

May 19, 2020

Hon. Nancy Pelosi  
Speaker of the House  
H-232, The Capitol  
Washington, DC 20515

Hon. Kevin McCarthy  
Minority Leader  
H-204, The Capitol  
Washington, DC 20515

Hon. Mitch McConnell  
Majority Leader  
317 Russell Bldg.  
Washington, DC 20510

Hon. Charles E. Schumer  
Minority Leader  
322 Hart Bldg.  
Washington, DC 20510

Hon. Steny Hoyer  
Majority Leader  
H-107, The Capitol  
Washington, DC 20515

Hon. Steve Scalise  
Minority Whip  
1705 Longworth Office Bldg.  
Washington, DC 20515

Hon. James E. Clyburn  
Majority Whip  
H-329. The Capitol.  
Washington, DC 20510

Hon. Richard J. Durbin  
Minority Whip  
711 Hart Bldg.  
Washington, DC 20510

Hon. Mike Crapo  
Chair  
Senate Committee on Banking,  
Housing & Urban Affairs  
534 Dirksen Senate Building  
Washington, DC 20510

Hon. Sherrod Brown  
Ranking Member  
Senate Committee on Banking,  
Housing & Urban Affairs  
534 Dirksen Senate Building  
Washington, DC 20510

Dear Congressional Leaders:

We are a bipartisan group of state and territorial attorneys general committed to public safety, financial transparency, and the rule of law. On May 8, 2019, 38 state and territorial attorneys general urged passage of the SAFE Banking Act, or similar legislation, that would provide a safe harbor for depository institutions that service a marijuana-related business in a state with robust regulatory controls that ensure accountability in the marijuana industry. *See Enclosed.* The undersigned attorneys general renew that support here and urge Congress advance these same goals as part of any future COVID-19 relief package.

The COVID-19 pandemic has sharply focused the need for legislative relief in three key respects. First, threats to public safety caused by a cash-intensive business model, often the target of criminal activity, have intensified in the months since the pandemic began. Next, the presence of large cash transactions places law enforcement, tax regulators, consumers, and patients at heightened risk of exposure to the virus. Finally, the ability to efficiently collect tax revenue from the marijuana industry, estimated to have generated \$15 billion in sales in 2019, will provide critical relief for state and local governments predicting budget shortfalls due to the pandemic.

The current predicament of a rapidly expanding national marketplace without access to the national banking systems has resulted in an untenable situation. We stress that current legislative models are available to fix this situation. In advancing these legislative goals, Congress is not necessarily endorsing any state or territory's legalization of marijuana-related transactions; similarly, the enactment of the SAFE Banking Act is not a call for the legalization of medical or retail marijuana in those jurisdictions that choose not to pursue such an approach. Rather, it reflects a recognition of the realities on the ground and an embrace of our federalist system of government that is flexible enough to accommodate divergent state approaches.

We look forward to working with you and to providing any further expertise as Congress continues this important legislative endeavor.

Sincerely,



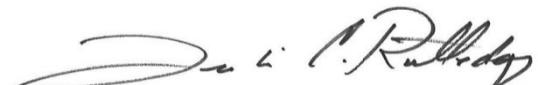
Phil Weiser  
Colorado Attorney General



Wayne Stenehjem  
North Dakota Attorney General



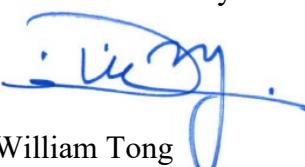
Kevin G. Clarkson  
Alaska Attorney General



Leslie Rutledge  
Arkansas Attorney General



Xavier Becerra  
California Attorney General



William Tong  
Connecticut Attorney General



Kathleen Jennings  
Delaware Attorney General



Karl A. Racine  
District of Columbia Attorney General



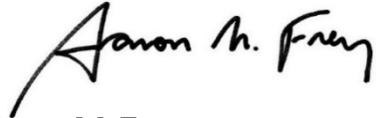
Leevin Taitano Camacho  
Guam Attorney General



Clare E. Connors  
Hawaii Attorney General



Kwame Raoul  
Illinois Attorney General



Aaron M. Frey  
Maine Attorney General



Maura Healey  
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Gurbir S. Grewal  
New Jersey Attorney General



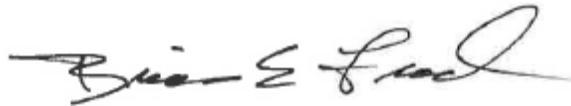
Letitia James  
New York Attorney General



Edward Manibusan  
Northern Mariana Islands Attorney General



Tom Miller  
Iowa Attorney General



Brian Frosh  
Maryland Attorney General



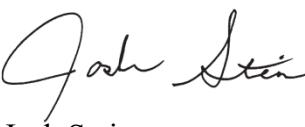
Dana Nessel  
Michigan Attorney General



Aaron D. Ford  
Nevada Attorney General



Hector Balderas  
New Mexico Attorney General



Josh Stein  
North Carolina Attorney General



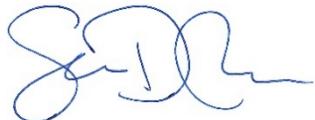
Dave Yost  
Ohio Attorney General



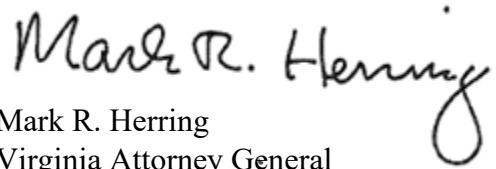
Mike Hunter  
Oklahoma Attorney General



Josh Shapiro  
Pennsylvania Attorney General



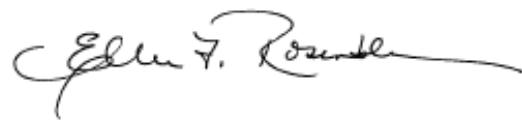
Sean Reyes  
Utah Attorney General



Mark R. Herring  
Virginia Attorney General



Patrick Morrisey  
West Virginia Attorney General



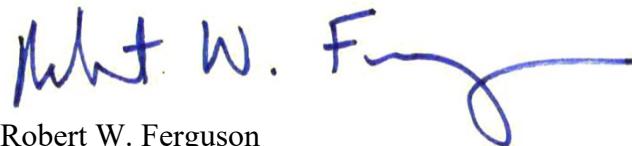
Ellen F. Rosenblum  
Oregon Attorney General



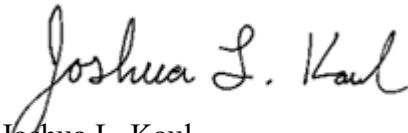
Peter F. Neronha  
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T.J. Donovan  
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Robert W. Ferguson  
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Joshua L. Kaul  
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*District of Columbia  
Attorney General*

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*Kansas Attorney General*

EXECUTIVE DIRECTOR  
**Chris Toth**

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Dear Congressional Leaders:

We are a bipartisan group of state and territorial attorneys general who recognize that the states, territories and federal government share a strong interest in protecting public safety and bringing grey market financial activities into the regulated banking sector. To address these goals, we urge Congress to advance legislation that would allow states and territories that have legalized certain use of marijuana to bring that commerce into the banking system.

This issue is of broad relevance: for example, thirty-three states and several U.S. territories have legalized the medical use of marijuana. However, because the federal government classifies marijuana as an illegal substance, banks providing services to state-licensed cannabis businesses and even to other companies which sell services and products to those businesses could find themselves subject to criminal and civil liability under the federal Controlled Substances Act and certain federal banking statutes. This risk has significantly

inhibited the ability of financial institutions to provide services to these businesses and companies.

Despite the contradictions between federal and state law, the marijuana industry continues to grow rapidly. Industry analysts estimate 2017 sales at \$8.3 billion and expect those totals to exceed \$25 billion by 2025. Yet those revenues are handled outside of the regulated banking system. Businesses are forced to operate on a cash basis. The resulting grey market makes it more difficult to track revenues for taxation and regulatory compliance purposes, contributes to a public safety threat as cash-intensive businesses are often targets for criminal activity, and prevents proper tracking of billions in finances across the nation. Importantly, this measure in no way constitutes an endorsement of any state or territory's specific approach to the legalization of marijuana-related transactions, and the Act is in no way an endorsement for the legalization of medical or retail marijuana in those jurisdictions that choose not to pursue such an approach. But regardless of how individual policymakers feel about states permitting the use of medical or recreational marijuana, the reality of the situation requires federal rules that permit a sensible banking regime for legal businesses.

To address these challenges, we request that Congress advance the SAFE Banking Act or similar legislation that would provide a safe harbor for depository institutions that provide a financial product or service to a covered business in a state that has implemented laws and regulations that ensure accountability in the marijuana industry. An effective safe harbor would bring billions of dollars into the banking sector, enabling law enforcement; federal, state and local tax agencies; and cannabis regulators in 33 states and several territories to more effectively monitor cannabis businesses and their transactions. Compliance with tax laws and requirements would be simpler and easier to enforce with the regulated tracking of funds in the banking system, resulting in higher tax revenues.

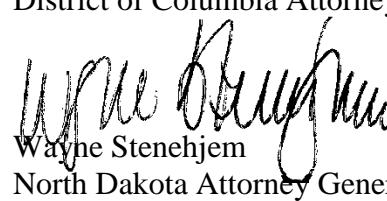
Our banking system must be flexible enough to address the needs of businesses in the various states and territories, with state and territorial input, while protecting the interests of the federal government. This includes a banking system for marijuana-related businesses that is both responsive and effective in meeting the demands of our economy. We look forward to working with you as Congress moves forward in this process and to lending our voice and expertise as you develop legislation.

Respectfully,

  
Phil Weiser  
Colorado Attorney General

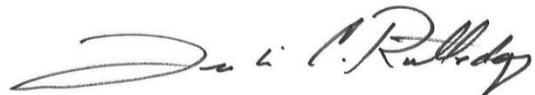
  
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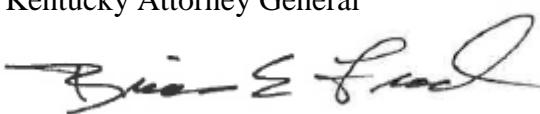
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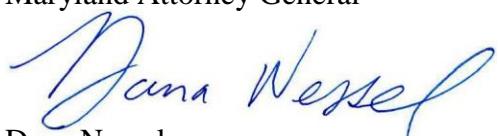
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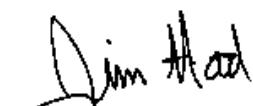
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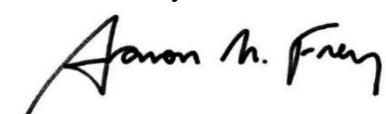
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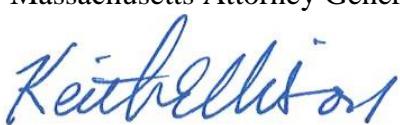
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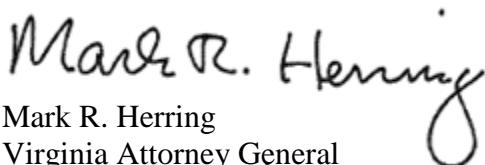
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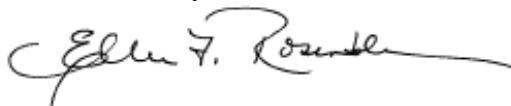
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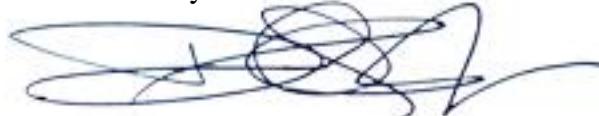
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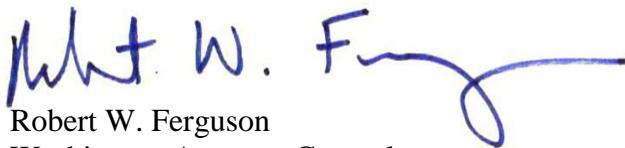
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