

JAKE WHEATLEY, JR., MEMBER

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House of Representatives
Commonwealth of Pennsylvania
Harrisburg

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MEMBER

June 26, 2019

Attorney General Josh Shapiro
PA Office of Attorney General / Press Office
16th Floor, Strawberry Square
Harrisburg, PA 17120

Dear Attorney General Shapiro:

I am reaching out regarding the illegal status of cannabis at the federal level and its impact on the Medical Marijuana Program here in the Commonwealth and the citizens who utilize it. There is a concern that the continued illegal status of cannabis is forcing participants of the Medical Marijuana Program to lie on federal documents especially as it relates to a their 2nd Amendment right to keep and bear arms. This unnecessarily puts our citizens in harm's way for simply seeking treatment to certain ailments.

I am asking that your office encourage the Federal Government do the following:

- Contact the three appointed United States Attorneys located in the Western, Middle and Eastern Districts of Pennsylvania to get their assurances that they will not prosecute, otherwise law abiding medical cannabis patients who possess firearms under 18 U.S.C 922 (g) (3) (Firearm possession prohibited if an individual uses controlled substances not prescribed by a physician); and/or
- Ask US Attorneys located in the Western, Middle and Eastern Districts of Pennsylvania to state that prosecuting an otherwise law abiding medical cannabis patient for violating 922(g)(3) is a lowest law enforcement priority and would not be undertaken absent extenuating and compelling circumstances (patient indicted in a drug trafficking organization and found to be in possession of a firearm, for example)

I am also asking that your office do the following:

- Discontinue the use of the ATF Form 4473 for background checks for firearm purchases;
- Promulgate a state form for State Police background checks that makes no reference to federal controlled substance prohibitions;
- Work with local Sheriff Departments to emphasize the need to protect medical cannabis patients' Second Amendment rights when conducting background checks for Concealed Carry applications or renewals; and

As elected officials our goal should be to oversee a system that is equitable and that empowers people. Pennsylvania and all other states that have a medical program should not be jeopardizing the security of their citizens while providing them with a medical option. Citizens 2nd Amendment Right should be protected as they seek treatment within state law. The Medical Marijuana Program should not harm our citizens by putting them in the federal line of fire.

The war on drugs displaced thousands of people throughout the United States and after years of an unjust war, we are finally seeing policies put in place at the state level that attempt to undo the negative effects of that war. It is time the states start pressing the Federal Government to get on board and join the states on the right side of history. Your office can help push the Federal Government to do what is right and what is necessary as the country changes state by state.

Sincerely,

A handwritten signature in cursive script that reads "Jake Wheatley, Jr." with a period at the end.

Jake Wheatley, Jr.
State Representative
19th Legislative District