March 7, 2017

The Honorable Jeff Sessions
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Dear Attorney General Sessions:

I am writing as Treasurer and Receiver General of the Commonwealth of Massachusetts to seek further explanation of various comments from you and the White House about future plans regarding the Department of Justice’s (“DOJ”) enforcement of federal marijuana law. On November 8, 2016, Massachusetts voters approved a ballot question that legalizes the possession, cultivation, manufacture, and sale of recreational marijuana. The initiative requires that my office establish a Cannabis Control Commission to regulate the new industry and license the various recreational marijuana establishments. As Treasurer, my job is to implement the law. I am committed to doing so properly, and intend to create a regulatory system that most effectively advances public health and safety.

As you are aware, Deputy Attorney General James M. Cole’s August 29, 2013 memorandum detailed the DOJ’s eight most significant priorities regarding marijuana enforcement, focusing on the most urgent public safety threats, including, among other things, the financing of organized crime, violent activity, illegal sales or diversion of marijuana across state lines, and distribution to minors. The memorandum states, in part: “In jurisdictions that have enacted laws legalizing marijuana in some form and that have also implemented strong and effective regulatory and enforcement systems to control the cultivation, distribution, sale, and possession of marijuana, conduct in compliance with those laws and regulations is less likely to threaten the federal priorities set forth above.”

Deputy Attorney General Cole wrote that when such systems are properly implemented, they can help advance the federal government’s priorities of focusing on preventing and combating the most dangerous threats to public safety. On February 14, 2014, Deputy Attorney General Cole issued an additional memorandum to U.S. Attorneys regarding the enforcement of marijuana-related financial crimes. The U.S. Department of the Treasury also issued concurrent guidance regarding the Financial Crimes Enforcement Network to ensure that financial institutions servicing marijuana-related businesses understand their obligations under federal law. As we
actively implement this law in Massachusetts, we are relying on all of this guidance as the basis upon which we build our regulatory safeguards and compliance systems.

Effective implementation requires a significant investment in staff, equipment, and technology. As the state official charged with implementing the Commonwealth’s new law, my staff and I are currently in the process of developing budgets, researching technology, and vetting commissioners. In addition, consistent with the enforcement priorities outlined in Deputy Attorney General Cole’s 2013 memorandum, as well as the experience of other states that have legalized recreational marijuana, my office intends to build a robust data system that tracks marijuana and marijuana products from “seed to sale.”

As State Treasurer, I am keenly aware of my obligation to manage the state’s finances prudently. Fiscal responsibility requires predictability, and I want to ensure that we fully understand the DOJ’s intentions. In recent weeks, comments from the Trump Administration suggest that the DOJ may be considering a change. I would greatly appreciate your prompt response to clarify whether this is true – and if so, what changes we should prepare for before we commit significant public resources to implementing Massachusetts’ recreational marijuana laws.

Thank you for your time and attention to this letter.

Sincerely,

[Signature]

Deborah B. Goldberg
Treasurer and Receiver General
Commonwealth of Massachusetts