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[Supreme Court action upholds medical marijuana law](#)



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By [John Byrne](#)

Published: May 18, 2009

Updated 3 months ago



The Supreme Court [refused to hear](#) a case Monday contesting California's medical marijuana law, in a win for medicinal marijuana advocates.

The case involved two California counties that contested a measure allowing medical marijuana, which was approved by voters in 1986. Lower courts have sided with advocates for medical marijuana.

San Diego and San Bernadino counties [have fought](#) state laws which require counties to issue medical marijuana ID cards. They argued that the state law allowing marijuana was at odds with federal drug laws.

"The courts have made clear that federal law does not preempt California's medical marijuana law and that local officials must comply with that law," Joe Elford, chief counsel with Americans for Safe Access (ASA), a national medical marijuana advocacy group, said in a release. "No longer will local officials be able to hide behind federal law and resist upholding California's medical marijuana law."

San Diego's argument rested on a claim that local police must enforce federal law and therefore couldn't abide by the voter-approved measure. But the federal government has never posited that municipalities themselves are responsible, Grimm says.

The Supreme Court's decision dovetails with an Obama Administration policy of relaxing federal enforcement of drug laws in California. Previously, federal agents regularly took part in raiding medical marijuana clubs.

Ten California counties have now been ordered to implement the ID card program: Colusa, Madera, Mariposa, Modoc, Mono, San Bernardino, San Diego, Solano, Stanislaus and Sutter.

Marijuana was approved for medical use in an effort to ameliorate the pain of chronically- and terminally-ill patients.

Medicinal use of marijuana [is legal](#) in thirteen US states: Alaska, California, Colorado, Hawaii, Maine, Michigan, Montana, Nevada, New Mexico, Oregon, Rhode Island, Vermont and Washington.



It's also legal for medical use in Canada, Austria, the Netherlands, Spain, Israel, Finland and Portugal.

Correction: An earlier version of this article said that medical marijuana is legal in New Jersey. It is not,



though legislation has passed the state senate.

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