

Federal Enforcement Policy on State Marijuana Laws

In a Department of Justice memorandumⁱ issued to federal prosecutors on August 29, 2013, Deputy Attorney General James Cole outlined federal law enforcement policy with respect to state laws, which allow citizens access to marijuana — whether for medical or adult use — as well as businesses and individuals complying with those laws.

The federal government will focus its efforts on eight enforcement priorities and rely on state law enforcement authorities to manage areas that are not federal priorities. Deputy Attorney General Cole made clear that the department expects states to implement a strong regulatory framework. The memo states, “The Department’s guidance in this memorandum rests on its expectation that state and local governments that have enacted laws authorizing marijuana-related conduct will implement strong and effective regulatory and enforcement systems that will address the threat those state laws could pose to public safety, public health, and other law enforcement interests.”

The eight areas of particular concern to the department are:

1. Preventing the distribution of marijuana to minors;
2. Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
3. Preventing the diversion of marijuana from states where it is legal under state law in some form from going to other states;
4. Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
5. Preventing violence and the use of firearms in the cultivation and use of marijuana;
6. Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
7. Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
8. Preventing marijuana possession or use on federal property.

ⁱ James M. Cole, Guidance Regarding Marijuana Enforcement, United States Department of Justice, Office of the Deputy Attorney General, August 29, 2013.

<http://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf>