

U.S. Senate Urges DOJ to Uphold Cole Memorandum

Articles March 6, 2017

On Thursday March 2, a bi-partisan group of U.S. Senators wrote a letter to Attorney General Jeff Sessions expressing concern over remarks made by the Trump administration over Department of Justice (DOJ) enforcement against states that have legalized marijuana. The letter asked for clarification of the DOJ's policy and for the DOJ to uphold existing policy imposed by the guidance issued by the 2013 Cole Memorandum.

The letter provides that the Cole Memorandum "explains that where states have "strong and effective regulatory and enforcement systems to control the cultivation, distribution, sale, and production of marijuana, ... enforcement of state law by state and local law enforcement and regulatory bodies should remain the primary means of addressing marijuana-related activity"...allow[ing] the DOJ to focus its law enforcement resources on the greatest threats to public safety and criminal justice, while allowing states to implement marijuana laws as they deem appropriate."

Senators further stated in the letter that "[i]t is essential that states that have implemented any type of practical, effective [medical or recreational] marijuana policy receive immediate assurance from the DOJ that it will respect the ability of states to enforce thoughtful, sensible drug policies in ways that do not threaten the public's health and safety. This ensures that state infrastructure, including tax revenue, small businesses, and jobs, can be protected; DOJ resources can be used most effectively; and most importantly, that marijuana can be properly regulated to improve public health and safety."

The letter was signed by Senators Elizabeth Warren (D-MA), Lisa Murkowski (R-AK), Patty Murray (D-WA), Ron Wyden (D-OR), Jeff Merkley (D-OR), Maria Cantwell (D – WA), Edward Markey (D-MA), Brian Schatz (D-HI), Catherine Cortez Masto (D-NV), Cory Booker (D-NJ), and Michael Bennet (D-CO).

Colorado Attorney General Cynthia Coffman is the first, of what will likely be other states that have legalized marijuana, to invite Mr. Sessions and his team to view her state's recreational marijuana business in order to provide the DOJ with a better understanding of how legalized marijuana is enforced in, and beneficial to, Colorado.

For more information contact Medical Marijuana Practice Group for updates on Pennsylvania and Federal legislation affecting the Pennsylvania medical marijuana industry.