

June 3, 2019

The Honorable Nancy Pelosi
Speaker of the House
United States House of Representatives
Washington, D.C. 20515

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
Washington, D.C. 20515

The Honorable Charles Schumer
Minority Leader
United States Senate
Washington, D.C. 20510

Dear Speaker Pelosi, Leader McConnell, Leader McCarthy, and Leader Schumer:

As governors of states with laws permitting or decriminalizing marijuana for adult use or medical purposes, we call on Congress to honor state cannabis laws by passing the “Strengthening the Tenth Amendment Through Entrusting States (STATES) Act.” (S. 1028/HR. 2093)

47 states currently permit the use of some form of medical marijuana and 10 states have made it legal for adult-use. This year alone, state legislators across the country have filed hundreds of bills to legalize and regulate this emerging industry, provide protections for consumers, promote public safety and eliminate illegal sales.

Importantly, Congress has worked with states since 2014 when it began protecting medical marijuana states from federal interference by prohibiting the Department of Justice from preventing the implementation of state laws that authorize the use, distribution, possession or cultivation of medical marijuana.

The Department of Justice likewise underscored its respect for state action by providing federal prosecutors guidance in the form of the “Cole Memo,” which directed limited federal resources away from prosecuting marijuana operations operating in compliance with state law. Although the Cole Memo was rescinded by former Attorney General Sessions last year, Attorney General Barr has publically stated his support for not prosecuting businesses that have relied on and benefitted from the policies of the Cole Memo.

We are also encouraged by Congressional action to move the Secure and Fair Enforcement Banking Act (S. 1200/HR. 1595) to address the fact that federal law precludes banks from engaging with legal entities that are complying with state laws. As a result, companies in our states are forced to operate on a cash-only basis that creates unnecessary burdens and risks for consumers, businesses, employees and governments.

The STATES Act is a logical step for Congress because it honors state action by codifying protection at the federal level for those businesses and consumers operating in accordance with state law. The STATES Act is not about whether marijuana should be legal or illegal; it is about

respecting the authority of states to act, lead and respond to the evolving needs and attitudes of their citizens. Whether a state maintains its prohibition of cannabis or chooses a different path, the STATES Act ensures that the federal government is a partner rather than an impediment – an objective the federal government should always strive to achieve.

Our states have acted with deliberation and care to implement programs through thoughtful legislation and regulations. Our citizens have spoken, we have responded. We ask that Congress recognize and respect our states' efforts by supporting and passing the STATES Act.

Sincerely,



Governor Charlie Baker
State of Massachusetts



Governor Gavin Newsom
State of California



Governor Kate Brown
State of Oregon



Governor Gary Herbert
State of Utah



Governor Jay Inslee
State of Washington



Governor Phil Scott
State of Vermont



Governor Andrew Cuomo
State of New York



Governor Doug Burgum
State of North Dakota



Governor Jared Polis
State of Colorado



Governor Steve Sisolak
State of Nevada



Governor Tom Wolf
State of Pennsylvania



Governor Larry Hogan
State of Maryland

CC:

Senator Elizabeth Warren

Senator Cory Gardner

Representative David Joyce

Representative Earl Blumenauer