

Bureau of Alcohol, Tobacco, Firearms and Explosives

ATF

News Release

St. Paul Field Division



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ATF Provides Clarification Related to New Minnesota Marijuana Law

ST. PAUL, Minnesota - The Bureau of Alcohol, Tobacco, Firearms and Explosives provides clarification for gun owners and potential gun owners who may be considering using marijuana given Minnesota's recent ease on marijuana restrictions, drawing attention to the distinction between state and federal law.

The federal Gun Control Act of 1968 prohibits any person who is an unlawful user of or addicted to any controlled substance as defined by the Controlled Substances Act of 1970 from shipping, transporting, receiving, or possessing firearms or ammunition.

Regardless of the recent changes in Minnesota law related to the legalization of marijuana, an individual who is a current user of marijuana is still federally defined as an "unlawful user" of a controlled substance and therefore is prohibited from shipping, transporting, receiving, or possessing firearms or ammunition.

"Until marijuana is legalized federally, firearms owners and possessors should be mindful that it remains federally illegal to mix marijuana with firearms and ammunition," said ATF's Acting Special Agent in Charge Jeff Reed, of the St. Paul Field Division. "As regulators of the firearms industry and enforcers of firearms laws, we felt it was important to remind Minnesotans of this distinction as the marijuana laws adjust here in the State of Minnesota."

People who are looking to purchase firearms must attest whether or not they are an unlawful user of marijuana on an [ATF Form 4473](#) during a firearm transaction.

As states began easing restrictions on marijuana, [ATF issued an open letter](#) to Federal Firearms Licensees in 2011 to provide guidance on how to best comply with federal firearms laws and regulations.

The 2011 guidance reminds Federal Firearms Licensees that it is unlawful to transfer a firearm to any person knowing or having reasonable cause to believe that the person is an unlawful user of a controlled substance.

The Controlled Substance Act recognizes five categories while classifying various drugs, substances, and other chemicals. Marijuana is considered a Schedule I drug, which under federal definition, has no accepted medical use and a high potential for abuse. Other drugs in this category include heroin, LSD, ecstasy, etc.

Federal law does not provide any exception allowing the use of marijuana for medicinal or recreational purposes.

ATF is a law enforcement agency that protects our communities from violent criminals, criminal organizations, the illegal use and trafficking of firearms, the illegal use and storage of explosives, acts of arson and bombings, acts of terrorism, and the illegal diversion of alcohol and tobacco products.

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