws of the State of New York. CIVSJ provides advocacy services to the many victims of the cannabis industry. CIVSJ's mission is to make the marijuana industry legally accountable to its victims. CIVSJ has taxpayer members in New York, some of whom are listed as plaintiffs. Federal law recognizes the victims of criminal activity under the Controlled Substance Act. 18 U.S.C. 3663.

22. Plaintiff Phil Orenstein is a New York taxpayer and resident and member of CIPC who has had devastating personal experiences with marijuana and is a former teacher in a drug prevention and motivational program in NYC public schools.

23. Plaintiff Edwin De La Cruz is a New York taxpayer and resident and member of CIVSJ and CIPC, and is a father deeply concerned about the damage caused by his son's consumption of marijuana.

24. Plaintiff Eric R De La Cruz, the son of Edwin De La Cruz, has suffered greatly from the consumption of marijuana.

25. Renee' Barchitta is a New York taxpayer and resident and a member of CIVSJ

¹ <https://www.cipcoalition.org/>

and CIPC. She is a former Delaware County (NY) STOP-DWI Educator/Coordinator, Highway Safety Representative for the NYS Governor's Traffic Safety Committee.

26. Plaintiff Philip McManus is a New York taxpayer and resident and member of CIVSJ and CIPC.

27. Plaintiff Robert Caemmerer is a New York taxpayer and resident and member of CIVSJ and CIPC.

28. Plaintiff Richard P. McArthur is a New York taxpayer and resident and member of CIPC.

29. Plaintiff Ronnie Hickey is a New York taxpayer and resident and member of CIPC and presently suffers from marijuana smoke in her apartment building.

30. CIVSJ was created to help families who have lost loved ones due to marijuana-related mental illness, physical illness and automobile crashes. CIVSJ advocates for parents whose children have developed an addiction to marijuana or become mentally ill or have been otherwise harmed by today's extremely potent, dangerous marijuana.

31. CIVSJ is the New York division of Cannabis Industry Victims Educating Litigators (CIVEL). CIVEL was incorporated in New Jersey in 2018 and has sought to educate litigators and legislators nationally on how to protect the many victims of the marijuana industry. CIVEL has published articles on the damage caused by the marijuana industry and has supported litigation in other states.²

32. CIVEL had organizational standing in Botteon v. Murphy, a New Jersey case brought by CIVEL concerning federal law preemption and the state marijuana law. NJ Superior Court MID-L-002293 (2020).

² www.civel.org

33. CIVEL did an undercover investigation on behalf of an individual who had cancer, exposing a New York marijuana doctor who was failing to comply with the state's rules and federal law related to the "medical" use of marijuana. In addition, CIVEL has been active in New York by submitting comments on the proposed cannabis law rules and warning the Defendants and thus their investors about violating federal laws about financing marijuana trafficking. (Exhibit 3, page 5)

34. CIVSJ and CIPC are organizations concerned with the care and protection of children who are abused due to parental marijuana use, and who as minors would be unable to seek a judicial remedy. As it is not likely that their parents or caretakers, the objects of the abuse claims, would do so to protect those children. CIVSJ and CIPC now come forward to protect them with legal action. (Exhibit 4).

35. CIVSJ and CIPC represent the victims of the marijuana industry who have been, are currently being, or will be harmed by the challenged actions and thus have an active interest and not a mere casual interest in the problems presented in this suit. As marijuana industry victims' advocacy organizations, CIVSJ and CIPC have a direct and particularized interest in federal and state law regarding marijuana in all of its forms. The purported "legalization" of marijuana by a state is in conflict with federal law and impedes the efforts of CIVSJ and CIPC to gain the protection of federal and state law for the many victims of the marijuana industry. The concerns of CIVSJ and CIPC are not too "generalized" for standing purposes and are not abstract and indefinite in nature. U.S. Const. art. 3, 2, cl. 1; Comprehensive Drug Abuse Prevention and Control Act of 1970 101, 21 U.S.C. 801 et seq. Sisley v. DEA, 11 F.4th 1029 (CA (2021).

36. The categories of the victims of the marijuana industry that CIPC and CIVSJ seeks to protect include:

Accident victims
Abused elders
Unborn children and nursing babies
Children of marijuana users
Crime victims
Domestic violence victims
Drug Dealer Liability Act victims
Employers
Environmental victims - pollution from marijuana growing operations and marijuana smoke and odor.
Parents and grandparents
Marijuana consumers
Marijuana addicts
Marijuana intoxicated driving victims
"Medical" marijuana users
People who suffer mental health impairment due to marijuana
Property owners
Sexual victims
Students and schools
Trademark and copyright infringement
Workers and farm employees in the marijuana industry
Those threatened and harassed by marijuana users and marijuana advocates
The general public

For more information on the categories of victims go to www.civel.org.

37. CIVSJ and CIPC have organizational standing to maintain an action, given the missions of these organizations. Their missions are to prevent the devastating impact of today's marijuana and to protect the victims of marijuana trafficking caused by state-financed marijuana trafficking. The actions of the Defendants are injuries in fact that are both distinct from any other injury suffered by the general public and are within the zone of interests sought to be protected by the statute or constitutional provision at issue. The interests that the organizations seek to protect are germane to their purposes and representative of the group whose rights they are asserting.

38. The questions involved do not lack justiciability and do not seek the adjudication

of moot issues. These concerns are concrete and actual and neither conjectural or hypothetical and are articulated in this complaint.

39. This matter resonates throughout communities and populations nationwide and its outcome will have a direct bearing on interstate commerce, finance, and industry or agriculture, generally.

40. Plaintiffs raise issues of great public importance involving clear threats to the essential nature of state and federal government guaranteed to citizens under their constitutions.

41. The individual Plaintiffs have standing under the New York Finance Law 123.

42. Defendant Kathy Hochul is the Governor of New York, a U.S. State, and she has been actively participating in and promoting the violations of federal law.

43. Defendant New York State Cannabis Control Board ("CCB") is a government-appointed board that the MRTA established to promulgate rules and regulations for New York's proposed cannabis industry and vested with the powers and duties stipulated in MRTA § 10. It consists of a chairperson and four other voting members.

44. Defendant Tremaine Wright is, and was, at all times relevant to this action the Chairwoman of CCB, having the powers and duties granted to her, and she is named in her official and personal capacities.

45. Defendant New York State Office of Cannabis Management ("OCM") is an independent office that the MRTA established within the Division of Alcoholic Beverage Control.

46. Defendant Chris Alexander is, and was, at all times relevant to this action the Executive Director of OCM, having the powers and duties granted to him in his official capacity, and he is named in his official and personal capacities.

47. Defendant Amanda Hiller, is, and was, at all times relevant to this action the Acting Commissioner of the State Department of Taxation and Finance having the powers and duties granted to her, and she is named in her official and personal capacities.

48. The attempt of New York State officers to enforce an unconstitutional law is an illegal act, and the officers are stripped of their official character and are subject in their persons at capacity to the consequences of their individual conduct. The State has no power to provide its officers with immunity from responsibility to the supreme authority of the United States. Ex Parte Young, 209 U.S. 123 (1908).

JURISDICTION AND VENUE

49. Plaintiffs will rely on the below federal laws for jurisdiction other than court procedural laws:

18 U.S.C. 1956, 1957, 1961, 1962, 1963 and 1964.

Food, Drug, and Cosmetic Act, 21 U.S.C.A. 301, et seq.

The Controlled Substances Act, 21 U.S.C. 801, et. seq.

RICO, 28 U.S.C. 1962, 1964

The federal Civil Rights Law 42 U.S.C. 1983

50. Plaintiffs will rely on the following state laws:

New York Finance Law 123

51. This matter has state law claims that depend on a "federal question." The state law claim is under the New York Finance Law 123.

The New York Finance Law 123 Claim

52. Under New York Finance Law 123-b(1), Plaintiffs as citizen taxpayers, whether

or not they may be affected or specially aggrieved by the actions of the Defendants have standing and may maintain an action for equitable or declaratory relief, or both, against an officer or employee of the state who in the course of his or her duties has caused, is now causing, or is about to cause a "wrongful expenditure, misappropriation, misapplication, or any other illegal or unconstitutional disbursement of state funds or state property." (emphasis added)(Exhibit 10).

53. Plaintiffs aver that the actions of the Defendants to spend state funds to finance marijuana trafficking under state marijuana laws are wrongful expenditures and illegal under federal law and thus are illegal under the State Finance Law 123 and subject to Declaratory Relief.

54. The violation of federal law by a state marijuana law presents a "federal question" for which this court has jurisdiction. See, Pharmacann Penn. v. Development Superstition, 318 F.Supp.3d 708 (E.D. PA 2018) where the court held that despite a state's enactment of its "medical" marijuana law, the distribution of marijuana remains illegal under federal law at 21 U.S.C. 841(a)(1). In that case the resolution of the federal question of whether a medical marijuana dispensary was unlawful under the Controlled Substances Act was necessary to decide whether the dispensary was an unlawful use in a real estate matter under state law.

55. Under 28 U.S.C. 1367 this court also has supplemental jurisdiction because the state law issues here are not novel or complex. If the actions of the Defendants are illegal under federal law then they are illegal under the state Finance Law 123. The state law claim does not substantially predominate over the federal claim but is dependent upon it.

56. In the case *sub judice*, the federal question is substantial and potentially invokes

principles of federalism. Hearing this case in federal court will not disrupt the federal-state balance approved by Congress. 21 U.S.C. 841(a)(1); 28 U.S.C.1331.

57. Federal courts have jurisdiction to hear disputed, necessarily raised, and substantial questions about the application of federal drug law. Gonzales v. Raich, 545 U.S. 1, 29 (2005). Therefore, this Court has federal question jurisdiction over this dispute. This Court has subject matter jurisdiction over the matters asserted herein under 28 U.S.C. section 1331 because the action involves federal questions including questions under the Commerce Clause of the United States Constitution.

58. This Court has subject matter jurisdiction because the CCB and the OCM have failed to perform a duty the federal law requires of them and they are proceeding in excess of jurisdiction.

59. The Court has personal jurisdiction over the OCM and CCB because they are offices of the state of New York.

60. The Court has personal jurisdiction over Tremaine Wright because, on information and belief, she is a domiciliary of New York and she took the actions complained of herein while in New York.

61. The Court has personal jurisdiction over Chris Alexander because, on information and belief, he is a domiciliary of New York and he took the actions complained of herein while in New York.

62. The Court has personal jurisdiction over Amanda Hiller, because, on information and belief, she is a domiciliary of New York and she took the actions complained of herein while in New York.

63. Venue is proper in this Judicial District because on information and belief, OCM and CCB are divisions of the State of New York, the laws and regulations challenged herein were passed in Albany, and Defendants performed the actions complained of herein while within this Judicial District. 28 USC 1391(1).

64. This Court has subject matter jurisdiction over the federal causes of action stated herein pursuant to 28 U.S.C. 1331 and has the power to render declaratory judgment and further relief pursuant to the provisions of 28 U.S.C. §§ 2201-2202. This action is also brought pursuant to the provisions of 42 U.S.C. 1983.

65. This Court is the proper venue for this proceeding pursuant to New York CPLR 504 (3) and the New York Finance Law 123, because Plaintiffs are residents and taxpayers in New York.

66. Venue is also proper in this judicial district in that certain of the defendants reside, are found and transact their business in this district; the other defendants have one or more agents in this district; and the ends of justice require that all such defendants be brought before this Court.

RELEVANT FACTS ABOUT THE ILLEGALITY OF MARIJUANA TRAFFICKING

67. It is important to note that the federal laws against marijuana trafficking are based on objective facts about its dangers. 21 U.S.C. 801, et. seq.

68. Marijuana is a derivative of the cannabis plant as are other products such the various forms of tetrahydrocannabinol (THC) and cannabidiol (CBD). All marijuana/cannabis products to be used as medicines or food or dietary supplement are regulated and controlled pursuant to the federal Controlled Substances Act and other federal food and drug laws such as the Food, Drug and Cosmetic Act (FDCA).

69. Under federal law, marijuana is contraband for any purpose, including for “medical” purposes. Although marijuana may appear to be nominally “legalized” under some state laws, it is still illegal under federal law and individuals or corporations or state agencies cannot lawfully possess or traffic in marijuana. Where there is a conflict between federal and state law with respect to the legality of marijuana, the Supremacy Clause of the U.S. Constitution unambiguously provides that federal law shall prevail. U.S. Const. art. 6, cl. 2; Gonzales v. Raich, 545 U.S. 1, 29 (2005); Comprehensive Drug Abuse Prevention and Control Act of 1970 21 U.S.C. 812; US v. Schostag, 895 F.3d 1025 (CA 8 2018).

70. The actions of the state in promoting marijuana trafficking do not protect the public's health, safety, and welfare. One example of how far the Defendants have gone in failing to protect the health and safety of New York's children is OCM's 2023 Mother's Day “Twitter” greeting.

NYS Office of Cannabis Management

May 12 Mothers across the nation have faced shame for their cannabis consumption, but anyone who knows a mom, knows, it takes more than grace to get through the day. This #MothersDay we want to end the stigma & share some insight. Tell us, how #NYcannabis has helped you in motherhood? [6]

71. The State of New York is advocating the use of today's high potency marijuana to “help” mothers “get through the day.” Mothers are responsible for the care of their children, many of whom are helpless infants. Attached as Exhibit 4 are examples of how New York mothers and caretakers who used marijuana have permitted children to die. This Mother's Day greeting is grossly irresponsible and utterly shameful having been issued by a government agency. It shows reckless obsession with promoting marijuana for supposed financial gain.

72. Plaintiffs are concerned about their quality of life and property rights. The Plaintiffs claim that the state-financed marijuana stores and related businesses will cause a

diminution in their property values and rights and quality of life by having de facto criminal enterprises in their communities. Under Safe Streets Alliance v. Alternative Holistic Healing, 859 F3rd 865 (CA 10 2017), this can give rise to a RICO claim. On the other hand, the marijuana trafficking operations have no property rights under federal law. Borges v. County of Mendocino, 2023 WL 2363692 (CA 9 March 6, 2023)

73. Plaintiffs are concerned about having marijuana stores or growing operations or processing operations in their neighborhoods. Marijuana operations make very bad neighbors. They drive away legitimate business customers, emit pungent, foul smoke and odors, attract undesirable visitors, increase criminal activity, increase traffic, and reduce property values. Plaintiffs bring this suit to vindicate their federal and state property rights and their substantive due process rights under the state and federal constitutions. There is ample documentation of the many adverse effects of marijuana businesses in addition to the violations of federal law and loss of property values. [7]

74. The U.S. Drug Enforcement Administration (DEA) has received many complaints about marijuana stores including:

- a. People smoking marijuana outside the distribution facility.
- b. An increase in pedestrian and automobile traffic clogging the streets, illegal parking.
- c. Public safety concerns.
- d. Loss of customers and business in a once quiet neighborhood.
- e. An influx of criminal elements into the neighborhoods.
- f. Noise, litter, loitering, property damage.
- g. The pungent smell of marijuana seeping into neighboring businesses.
- h. The smell of marijuana making people ill.
- i. Secondary smoking risks.
- j. Threats and harassment.
- k. Selling items that look like candy that small children could mistakenly ingest.
- l. Violations of residential zoning laws.
- m. Fire hazards.
- n. A decrease in business and revenue for legitimate neighborhood stores.
- o. A decrease in tourist revenues and tourist traffic.

- p. A decrease in property values.
- q. Adults have been buying marijuana from the marijuana stores and re-selling marijuana to juveniles. [8]

75. Plaintiffs are also concerned that the proliferation of marijuana via marijuana trafficking stores will pose threats to public safety. The federal Department of Justice agrees with them.

76. A federal court recently decided that individuals who wanted to use "medical" marijuana could not also possess guns because the physical and mental impairments caused by drug use make it dangerous for users to possess firearms. The opinion is Fried v. Garland, 2022 WL 16731233 (ND FL 2022). The Department of Justice in their attached brief recently had this to say about marijuana users (Exhibit 5):

- a. Marijuana use "was associated with elevated risky decision-making" and caused "significant deficits" to "executive planning," while adversely affecting "general motor performance, sustained attention, spatial working memory, and response inhibition." (Exhibit 5, Brief pages 29-30).
- b. "Marijuana users exhibit impairments on behavioral control, which "may contribute to poor decision-making." (Exhibit 5, Brief page 30.
- c. "Marijuana use "may contribute to cognitive impairments in executive functioning," making marijuana users "more likely to make risky judgments" and "exhibit increased impulsive decision-making." (Exhibit 5, Brief page 30 footnote 16).
- d. Heavy marijuana users may be particularly prone to poor decision-making. (Exhibit 5, Brief page 30 footnote 16).
- e. Marijuana users "demonstrated numerous cognitive deficits" that affected "decision making. (Exhibit 5, Brief page 30 footnote 16).

f. It is beyond dispute that illegal drug users, including marijuana users, are likely as a consequence of that use to experience altered or impaired mental states that affect their judgment and that can lead to irrational or unpredictable behavior. (Exhibit 5, Brief page 31).

g. "Marijuana users with firearms pose a danger comparable to, if not greater than, other groups that have historically been disarmed. For example, "like the mentally ill," drug users "are more likely to have difficulty exercising self-control, making it dangerous for them to possess deadly firearms." (Exhibit 5, Brief page 31)

77. The Defendants' promotion of marijuana trafficking is not aligned with the medical facts, the science or with federal law and is therefore unreasonable, arbitrary, capricious and illegal. Unlike heroin and other opioids, whose risks are widely disseminated by the media and known by the public, the hazards of today's marijuana are both insidious and minimized. Today's marijuana is capable of wreaking havoc on the health, safety, economic strength and cognitive function of New York's citizens. Yet, for no other federally illegal drug is the gap so large between current scientific evidence of adverse consequences and the public perception. The gap has been driven by many factors, including major financial investments by the marijuana industry and state governments in promoting misinformation about marijuana safety. The gap between science and medical facts compared to the public perception of harms related to marijuana also has been fueled by celebrities who openly promote marijuana use, as well as by a marijuana industry that advertises aggressively and avails itself of social media sites and sympathetic media outlets. Investment by the State of New York in promoting marijuana trafficking will only make this worse. Their Mothers's Day greeting show their blindness to the consequences of what they are doing.

78. Politicians have been disappointing and irresponsible in their lack of leadership on this issue, since many have only relied on the marijuana lobby's misinformation without the counterbalancing scientific and medical facts from the bio-medical and addiction treatment community. As a result, the public is uninformed and dangerously complacent.

79. This litigation will document and provide evidence of these many harms. Plaintiffs intend to remind, and if necessary to compel, their government officials to do their duty to safeguard and ensure Plaintiffs' consumer rights and those of New York's children. By this litigation, Plaintiffs seek to remind and guide New York officials to protect and preserve the health and safety of the residents of New York, especially the health and well-being of New York's children, by not financing and otherwise engaging in marijuana trafficking. See the attached document on the risks of marijuana use. (Exhibit 6).

80. The Defendants may claim that marijuana businesses will be a economic engine for New York, but if so, they have no regard for the sound public policy obligation to promote the health, safety, and welfare of the residents of New York or the costs to the state and its citizens will suffer. It has been truthfully said that it is easier to build strong children than to repair broken adults. This case matters because it has the potential to significantly impact the well-being of the thousands of children in New York as well as the health and safety of all residents for years to come. There is cause for collective societal concern and action.

81. Defendants' actions "normalize" marijuana in New York for teens and children. In states that have illegally "legalized" marijuana, the perception of harm from marijuana plummets. Young people understandably adopt a dangerous mind set of, "Why would adults legalize marijuana if it were harmful?" In the course of this litigation Plaintiffs will show that:

a. Many teens quickly get addicted to today's marijuana that is many times stronger than the "Woodstock weed" of years past.

b. Many teens develop marijuana-induced amotivational syndrome and will struggle to finish high school or college.

c. Teens who get addicted to marijuana will fall far short in securing their future.

d. Teens vape cannabis products in schools. Vaping concentrates the effect of marijuana.

e. Teens who use marijuana are at risk of developing mental health problems at increasing rates.

f. Researchers found that CUD, (Cannabis Use Disorder addiction) among adolescents aged 12 to 17 was 25% higher in states that illegally "legalized" marijuana. [9]

82. In states that have (illegally) "legalized" marijuana, the marijuana industry is following the playbook of the tobacco and opiate industries in trying to get our kids addicted to ensure a new generation of customers. They market to young people with flavored cannabis vape cartridges and with potent THC infused into edible cookies, candies, "gummy bears," sodas, brownies, and ice cream. Marijuana advertising uses cartoon characters, Santa Claus and images from popular kids' movies. [10]

83. Recent marijuana products are advertised as 95% "pure" THC concentration and there are now crystalline products that are 99% "pure" THC. [11] These are far greater - and more dangerous - concentrations than the "Woodstock Weed" of years past that was 2-3% THC. Plaintiffs will present evidence as to the consequences of this extremely potent marijuana and to Defendants' cavalier, dismissive and hypocritical attitude towards these issues.

84. There are a number of federal government documents providing the abundant scientific evidence on the many physical and mental health dangers of today's marijuana use. We ask the court to judicially recognize these documents. They include:

a. Denial of Petition to Initiate Proceedings to Reschedule Marijuana, 81 FR 53767-01, 2016 WL 4240243 (F.R.).

b. US Surgeon General's Advisory: Marijuana Use and the Developing Brain. [12]

c. FDA and Centers for Disease Control updates and warnings and DEA prosecutions. [13]. Defendants have ignored all these federal warnings as to the illegality and danger of what they are doing.

85. Recent science shows that marijuana use exacerbates mental illness and addiction and many other problems. For example, the 2016 United States Surgeon General report on addiction states that marijuana is a serious threat to the physical and mental health of our children and that its use is a major threat to public safety. [14]

86. The American Psychiatric Association reports that current evidence supports, at a minimum, a strong association of marijuana use with the onset of psychiatric disorders. Mental illness leads to crime, homelessness, and enormous societal costs. [15]

87. In 2017, the National Academy of Sciences (NAS) landmark report written by top scientists concluded after a review of over 10,000 peer-reviewed academic articles, that marijuana use is associated with:

a. respiratory problems;

b. mental health issues (such as psychosis, social anxiety, and thoughts of suicide);

c. increased risk of vehicular crashes;

d. progression to and dependence on other drugs, including studies showing connections to cocaine and heroin use; and

e. learning, memory, and attention loss (possibly permanent in some cases) and low birth weight. [16]

88. The false narrative from the marijuana lobby that promotes marijuana as a substitute for opioids - in particular while an opioid epidemic is underway - is proving to be a very dangerous tactic. There is recent research showing that marijuana use is associated with an increased risk of prescription and opioid misuse disorders. [17]

89. There are a host of additional problems that come with illegal marijuana commercialization. In Colorado, for example:

a. Residential neighborhoods, warehouse areas and even highways "reek of marijuana."

b. A homelessness growth rate that ranks among the highest rates in the country as homeless substance abusers migrate there for easy access to marijuana.

c. A doubling in the number of drivers involved in fatal crashes who tested positive for marijuana.

d. More marijuana in schools than teachers and administrators ever feared. Drug violations reported by Colorado's K-12 schools have increased 45% even as the combined number of all other violations has fallen.

e. An increase in high school drug violations of 71% since illegal commercialization.

f. School suspensions for drugs increased 45%. [18]

90. In 2020, the New York Medical Society joined forces with the State Medical Societies of New Jersey, Ohio, Pennsylvania, and Delaware to issue a joint statement stating their opposition to legalization of marijuana citing many concerning factors including data

showing that despite best efforts of states to limit the purchase of legal marijuana to adults, it has also led to a troubling increase in youth use. This warning was ignored by the Governor, the New York Legislature and by the Defendants. (Exhibit 7).

91. Marijuana “legal” states have higher rates of marijuana-related driving fatalities, greater emergency room visits, hospitalizations, and exposures, expansive criminal markets, as well as exacerbated racial disparities in industry participation and criminal justice enforcement. [19]

92. There is an adequate showing of irreparable harm to the Plaintiffs because the harm in this case is that the financing of marijuana trafficking is contrary to federal law and damaging to the health, welfare and rights of the Plaintiffs and contrary to State Finance Law 123. This harm is ongoing and cannot simply be redressed by money. Thus, the harm is irreparable. If the court were to deny the injunction, the hardship to New York residents including millions of children, as well as to the Plaintiffs would be severe. Today’s marijuana products can be very concentrated in potency and reach 99% THC, the psychoactive, intoxicating, mind-altering component of the drug. These products cause addiction, mental illness, birth defects, suicide, violence, DUIs and many adverse general health problems. (Exhibit 6). Conversely, if the court were to grant the injunction, Defendants’ hardships would be slight. They would only have to comply with federal law and the state Finance Law 123 which duties they already have.

93. Despite all the harms of marijuana, Plaintiffs do not have to prove they were individually harmed in order to have standing to sue under the Finance Law 123. Even if Plaintiffs may have some limits on the private right to enforce the Controlled Substances Act or the FDA laws but they do have such rights to sue under the Finance Law 123 for illegal state

funding. Under the Finance Law, Plaintiffs only have to prove that the state funding of marijuana trafficking is illegal under federal law then the Finance Law gives them the right to enjoin the actions of the Defendants.

CAUSES OF ACTION

COUNT ONE

MULTIPLE ACTIONS OF THE DEFENDANTS ARE PREEMPTED BY FEDERAL LAW INCLUDING THE SUPREMACY AND COMMERCE CLAUSES OF THE UNITED STATES CONSTITUTION AND ARE THUS ILLEGAL AND MUST BE ENJOINED

94. The actions of the Defendants are illegal under the Supremacy and Commerce Clauses and the Controlled Substances Act and the FDA food and drug laws. The state law is preempted by federal law due to conflict preemption.

95. The United States Constitution declares that the United States Constitution and all United States' laws "shall be the supreme Law of the Land." U.S. Const. Art. VI, ci. 2. Under the federal Controlled Substances Act (CSA), the Defendants' actions are invalid under the Supremacy Clause of the United States Constitution. State laws that "interfere with, or are contrary to the laws of congress, made in pursuance of the constitution" are invalid. Wis. Pub. Intervenor v. Mortier, 501 U.S. 597, 604 (1991), quoting Gibbons v. Ogden, 9 Wheat. 1, 22 U.S. 211 (1824).

96. The Supremacy Clause unambiguously provides that if there is any conflict between federal and state marijuana laws, federal law shall prevail. Gonzales v. Raich, 545 U.S. 1 (2005). See also, United States v. Oakland Cannabis Buyers' Cooperative, 532 U.S. 483, 490 (2001).

97. When a party cannot satisfy its state duties without the Federal Government's

special permission and assistance, which is dependent on the exercise of judgment by a federal agency, that party cannot independently satisfy those state duties for preemption purposes. Accordingly, state laws cannot "permit" the sale, distribution, or consumption of illegal marijuana products. PLIVA, Inc. v. Mensing, 564 U.S. 604, 617 (2011).

98. In US v. Hicks, 722 F.Supp.2d 829 (ED MI 2010) the court held that it is indisputable that state "medical" marijuana laws cannot supersede federal laws that criminalize the possession of marijuana. Even though a state passes a "medical" marijuana law, the distribution of marijuana remains illegal under federal law. United States v. Dinh, 194 F.Supp.3d 353, 356 57 (WD PA 2016).

99. The Defendants' actions are preempted by the federal Controlled Substances Act. Congress enacted the CSA for the purposes of consolidating various drug laws into a comprehensive statute, providing meaningful regulation over legitimate sources of drugs to prevent diversion into illegal channels, and strengthening law enforcement tools against international and interstate drug trafficking. 21 U.S.C. 801.

100. The Congressional findings in the CSA provide the Commerce Clause and international treaty legal justification for the CSA in the Congressional Findings section of the CSA.

21 U.S.C.A. § 801

§ 801. Congressional findings and declarations: controlled substances

The Congress makes the following findings and declarations:

- (1) Many of the drugs included within this subchapter have a useful and legitimate medical purpose and are necessary to maintain the health and general welfare of the American people.
- (2) The illegal importation, manufacture, distribution, and possession and improper use of controlled substances have a substantial and detrimental effect on the health and general welfare of the American people.
- (3) A major portion of the traffic in controlled substances flows through interstate and foreign commerce. Incidents of the traffic which are not an integral part of the interstate

or foreign flow, such as manufacture, local distribution, and possession, nonetheless have a substantial and direct effect upon interstate commerce because--

(A) after manufacture, many controlled substances are transported in interstate commerce,

(B) controlled substances distributed locally usually have been transported in interstate commerce immediately before their distribution, and

(C) controlled substances possessed commonly flow through interstate commerce immediately prior to such possession.

(4) Local distribution and possession of controlled substances contribute to swelling the interstate traffic in such substances.

(5) Controlled substances manufactured and distributed intrastate cannot be differentiated from controlled substances manufactured and distributed interstate. Thus, it is not feasible to distinguish, in terms of controls, between controlled substances manufactured and distributed interstate and controlled substances manufactured and distributed intrastate.

(6) Federal control of the intrastate incidents of the traffic in controlled substances is essential to the effective control of the interstate incidents of such traffic.

(7) The United States is a party to the Single Convention on Narcotic Drugs, 1961, and other international conventions designed to establish effective control over international and domestic traffic in controlled substances.

101. Except as otherwise authorized, the CSA makes it unlawful to knowingly or intentionally "possess with intent to manufacture, distribute, or dispense, a controlled substance." 21 U.S.C. 841(a)(1).

102. The New York Cannabis Law is subject to the Commerce Clause as decided recently by the federal District Court for the Northern District of New York in the case of Variscite NY One v. State of New York, 2022 WL 17257900 (ND NY November 10, 2022).

103. The states have no authority to regulate commerce in marijuana in conflict with the CSA or to enter into the marijuana interstate marketplace. By their actions promoting and financing marijuana they are entering the marketplace and advocating for its use. Only the federal government can regulate its sales and commerce. United States v. Oakland Cannabis Buyers' Co-op., 532 U.S. 483, 489-90 (2001) (citing 21 U.S.C. 841(a)(1), 823(f)).

104. Marijuana is classified under federal law as a Schedule I drug because: (1) the

drug has a high potential for abuse; (2) the drug has no currently accepted medical use in treatment in the United States; and (3) there is a lack of accepted safety for use of the drug under medical supervision. 21 U.S.C. 811, 812(b). Gonzales v. Raich, 545 U.S. 1, 15 (2005).

105. The original placement in Schedule I reflected concerns among legislators about the increasing prevalence of marijuana, particularly among young people. See 116 Cong. Rec. 33,649-50 (statements of Reps. Anderson and Keith). That concern is even more real today. See, “Weed is Literally Blowing Young Mens Minds” (Exhibit 8)

106. The DEA and FDA have decided to keep marijuana as a Schedule I drug. Elansari v. United States, 2016 WL 4415012 (MD PA 2016); US v. Pickard, 100 F.Supp.3d 981, 1007 1009 (D CA 2015); Summary of the Medical Application of Marijuana: A Review of Published Clinical Studies, U.S. FDA Center for Drug Evaluation and Research, 81 Fed. Reg. 53767 (August 12, 2016).

107. The classification of marijuana as a Schedule I controlled substance is not arbitrary or capricious or a violation of due process. U.S. v. Greene, 892 F.2d 453 (CA6 1989), certiorari denied 110 S.Ct. 2179. As a Schedule I drug, the manufacture, distribution or possession of marijuana is a criminal offense under the CSA. For example:

a. It is unlawful for any person knowingly or intentionally to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance unless it is in accordance with the CSA. 21 U.S.C. 841(a)

b. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner. This exception does not apply to Schedule I drugs such as marijuana, which has no accepted medical use. 21 U.S.C. 844(a). In any case, because marijuana is not

approved as a medicine under federal law, it cannot be prescribed. Physicians have to follow federal law in writing prescriptions. 21 CFR § 1306.04; Wilcox v. Louisiana State Bd. of Medical Examiners, 446 So.2d 502 (Ct. App. La. 1984). However, in an attempt to work around the federal law, marijuana can be “recommended” under the state law, which supposedly avoids the federal law prescription problem, but in practice a prescription and a recommendation are the same.

c. It is unlawful to use any communication facility such as the Internet to commit felony violations of the CSA. 21 U.S.C. 843

d. It is illegal to conspire to commit any of the crimes set forth in the CSA. 21 U.S.C. 846

e. It is unlawful to knowingly open, lease, rent, maintain, or use property for the manufacturing, storing, or distribution of controlled substances. 21 U.S.C. 856. This applies to landlords such as the Defendants seek to become.

f. It is unlawful to distribute or manufacture controlled substances within 1,000 feet of schools, colleges, playgrounds, and public housing facilities, and within 100 feet of any youth centers, public swimming pools, and video arcade facilities. 21 U.S.C. 860

108. Federal law also states that “[w]hoever, knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.” (18 U.S.C. 3). Under 18 U.S.C. 4, “[w]hoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.”

109. State and local government employees are not immune from prosecution. For an

official to be "lawfully engaged" in the enforcement of a law relating to controlled substances, however, and therefore entitled to protection under the statute creating immunity from federal drug laws, the law that the official is "enforcing" must itself be consistent with federal law and the New York laws are not. United States v. Rosenthal, 266 F.Supp.2d 1068, 1078 (ND CA 2003). 21 U.S.C. 885(d).

110. Preemption may be either expressed or implied. Congress may choose to preempt state law with the express language of an enactment. In the alternative, there are two forms of implied preemption: field and conflict. Field preemption applies where the scheme of federal regulation is so pervasive as to make reasonable the inference that Congress left no room for the States to supplement it. Gade v. National Solid Wastes Management Association, 112 S.Ct. 2374 (1992). Conflict preemption applies to the present matter because the CSA explicitly leaves room for state law to operate unless there is a conflict:

No provision of this subchapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which that provision operates, including criminal penalties, to the exclusion of any State law on the same subject matter which would otherwise be within the authority of the State, unless there is a positive conflict between that provision of this subchapter and that State law so that the two cannot consistently stand together. 21 U.S.C. 903 (emphasis added)

111. Due to the positive conflict with federal law, Plaintiffs' preemption cause of action focuses on conflict preemption. Conflict preemption occurs in two scenarios. First, conflict preemption arises "where it is impossible for a private party to comply with both state and federal requirements." PLIVA, Inc. v. Mensing, 564 U.S. 604, 618 (2011). The second context in which conflict preemption applies is when "state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." "When there is a conflict, the federal law must prevail." Free v. Bland, 369 U.S. 663, 666 (1962). The relative

importance to the state of its own law is not material when that law conflicts with a valid federal statute. Fidelity Fed. Sav. & Loan Ass'n v. de la Cuesta, 458 U.S. 141 (1982).

112. Defendants were well aware that the operations of their marijuana trafficking operations violate federal controlled substances and food and drug laws. They were warned by CIVEL, yet they still chose to engage in illegal actions. (Exhibit 3).

**COUNT TWO
DEFENDANTS HAVE VIOLATED FEDERAL LAW BY THEIR ILLEGAL
FINANCING OF MARIJUANA TRAFFICKING AND MUST BE ENJOINED UNDER
FEDERAL LAW AND THE NEW YORK STATE FINANCE LAW 123 AND COMMON
LAW**

113. Plaintiffs repeat and reallege the foregoing allegations as if fully set forth herein.

114. Defendants are attempting to use existing state funds and funds derived from marijuana sales to finance marijuana trafficking stores, or as they call them "retail cannabis dispensaries." Using the word "dispensary" is an attempt to make the marijuana trafficking stores sound harmless. Plaintiffs ask, "Should we now be referring to tobacco or alcohol stores "dispensaries?"

Citizens' Rights Under New York State Finance Law 123

115. State Finance Law 123 states that any person, which includes a corporation, who is a citizen taxpayer, whether or not they may be affected or specially aggrieved by the activity herein referred to, may maintain an action for equitable or declaratory relief, or both, against an officer or employee of the state who in the course of his or her duties has caused, is now causing, or is about to cause a "wrongful expenditure, misappropriation, misapplication, or any other illegal or unconstitutional disbursement of state funds or state property State Finance Law 123 a and b. (emphasis added). (Exhibit 10)

116. State Finance Law 123 grants individual taxpayers "an interest in the proper disposition of all state funds and properties." The State Finance Law authorizes an action for declaratory or injunctive relief by any person who is a citizen taxpayer whether or not such

person is or may be affected or specially aggrieved by the alleged illegal disbursement. Finance Law 123.

117. For the purpose of this provision, a "citizen" is any person who is a resident of New York State. A "taxpayer" is any citizen who has paid or is paying state income taxes or state sales taxes, and a "person" is any individual, public, or private corporation. State Finance Law 123-a.

118. State Finance Law 123 was enacted in recognition of the fact that each individual citizen and taxpayer of the state has an interest in the proper disposition of all state funds and properties. Whenever this interest is or may be threatened by an illegal or unconstitutional act of a state officer or employee, the need for relief is so urgent that any citizen taxpayer has standing to seek a remedy. The State Finance Law 123 is remedial in nature and thus liberally construed.

119. Given the unlikelihood that public officials would challenge the constitutionality of their own acts as well as the general responsibility of state officials to uphold and support action taken by the various branches of state government, the exclusion of the citizen taxpayer from access to the courts would necessarily diminish the possibility of judicial review of state legislative and executive action. The denial of standing would "erect an impenetrable barrier to any judicial scrutiny of legislative action." Boryszewski v. Brydges, 37 N.Y.2d 361, 364 (1975).

There Are On-going Illegal or Unconstitutional Disbursements of State Funds by State Officers or Employees

120. The Defendants' scheme of financing the marijuana trafficking stores is in direct conflict with federal law. It is money laundering and racketeering under federal racketeering laws. This conduct constitutes racketeering activity and money laundering pursuant to 18 U.S.C.

1961(1) and 18 U.S.C. 1956. (Exhibit 9). 18 U.S.C. 1956 that deals with laundering of monetary instruments and the criminal actions that entails:

(a)(1) Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity.....

(A)(I) with the intent to promote the carrying on of specified unlawful activity;

18 U.S.C. 1956 goes on to define its terms:

(c) As used in this section--

(1) the term "knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity" means that the person knew the property involved in the transaction represented proceeds from some form, though not necessarily which form, of activity that constitutes a felony under State, Federal, or foreign law, regardless of whether or not such activity is specified in paragraph (7);

(2) the term "conducts" includes initiating, concluding, or participating in initiating, or concluding a transaction;

(3) the term "transaction" includes a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition, and with respect to a financial institution includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, use of a safe deposit box, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected;

(4) the term "financial transaction" means (A) a transaction which in any way or degree affects interstate or foreign commerce (I) involving the movement of funds by wire or other means or (ii) involving one or more monetary instruments, or (iii) involving the transfer of title to any real property, vehicle, vessel, or aircraft, or (B) a transaction involving the use of a financial institution which is engaged in, or the activities of which affect, interstate or foreign commerce in any way or degree;

(5) the term "monetary instruments" means (I) coin or currency of the United States or of any other country, travelers' checks, personal checks, bank checks, and money orders, or (ii) investment securities or negotiable instruments, in bearer form or otherwise in such form that title thereto passes upon delivery;

(6) the term "financial institution" includes--

(A) any financial institution, as defined in section 5312(a)(2) of title 31, United States Code, or the regulations promulgated thereunder; and

(B) any foreign bank, as defined in section 11 of the International Banking Act of 1978 (12 U.S.C. 3101);

(7) the term "specified unlawful activity" means--

(A) any act or activity constituting an offense listed in section 1961(1) of this title except an act which is indictable under subchapter II of chapter 53 of title 31;

(B) with respect to a financial transaction occurring in whole or in part in the United States, an offense against a foreign nation involving.....

(I) the manufacture, importation, sale, or distribution of a controlled substance (as such term is defined for the purposes of the Controlled Substances Act); (emphasis added)

Defendants Intended to Take illegal Actions

121. There is no doubt that the Defendants intended to finance marijuana trafficking operations that are illegal activities. They say so in their press release. (Exhibit 1). They were warned not to do this by CIVEL. (Exhibit 3).

a. Defendants chose to be involved in a financial transaction that represents the proceeds of a form of unlawful activity with the intent to promote the carrying on of more specified unlawful activity.

b. Defendants knew that the property involved in a financial transaction represents the proceeds of some form of unlawful activity because they knew the transaction represented proceeds from some form of activity that constitutes a felony under federal law. The unlawful activity means the manufacture, importation, sale, or distribution of a controlled substance (as such term is defined for the purposes of the Controlled Substances Act);

c. Defendants initiated and then participated in the transaction and delivered same by a monetary instrument through a financial institution. "Monetary instruments" means (I) coin or currency of the United States.

d. This transaction affects interstate or foreign commerce and is subject to federal law. Gonzales v. Raich, 545 U.S. 1, 29 (2005); Variscite NY One v. New York, 2022 WL 17257900 (ND NY 2022) that held that the New York cannabis laws are subject to the Commerce Clause.

e. The funds will also be sent out of state to a Delaware Corporation.

Common Law Taxpayer Standing to Enable Judicial Scrutiny of Legislative Action

122. There is also a common law remedy for taxpayers to challenge important governmental actions, despite such parties being otherwise insufficiently interested for standing purposes, when the failure to accord such standing would be in effect to erect an impenetrable barrier to any judicial scrutiny of legislative action. Where the issues in a case are fundamental and of immense public significance, the action can serve as a means for citizens to ensure the continued vitality of the constraints on power that lie at the heart of the state's constitutional scheme. These acts on the part of the Defendants represent use of public property or funds for illegal purposes. The illegal appropriations and disbursement of state funds are official acts that imperil public interests and result in public injury and threaten waste through the dissipation of public funds in an unauthorized manner. This is not a matter of negligence or error. The Defendants were explicitly warned of the illegality of their actions. (Exhibit 3).

123. Plaintiffs have established their taxpayer status and claim that by money laundering and financing an illegal activity the actions of Defendants imperil public interests by conflicting with federal law and is a usurpation of powers not granted under the United States Constitution.

Defendants' Blatant Financing of Marijuana Trafficking Is Illegal under Federal Law and Should Be Enjoined

124. Plaintiffs have specifically identified a wrongful expenditure of State funds by the Defendants to bring them within the ambit of Finance Law 123-b and there is a sufficient nexus to State fiscal activities for a lawsuit under section Finance Law 123-b. The challenged expenditures can be clearly traced to identifiable State funds. (Exhibits 1 and 2)

125. The "dispositive activity" being challenged by Plaintiffs here is a fiscal activity

and not a regulatory activity. This action does not depend on what agency gets the funds or its purpose in the use of the funds. It is the illegality of using the funds for any illegal purpose that is subject to the State Finance Law 123. Plaintiffs have no other adequate remedy at law and the State Finance Law 123 specifically provides for injunctive relief in cases such as this.

126. Implementation of the Defendants' actions will require that, as a condition of employment, state government employees will be required to become involved in affirmative actions to protect, facilitate and/or oversee the manufacture, distribution, and possession of marijuana. This is a direct violation of federal law. United States v. Rosenthal, 454 F.3d 943, 948 (CA 9 2006).

127. For an official to be "lawfully engaged" in the enforcement of a law relating to controlled substances, however, and therefore entitled to protection under statute creating immunity from federal drug laws, the law that the official is "enforcing" must itself be consistent with federal law and the New York Cannabis Law is not. United States v. Rosenthal, 266 F.Supp.2d 1068, 1078 (ND CA 2003). 21 U.S.C. 885(d)

128. Under federal law the Defendants, and the marijuana traffickers they intend to fund, do not have any due process claims. They will be involved in the manufacturing, distribution, dispensing, or acquiring marijuana, which is a controlled substance. The Controlled Substances Act ("CSA") states that "no property right shall exist" in marijuana as a Schedule I drug. See 21 U.S.C. 881(a)(1), 812(b)(1)(B). Borges v. County of Mendocino, 2023 WL 2363692 # 1 (CA 9, March 6, 2023). See also United States v. Langley, 17 F.4th 1273, 1275 (9th Cir. 2021), cert. denied, 142 S. Ct. 1398 (2022).

129. Under 21 U.S.C.A. 881 ("Forfeitures"), no property right shall exist in:

(1) All controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of this subchapter.....

130. The Defendants' standing rights are thus limited.

Financiers and Banks

131. Federal anti-money laundering statutes make it illegal to engage in financial transactions designed to promote illegal activities, including drug trafficking. 18 U.S.C. 1956 and 1957. The banking institutions or other corporations utilized by the state may be engaging in money laundering in violation of 18 U.S.C. 1956 and 1957 if these actions are not halted. This conduct constitutes racketeering activity pursuant to 18 U.S.C. 1961(1). The New York Cannabis Law puts these financiers in jeopardy. The Defendants should warn them of their liability so their attorneys can advise them.

132. The taxes that the state collects from marijuana sales are the proceeds of marijuana trafficking. The fact that the state collects these proceeds as taxes does not magically cleanse them of their illegality.

133. In addition, commercial marijuana operations, including production facilities, processing plants, packaging plants, wholesalers, and retail sales outlets are subject to state and federal tax laws. The federal tax code, 26 U.S.C.A. 280E states that marijuana business expenses cannot be deducted.

134. No previous action has been brought for the relief sought herein.

COUNT THREE THE PLAINTIFFS, HAVING BEEN DEPRIVED OF RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED BY THE UNITED STATES CONSTITUTION AND FEDERAL LAWS, HAVE CLAIMS UNDER 42 U.S.C. 1983

135. Plaintiffs repeat and reallege the foregoing allegations as if fully set forth herein.

136. By their actions described above in depriving the plaintiffs of the protections of

the federal drug and food laws that are “rights, privileges, or immunities secured by the Constitution” and federal laws plaintiffs also make their claims under the federal civil rights law 42 U.S.C. 1983.

Warning to the Defendants regarding claims under the Racketeer Influenced and Corrupt Organizations Act (RICO)

137. Persons damaged or injured in their property or business by marijuana stores or marijuana growing operations or financing may initiate civil proceedings under the Racketeer Influenced and Corrupt Organizations Act (RICO). 18 U.S.C. 1964. All property constituting or derived from, directly or indirectly, the proceeds of racketeering activities is subject to forfeiture regardless of any provision of state law. 18 U.S.C. 1963(a). The Tenth Circuit held that a recreational marijuana facility adjacent to Plaintiffs’ land could both interfere with their present use and enjoyment of the land and cause a diminution in its market value. Safe Streets Alliance v. Alternative Holistic Healing, 859 F.3d 865 (CA 10 2017)

138. If in the future the marijuana trafficking operations give rise to a RICO claim the Defendants are warned that such a claim or others will be filed against the individual Defendants and the marijuana trafficking operations they fund because the funding and acting as landlords involves the Defendants in a conspiracy to engage in marijuana trafficking.

PRAYER FOR RELIEF FOR ALL COUNTS

Plaintiffs pray for relief as follows:

1. Declaratory relief stating that state laws and actions creating the “Social Equity Cannabis Investment Fund” are preempted and in conflict with federal law.
2. For a judgment under State Finance Law 123 enjoining the State of New York from using any public or private funds to engage in marijuana trafficking.

3. Cost of the action.
4. Reasonable attorney's fees, to the extent that the law allows.
5. For such other and further relief as the Court may deem just and proper.

JURY TRIAL

Plaintiffs requests a jury trial of all issues so triable.

Dated August 23, 2023

Bartels & Feureisen LLP
Attorneys for Plaintiffs

By: _____


George F. Hritz
2 Depot Plz
Suite 303
Bedford Hills, NY 10507
George@HritzLaw.com
(203) 570-2310

Footnotes

1. The Marihuana Regulation and Taxation Act (MRTA) refers to products made from the dried leaves and flowers of the cannabis plant as "marihuana." Since federal law uses the term "marijuana," that term will be used herein and refers to all cannabis products in New York. For the purposes of this Complaint, marihuana, marijuana, and cannabis all refer to the same plant substance officially known as cannabis Sativa L. It also applies to any synthetic cannabinoids.

2. Article VI, Sect. 2 of U.S. Constitution: "This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

3. UNIS/NAR/1190, 11 December 2013, Uruguay is breaking the International Conventions on Drug Control with the Cannabis Legislation approved by its Congress
http://incb.org/documents/Publications/PressRelease/PR2013/press_release_111213.pdf.

4. University of California at Santa Barbara. The American Presidency Project: Message to the Senate Transmitting the Single Convention on Narcotic Drugs, 1961. Available at:
<https://www.presidency.ucsb.edu/documents/message-the-senate-transmitting-the-single-convention-narcotic-drugs-1961>.

5. See: The Controlled Substances Act (CSA): A Legal Overview for the 118th Congress. Congressional Research Service [Report R45948]. January 2023; available at:
<https://crsreports.congress.gov/product/pdf/r/r45948>

6. https://twitter.com/nys_cannabis

7. White Paper on Marijuana Dispensaries by the California Police Chiefs Association Task Force on Marijuana Dispensaries, pages 8-11;
<http://citeseerx.ist.psu.edu/viewdoc/download?jsessionid=8430B99C537AE70A5BAF7C32D284FE24?doi=10.1.1.178.9186&rep=rep1&type=pdf>;

Memorandum from Chief David Livingston, Concord California Police Department, to the Mayor and Council Members, August 29, 2003

8. Letter from Keith B. Nelson, Esq. Principal Deputy Assistant Attorney General, US Department of Justice to the Hon. John Conyers, Chairman US House Committee on the Judiciary, July 25, 2008;
See also: <https://www.businessinsider.com/dea-complains-about-marijuana-2016-8>

9. Association Between Recreational Marijuana Legalization in the United States and Changes in Marijuana Use and Cannabis Use Disorder From 2008 to 2016, Magdalena Cerdá, et, al. JAMA Psychiatry 2020 Feb 1;77(2):165-171. doi: 10.1001/jamapsychiatry.2019.3254.

<https://pubmed.ncbi.nlm.nih.gov/31722000/>

10. <https://edition.cnn.com/2023/07/06/health/ftc-fda-cease-and-desist-delta-8-thc-junk-food/index.html>

11. <https://internationalhighlife.com/thc-crystals-pure-thc/>

12. <https://www.hhs.gov/surgeongeneral/reports-and-publications/addiction-and-substance-misuse/advisory-on-marijuana-use-and-developing-brain/index.html>

13. <https://www.fda.gov/consumers/consumer-updates/what-you-need-know-and-what-were-working-find-out-about-products-containing-cannabis-or-cannabis>
<https://www.fda.gov/news-events/public-health-focus/warning-letters-and-test-results-cannabidiol-related-products>

<https://www.fda.gov/consumers/consumer-updates/what-you-should-know-about-using-cannabis-including-cbd-when-pregnant-or-breastfeeding>
<https://www.fda.gov/consumers/consumer-updates/some-medicines-and-driving-dont-mix>

FDA Issues Warning Letters to Companies Illegally Selling CBD and Delta-8 THC Products
<https://www.fda.gov/news-events/press-announcements/fda-issues-warning-letters-companies-illegally-selling-cbd-and-delta-8-thc-products>

Lung Injury Update: FDA Warns Public to Stop Using Tetrahydrocannabinol (THC)-Containing Vaping Products and Any Vaping Products Obtained Off the Street
<https://www.fda.gov/safety/medical-product-safety-information/lung-injury-update-fda-warns-public-stop-using-tetrahydrocannabinol-thc-containing-vaping-products>

Five Things to Know about Delta-8 Tetrahydrocannabinol – Delta-8 THC
<https://www.fda.gov/consumers/consumer-updates/5-things-know-about-delta-8-tetrahydrocannabinol-delta-8-thc>

Vaping Illness Update: FDA Warns Public to Stop Using Tetrahydrocannabinol (THC)-Containing Vaping Products and Any Vaping Products Obtained Off the Street
<https://www.fda.gov/consumers/consumer-updates/vaping-illness-update-fda-warns-public-stop-using-tetrahydrocannabinol-thc-containing-vaping>

Three Michigan Men Indicted for Distribution of THC Vape Cartridges
<https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/press-releases/three-michigan-men-indicted-distribution-thc-vape-cartridges>

Akron Man Indicted for Possession with Intent to Distribute THC Vape Cartridges and Illegal Firearm Possession

<https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/press-releases/akron-man-indicted-possession-intent-distribute-thc-vape-cartridges-and-illegal-firearm-possession>

FDA Warns Consumers About the Accidental Ingestion by Children of Food Products Containing THC

<https://www.fda.gov/food/alerts-advisories-safety-information/fda-warns-consumers-about-accidental-ingestion-children-food-products-containing-thc>

Navarre, Ohio Man Charged for Possessing with Intent to Distribute LSD, MDMA and THC Vape Cartridges

<https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/press-releases/navarre-ohio-man-charged-possession-intent-distribute-isd-mdma-and-thc-vape-cartridges>

Statement on consumer warning to stop using THC vaping products amid ongoing investigation into lung illnesses

<https://www.fda.gov/news-events/press-announcements/statement-consumer-warning-stop-using-thc-vaping-products-amid-ongoing-investigation-lung-illnesses>

Michigan Man Charged with Possession with Intent to Distribute More Than 1,000 THC Vape Cartridges

<https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/press-releases/michigan-man-charged-possession-intent-distribute-more-1000-thc-vape-cartridges>

FDA, DEA seize 44 websites advertising sale of illicit THC vaping cartridges to US consumers as part of Operation Vapor Lock

<https://www.fda.gov/news-events/press-announcements/fda-dea-seize-44-websites-advertising-sale-illicit-thc-vaping-cartridges-us-consumers-part-operation>

Tetrahydrocannabinol (THC)-containing Vaping Products: Vaping Illnesses

<https://www.fda.gov/safety/medical-product-safety-information/tetrahydrocannabinol-thc-containing-vaping-products-vaping-illnesses>

What You Should Know About Using Cannabis, Including CBD, When Pregnant or Breastfeeding

<https://www.fda.gov/consumers/consumer-updates/what-you-should-know-about-using-cannabis-including-cbd-when-pregnant-or-breastfeeding>

Adverse Event Reports Involving Delta-8 Tetrahydrocannabinol (THC) Products from the FDA CFSAN Adverse Event Reporting System (CAERS), 2021

<https://www.fda.gov/science-research/fda-science-forum/adverse-event-reports-involving-delta-8-tetrahydrocannabinol-thc-products-fda-cfsan-adverse-event>

Warning Letters and Test Results for Cannabidiol-Related Products

<https://www.fda.gov/news-events/public-health-focus/warning-letters-and-test-results-cannabidiol-related-products>

FDA Advisory, What You Need to Know (And What We're Working to Find Out) About Products Containing Cannabis or Cannabis-derived Compounds, Including CBD, November 25, 2019, available at www.fda.gov; Statement from FDA Commissioner Scott Gottlieb, M.D., on signing of the Agriculture Improvement Act and the agency's regulation of products containing cannabis and cannabis-derived compounds, available at www.fda.gov.

Summary of the Medical Application of Marijuana: a Review of Published Clinical Studies, U.S. FDA Center for Drug Evaluation and Research, 81 Fed. Reg. 53767 (August 12, 2016).

Statement from FDA Commissioner Scott Gottlieb, M.D., on signing of the Agriculture Improvement Act and the agency's regulation of products containing cannabis and cannabis-derived compounds, available at www.fda.gov.

<https://www.fda.gov/news-events/public-health-focus/fda-regulation-cannabis-and-cannabis-derived-products-including-cannabidiol-cbd>

Alliance for Cannabis Therapeutics v. Drug Enft Admin., 15 F.3d 1131, 1135 (DCC 1994); Denial of Petition To Initiate Proceedings To Reschedule Marijuana, by the Drug Enforcement Administration (DEA), Department of Justice. 81 FR 53767-01, 2016 WL 4240243 (August 12, 2016)

<https://www.fda.gov/ICECI/EnforcementActions/WarningLetters/2017/ucm583188.htm>

See the 2016 warning letter section at:

<https://www.fda.gov/NewsEvents/PublicHealthFocus/ucm484109.htm>

CDC information

<https://www.cdc.gov/marijuana/index.htm>

<https://www.cdc.gov/marijuana/health-effects/addiction.html>

<https://www.cdc.gov/marijuana/health-effects/brain-health.html>

<https://www.cdc.gov/marijuana/health-effects/cancer.html>

<https://www.cdc.gov/marijuana/health-effects/driving.html>

<https://www.cdc.gov/marijuana/health-effects/heart-health.html>

<https://www.cdc.gov/marijuana/health-effects/lung-health.html>

<https://www.cdc.gov/marijuana/health-effects/mental-health.html>

<https://www.cdc.gov/marijuana/health-effects/chronic-pain.html>

<https://www.cdc.gov/marijuana/health-effects/poisoning.html>

<https://www.cdc.gov/marijuana/health-effects/risk-of-other-drugs.html>

<https://www.cdc.gov/marijuana/health-effects/second-hand-smoke.html>

14. Facing Addiction in America: The Surgeon General's Report on Alcohol, Drugs, and Health, November, 2016, Chapters One and two and Appendix D pp.65-66 at: <https://addiction.surgeongeneral.gov/surgeon-generals-report.pdf>

15. American Psychiatric Association, 2013 "Position Statement on Marijuana as Medicine," <https://www.psychiatry.org/home/policy-finder>

16. Health Effects of Cannabis and Cannabinoids: Current State of Evidence and Recommendations for Research. See: <http://nationalacademies.org/hrndl--/medialFiles/Report%20Files/2017/Cannabis-Health-Effects/Cannabischapter-highlights.pdf>

17. <https://www.drugabuse.gov/news-events/news-releases/2017/09/marijuana-use-associated-increased-risk-prescription-opioid-misuse-use-disorders>;

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<https://www.nccih.nih.gov/health/cannabis-marijuana-and-cannabinoids-what-you-need-to-know>

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<http://www.poppot.org/2017/06/26/current-research-marijuana-pain-lacking/>

18. <http://gazette.com/editorial-the-sad-anniversary-of-big-commercial-pot-in-colorado/article/1614900>

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