

# Trump Appointed U.S. Attorney Warns Dispensary May Face DOJ

## U.S. Attorney Ed Martin Voices Concerns Over Marijuana Dispensary Proximity to Schools, Threatens Federal Action

In a bold move, Ed Martin, the interim U.S. Attorney for the District of Columbia, recently warned a cannabis dispensary about potential violations of federal law. This act has raised concerns regarding marijuana dispensaries' compliance with federal regulations, especially as they relate to their proximity to schools.

In an exclusive interview with NBC4, which aired on Friday, Martin addressed the letter he sent to the owners of Green Theory, a licensed marijuana dispensary in Washington, D.C. The letter raised alarms about the dispensary's location, highlighting potential violations of the Safe and Drug-Free Schools and Communities Act, which mandates that cannabis shops remain at least 1,000 feet away from school campuses.

### **Instinctive Concern: Should Cannabis Dispensaries Be in the Community?**

Martin's interview revealed a deeply rooted concern about the cannabis dispensary's placement in the community. While he emphasized that shutting down dispensaries wasn't his top priority, he expressed instinctive doubts about their location, particularly when it comes to proximity to schools. The concerns raised by parents about the dispensary's location near educational institutions played a key role in Martin's decision to issue the warning letter.

"My instinct is that it shouldn't be in the community based on what I saw from the parents," Martin stated. "But I think people and businesses deserve the opportunity to look at it and interact." These comments underscore Martin's approach to balancing federal law with local community concerns.

### **Letter to Green Theory: A Warning on Potential Federal Prosecution**

In his letter to Green Theory, Martin made it clear that although the dispensary complied with D.C. local regulations, federal law could still override state and local decisions. The letter read, "Your dispensary appears to be operating in violation of federal law, and the Department of Justice has the authority to enforce federal law even when such activities may be permitted under state or local law." This stark warning raises questions about the balance between local autonomy and federal oversight, particularly as marijuana use remains illegal at the federal level.

Martin continued, stating that both dispensary owners and employees could face serious legal consequences, including criminal prosecution and civil enforcement actions under federal law. The letter also requested that Green Theory respond by May 12, answering key questions about its compliance with federal marijuana laws.

and the dispensary's relationship with federal law enforcement.

## **Parental Concerns Push U.S. Attorney to Take Action**

The catalyst for Martin's letter appears to have been the concerns expressed by parents regarding the dispensary's location. Parents who contacted Martin's office voiced concerns that Green Theory's proximity to schools could have an adverse effect on the safety and wellbeing of children. These concerns seemed to influence Martin's stance, as he noted that the Safe and Drug-Free Schools and Communities Act is clear in its intent to prevent cannabis-related businesses from operating near educational institutions.

Martin explained his thought process: "You apply the facts to the law, but you do it in the context of what the community is going through at that moment." The emphasis on community feedback and parental concerns reflects Martin's sensitivity to local issues while still advocating for compliance with federal statutes.

## **Legal Complexity: D.C. Cannabis Laws vs. Federal Regulations**

The situation in Washington, D.C. is a prime example of the complexities surrounding cannabis legislation in the United States. Under D.C. law, medical marijuana dispensaries are required to maintain a distance of at least 300 feet from schools. However, this distance requirement is not absolute, as commercially zoned areas can sometimes override these regulations.

Despite this local rule, federal law remains a major hurdle for dispensaries. A key issue in this case is the Rohrabacher–Farr amendment, a budget rider that prohibits the Department of Justice from using federal funds to interfere with state medical marijuana programs. This provision has been pivotal in ensuring that marijuana businesses in states with legal medical cannabis programs remain largely untouched by federal authorities, as long as they comply with state law.

Green Theory, which transitioned from operating as a so-called "gifting shop" to becoming a licensed medical marijuana provider, is navigating these complex legal waters. At one point, the dispensary explored offering onsite marijuana consumption, but the business no longer intends to pursue that path. The situation underscores the difficulty cannabis businesses face in maintaining legal compliance while adhering to both state and federal regulations.

## **Federal vs. Local Control: The Ongoing Debate**

The tension between federal and local control over marijuana policy is a significant issue in D.C. and beyond. In March 2024, the D.C. Alcoholic Beverage and Cannabis Administration (ABCA) argued that its medical marijuana program was not hindered by federal law, pointing to the repeated renewal of the Rohrabacher–Farr amendment as evidence of Congress's intent to protect local medical cannabis programs. The agency emphasized that while marijuana is federally illegal, the continued funding protections for medical marijuana programs in states like D.C. reflect the federal government's acknowledgment of these local policies.

However, the federal government's stance on cannabis remains inconsistent. Former President Donald Trump's administration, particularly under Attorney General Jeff Sessions, had expressed strong opposition to cannabis legalization, rescinding Obama-era guidelines that discouraged federal prosecution of state-legal cannabis businesses. Despite this, Trump later softened his stance, endorsing a states' rights approach to marijuana laws, which would allow individual states to make their own decisions without interference from the federal government.

## **The White House's Contradictory Stance on Cannabis Policy**

This tension between federal and state cannabis laws continues under the Biden administration as well. Recently, the White House criticized D.C.'s marijuana decriminalization efforts, calling them part of a "failed" policy that has contributed to "disorder." This position is at odds with President Biden's previously stated support for states' rights to regulate marijuana.

In a broader context, the White House has consistently avoided taking a firm stance on cannabis reform. Although President Biden has expressed support for medical marijuana and rescheduling cannabis, his administration has been slow to push for legislative reforms or changes to the federal cannabis policy, such as full legalization or banking access for cannabis businesses.

## **The Future of Cannabis Policy: Uncertainty and Change**

As cannabis reform advocates continue to press for changes to federal law, the future of cannabis policy remains uncertain. A recent poll found that a majority of Republicans and overall voters support various cannabis reforms, including rescheduling marijuana under federal law. However, the current lack of a clear federal policy on marijuana leaves the industry in a state of flux, with businesses uncertain about their legal standing and future prospects.

The situation in Washington, D.C. serves as a microcosm of the broader national debate over marijuana legalization. While local laws continue to evolve, federal enforcement remains a looming threat, especially as policymakers grapple with the challenges of balancing public health concerns, community safety, and states' rights to regulate cannabis.

In the meantime, businesses like Green Theory continue to operate in a gray area, caught between the protections offered by state law and the threat of federal prosecution. As the legal landscape surrounding cannabis continues to shift, both businesses and lawmakers will need to navigate these challenges to ensure that cannabis laws reflect the evolving realities of public opinion and regulatory needs.

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