



Office of the Attorney General  
Washington, D. C. 20530  
July 24, 2017

The Honorable Kate Brown  
Governor  
State of Oregon  
State Capitol Building  
900 Court Street NE  
Suite 160  
Salem, OR 97301

Dear Governor Brown:

Thank you for your letter of April 3, 2017, which I have attached to this letter as Exhibit A for your convenience. I was pleased to read 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.

I also 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 January 2017 report by the Oregon State Police, entitled "A Baseline Evaluation of Cannabis Enforcement Priorities in Oregon." (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:

- Only 30 percent of marijuana market activity in Oregon is compliant with state marijuana laws (in other words, over two-thirds of marijuana market activity occurs in the black market);
- There is an association between the counties in Oregon with large numbers of marijuana registrants and black market diversion of marijuana;

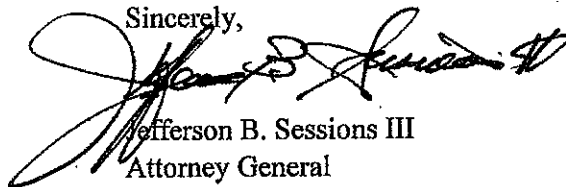
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- There is “pervasive illicit cannabis cultivation in the state...[and] a strong indication that surplus cannabis is not discarded, but is in fact trafficked out-of-state and sold for a huge profit margin”;
- “Law enforcement is unable to keep pace with out-of-state cannabis diversion . . .”;
- “The reality of legalization is that it has provided an effective means to launder cannabis products and proceeds, where in essence, actors can exploit legal mechanisms to obscure products’ origin and conceal true profits”;
- The cost and rate of burn victims from marijuana extraction labs has increased substantially since legalization, with \$7.6 million in federal government entitlement programs used to cover the cost of treatment;
- There has been a 55 percent increase in marijuana-related emergency room visits from March 2015 to September 2016; and
- Under-age users represent the majority of marijuana impairment cases on Oregon’s roadways, according to Drug Recognition Expert (DRE) data from 2013 to 2015;
- 63 percent of Oregon adults do not even know whether it is legal to drive after using marijuana.

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 Oregon plans to address the serious findings in the Oregon State Police 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