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January 5, 2018

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Sessions:

I write to request that you rescind the Department of Justice's January 4, 2018 guidance regarding marijuana enforcement (the "2018 Guidance").

The Justice Department's decision to rescind the Cole Memorandum completely disregards the steps the state of Colorado has taken to regulate legal marijuana dispensaries and retail stores. It also creates uncertainty and confusion for businesses, patients, and customers who are following the law. With 29 states now having some form of legalized marijuana, the Cole memorandum provided useful guidance to help them work with the federal government to create systems that would best minimize the need for federal intervention. Our state, as well as the 28 other states, will remain obligated to carry out the will of the people. However, we must now do so in the context of nebulous federal interaction. I understand that this is now and has always been an issue of prosecutorial discretion but with the majority of the country living in a state with some form of legalized marijuana, we need a coherent strategy from the Department of Justice as to how this discretion will be administered. The failure to do so will invite chaos, which will do more to harm public safety than to restrict legal marijuana.

I also fear that your decision may make it more difficult for marijuana businesses to obtain merchant services from banks and credit unions, forcing them to conduct more business in cash. This may raise significant public safety issues and make it harder to ensure that businesses are complying with state laws and regulations—which is the exact opposite intended effect of the 2018 Guidance.

All the while, the Department of Justice should be using its limited resources more effectively, like combatting the out-of-control opioid crisis. Finally, the 2018 Guidance is completely inconsistent with President Trump's assessment in 2016 that marijuana regulation be left to the states.

I hope you re-consider your decision regarding marijuana enforcement. In the meantime, I would be happy to meet with you in person to discuss this further.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael F. Bennet". The signature is fluid and cursive, with a prominent initial "M" and a stylized "B".

Michael F. Bennet
U.S. Senator