

U.S. Department of Justice

United States Attorney
District of Connecticut

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April 23, 2012

Michael A. McLachlan
Connecticut State Senator, 24th Senatorial District
Legislative Office Building
Suite 3400
Hartford, CT 06106-1591

Toni Boucher
Connecticut State Senator, 26th Senatorial District
Legislative Office Building
Room 3701
Hartford, CT 06106-1591

Re: House Bill 5389, Medical Marijuana

Dear Senators McLachlan and Boucher:

I write in response to your letters seeking the thoughts of the United States Attorney's Office regarding House Bill 5389, *An Act Concerning the Palliative Use of Marijuana*, and how that proposed legislation will intersect with the enforcement of federal drug laws.

Congress has determined that marijuana is a controlled substance. Congress placed marijuana in Schedule I of the Controlled Substances Act (CSA) and, as such, growing, distributing, and possessing marijuana in any capacity, other than as part of a federally authorized research program, is a violation of federal law regardless of state laws permitting such activities.

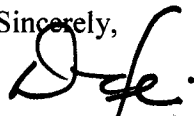
The prosecution of individuals and organizations involved in the trade of any illegal drugs and the disruption of drug trafficking organizations is a core priority of the Department of Justice and the United States Attorney's Office. This core priority includes the prosecution of business enterprises that unlawfully market and sell marijuana. Accordingly, while the Department of Justice does not focus its limited resources on seriously ill individuals who use marijuana as part of a medically recommended treatment regimen in compliance with state law, as stated in the October 2009 Memorandum of Deputy Attorney General David Ogden, the Department of Justice maintains the authority, as outlined in Deputy Attorney General James Cole's Memorandum of June 29, 2011, to enforce the CSA vigorously against individuals and organizations that participate in unlawful manufacturing and distribution activity involving marijuana, even if such activities are permitted under state law. Our investigative and prosecutorial resources will continue to be directed toward these objectives.

Consistent with federal law, the Department of Justice maintains the authority to pursue criminal and/or civil actions for any CSA violations whenever the Department determines such legal action is warranted. In addition, federal money laundering and related statutes that prohibit financial activity involving the movement of drug proceeds may likewise be utilized. The government may also pursue civil injunctions, and the forfeiture of drug proceeds, property traceable to such proceeds, and property used to facilitate drug violations.

House Bill 5389 will create a licensing scheme that appears to permit large-scale marijuana cultivation and distribution, which would authorize conduct contrary to federal law and undermine the federal government's efforts to regulate the possession, manufacturing, and trafficking of controlled substances. Accordingly, the Department of Justice could consider civil and criminal legal remedies against those individuals and entities that set up marijuana growing facilities and dispensaries as they will be doing so in violation of federal law. Others who knowingly facilitate the actions of the licensees, including property owners, landlords, and financiers, should also know that their conduct violates federal law. Potential actions the Department of Justice could consider include injunctive actions to prevent cultivation and distribution of marijuana and other associated violations of the CSA; civil fines; criminal prosecution; seizure of the controlled substances; and the forfeiture of any personal and real property that is either used to facilitate the production and distribution of controlled substances, or that is derived from a violation of the CSA.

I hope this letter assists the State of Connecticut and its potential licensees in making informed decisions regarding the cultivation, manufacture, and distribution of marijuana, as well as related financial transactions.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Fein", written over the printed name.

David B. Fein
United States Attorney