



Office of the Attorney General

Washington, D. C. 20530

July 24, 2017

The Honorable John Hickenlooper
Governor
State of Colorado
Office of the Governor
200 E. Colfax Avenue
Denver, CO 80203

Dear Governor Hickenlooper:

Thank you for your letter of April 3, 2017, which I have attached to this letter as Exhibit A for your convenience. As we discussed in our subsequent meeting at the end of April, I am pleased that you share my concern for public health and safety and my belief that the federal and state governments should work together to address our country's concerns with marijuana. Congress has determined that marijuana is a dangerous drug and that the illegal distribution and sale of marijuana is a crime. The Department remains committed to enforcing the Controlled Substances Act in a manner that efficiently applies our resources to address the most significant threats to public health and safety. I look forward to working with you on these issues. As you know, the Office of National Drug Control Policy led a trip to Colorado to work with your staff on these issues, and the Department sent a representative on that visit.

After our meeting, I re-read with interest the statement in your letter that you "have worked . . . to establish robust regulatory structures that prioritize public health and public safety," and that you believe that the 2013 Cole Memorandum, its eight enforcement priorities, and related memoranda are an "indispensable" part of the "framework" in your state. In that regard, I would note the concluding paragraph: "nothing herein [in the Cole Memorandum] precludes investigation or prosecution, even in the absence of any one of the factors listed above, in particular circumstances where investigation and prosecution otherwise serves an important federal interest." Thus, the memorandum "does not alter in any way the Department's authority to enforce federal law, including federal laws relating to marijuana, regardless of state law."

I also recently read the 2016 report by the Rocky Mountain High Intensity Drug Trafficking Area (HIDTA), entitled "The Legalization of Marijuana in Colorado: The Impact." (A copy of this report is attached as Exhibit B.) This report raises serious questions about the efficacy of marijuana "regulatory structures" in your state, including findings that:

- "Highway patrol yearly interdiction seizures of Colorado marijuana increased 37 percent from 288 to 394 (2013-2015), since recreational marijuana was legalized";
- "Of the 394 seizures in 2015, there were 36 different states destined to receive marijuana from Colorado";
- Seizures of Colorado marijuana in the U.S. mail increased 427 percent after Colorado enacted "recreational marijuana" laws;

- Although youth marijuana use declined at the national level for the time period after Colorado enacted “recreational marijuana” laws, youth use in Colorado “increased 20 percent”;
- “Marijuana-related traffic deaths increased 48 percent in the three-year average (2013-2015) since Colorado legalized recreational marijuana compared to the three-year average (2010-2012) prior to legalization”;
- “Emergency Department rates likely related to marijuana increased 49 percent” after Colorado enacted “recreational marijuana” laws;
- “Marijuana-related traffic deaths increased 62 percent” after Colorado enacted “recreational marijuana” laws and operators tested positive for marijuana in 21 percent of traffic deaths in 2015, more than double the rate for 2009; and
- “Marijuana-related exposures increased 100 percent” after Colorado enacted “recreational marijuana” laws.

These findings are relevant to the policy debate concerning marijuana legalization. I appreciate your offer to engage in a continuing dialogue on this important issue. To that end, please advise as to how Colorado plans to address the serious findings in the Rocky Mountain HIDTA report, including efforts to ensure that all marijuana activity is compliant with state marijuana laws, to combat diversion of marijuana, to protect public health and safety, and to prevent marijuana use by minors. I also am open to suggestions on marijuana policy and related matters as we work to carry out our duties to effectively and faithfully execute the laws of the United States. You may direct your response and suggestions to the Intergovernmental Affairs and Public Liaison within the Office of Legislative Affairs, which can help coordinate any communications logistics. I look forward to your response.

Sincerely,



Jefferson B. Sessions III
Attorney General