

Lawmakers Criticize Fed Prosecutor Claiming Marijuana a ‘Hazard’

U.S. Attorney Declares Marijuana a ‘Public Safety Hazard,’ Promises Aggressive Federal Enforcement on Federal Lands, Sparking Lawmaker and Advocate Backlash

Lawmakers and advocates are pushing back after U.S. Attorney Darin Smith for the District of Wyoming announced that his office would aggressively prosecute cannabis possession and use offenses on federal lands, stating that the current administration considers “marijuana use a public safety hazard.”

Smith’s announcement on Thursday caught some observers off guard, as his office indicated it would “rigorously” pursue cannabis cases while referencing a reversal of previously unpublicized Biden-era enforcement guidance that deprioritized such actions.

“Marijuana possession remains a federal crime in the United States, irrespective of varying state laws,” Smith said. “The detrimental effects of drugs on our society are undeniable, and I am committed to using every prosecutorial tool available to hold offenders accountable.”

He doubled down in an interview with local outlet WyoFile, saying, “This administration thinks that marijuana use is a public safety hazard and this office is going to uphold the law and ensure safety and security of the public within our jurisdiction.”

Marijuana Moment reached out to the White House for clarification on President Donald Trump’s stance on cannabis, but no comment had been provided by the time of publication.

Congressional Leaders and Cannabis Advocates Denounce Position, Emphasizing Possession is Not a Public Safety Threat

The announcement from Smith’s office has drawn criticism from lawmakers and advocacy groups, who argue that minor cannabis offenses do not pose a danger to public safety.

U.S. Rep. Dina Titus (D-NV), co-chair of the Congressional Cannabis Caucus, told Marijuana Moment, “Simple cannabis possession is not a threat to public safety, and it is ridiculous to justify the prosecution of individuals with an outdated law that does not reflect the current use of cannabis in the United States.”

She added, “The federal government needs to catch up to the states, recognize the legitimate industry that has emerged, dismantle the stigma surrounding the plant, and reform its outdated scheduling of marijuana as a dangerous drug.”

Adam Smith, executive director of the Marijuana Policy Project, called the announcement “stunning,” saying it prioritizes prosecutorial dogmatism over actual threats to public safety. “We’re not talking about large-

scale illegal grow operations here, we're talking about possession—people who may be hiking or camping with friends,” he said. “Surely there are far greater threats to the safety of Wyoming residents than adults passing a joint around a campfire miles from civilization.”

Paul Armentano, deputy director of NORML, echoed the concerns, emphasizing that nearly half of U.S. states have legalized cannabis possession and most Americans no longer support criminalizing personal use. “This policy decision undermines Trump’s own comments on the campaign trail, when he said: ‘We do not need to ruin lives and waste taxpayers’ dollars arresting adults with personal amounts of it on them,’” Armentano said.

Enforcement Shift Coincides with Federal Hemp Ban and Pending Rescheduling Process, Raising Industry Uncertainty

The U.S. attorney’s announcement follows President Trump signing a spending bill that includes provisions banning consumable hemp products containing THC—a move industry stakeholders say could eliminate the market established since the 2018 Farm Bill legalized hemp.

The enforcement change also intersects with an ongoing marijuana rescheduling review that Trump indicated in late August would be resolved within weeks, leaving the industry in limbo.

A White House spokesperson told Marijuana Moment that “there is a process ongoing regarding the Notice of Proposed Rulemaking on rescheduling marijuana from May 2024, and all policy and legal requirements and implications are being considered.”

While Trump has previously endorsed rescheduling, as well as banking access for the marijuana industry, and supported legalization initiatives in states like Florida, the administration has provided limited clarity on the timeline for federal reforms.

Wyoming U.S. Attorney’s Role and Appointment Add Context to Aggressive Stance

Darin Smith, the U.S. Attorney for Wyoming, was nominated by President Trump in July and appointed in August to serve in an acting capacity by Attorney General Pam Bondi pending Senate confirmation. His statement aligns with the Trump administration’s hardline posture on federal enforcement, though it appears to diverge from prior campaign rhetoric supporting leniency for personal possession.

“The president [was] forced to sign this bill [containing the hemp ban], which does away with the domestic hemp industry, creating thousands of jobs,” Stone said on his radio show, emphasizing congressional overreach in advancing “prohibition by the back door.”

Industry observers note that the announcement may exacerbate tensions as the federal government continues to navigate the collision of state-level legalization, federal scheduling, and enforcement priorities.

Cannabis Stakeholders Hope for Regulatory Clarity Amid Mixed Signals

With the new federal stance on THC products, U.S. attorneys’ office enforcement, and pending rescheduling, stakeholders face a confusing landscape. Advocates hope for compromise, particularly for consumable hemp products, before enforcement actions and prohibitions take effect.

Meanwhile, Trump has publicly promoted the health benefits of cannabis via his Truth Social platform, advocating for CBD coverage under Medicare as a “senior health initiative of the century.” This juxtaposition highlights the inconsistency in messaging between federal enforcement and public health advocacy.

As U.S. states continue to legalize cannabis in various forms, the conflict between federal law and state-level regulation remains a source of tension for lawmakers, industry participants, and consumers alike.

The U.S. Attorney for Wyoming's characterization of marijuana as a "public safety hazard" and commitment to aggressive federal prosecutions on public lands has drawn bipartisan criticism, highlighted the ongoing uncertainty of federal cannabis policy, and coincided with sweeping new federal restrictions on hemp-derived products all as stakeholders await clarity on rescheduling and regulatory reform.

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