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April 27, 2011

The Honorable Eric Holder
Attorney General
Washington, DC 20530-0009

Dear Mr. Attorney General:

I am writing to seek further clarification of the U.S. Department of Justice's position on federal prosecution in states that have enacted laws authorizing medical use of marijuana. In October of 2009, your Office issued a memorandum directing United States Attorneys to "not focus federal resources on individuals whose actions are in clear and unambiguous compliance with existing state laws providing for the medical use of marijuana." Your office went on to ensure that this position would not prevent investigating "claims of compliance with state or local law [that] may mask operations inconsistent with the terms, conditions, or purposes of those laws."

In 1998, a large majority of Washingtonians voted in favor of Initiative 692. This initiative allowed for "the medical use of marijuana for certain terminal or debilitating conditions." Due to a lack of clarity in existing law, Washington State does not yet have a system in place to provide qualifying patients with access to marijuana. On April 21, 2011, the Washington State Legislature passed a bill, SB 5073, to remove these implementation ambiguities and provide clear guidance on a system to license and dispense medical marijuana.

The State has sought guidance from the Department of Justice on their views of this legislation. In their response, the Department of Justice stated "the Department could consider civil and criminal legal remedies regarding those who set up marijuana growing facilities and dispensaries." Subsequently, concerns have been expressed that state employees could be subject to federal prosecution as a result of SB 5073.

I am writing you in order to seek further clarity on these two potentially contradictory statements. This may simply be a case of misunderstanding. I believe answers to the following questions would go a long ways to providing the necessary information in order to further clarify these concerns:

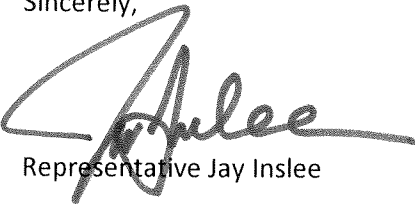
In comparison with other states' medical marijuana laws, does SB 5073 have specific provisions that stand apart and are cause for concern?

Would the Department of Justice prosecute a state employee who is operating in *full* compliance with SB 5073?

Does the Department of Justice perceive any flaws with the protections from abuse included in the medical marijuana system contained in SB 5073 that would lead to federal prosecution?

Given the immediate need for this clarity, please provide answers to these questions as soon as possible. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Inslee", with a large, sweeping flourish above the name.

Representative Jay Inslee