



April 1, 2021

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

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

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

Hon. Steve Scalise  
Minority Whip  
2049 Rayburn Office Bldg.  
Washington, DC 20515

Hon. James E. Clyburn  
Majority Whip  
H-329, The Capitol  
Washington, DC 20515

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

Hon. John Thune  
Minority Whip  
511 Dirksen Bldg.  
Washington, DC 20510

Hon. Sherrod Brown  
Chair  
Senate Committee on Banking,  
Housing, & Urban Affairs  
503 Hart Bldg.  
Washington, DC 20510

Hon. Patrick J. Toomey  
Ranking Member  
Senate Committee on Banking,  
Housing, & Urban Affairs  
455 Dirksen Bldg.  
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 and Fair Enforcement ("SAFE") Banking Act, or similar legislation, providing access to the regulated banking system

for marijuana-related businesses in states with robust regulatory controls that ensure accountability in the marijuana industry. The undersigned attorneys general reiterate that support here and encourage Congress to take action expeditiously.

During the November 2020 election, voters in multiple states approved ballot measures to regulate cannabis for medical and/or adult use.<sup>1</sup> Currently, forty-seven states, the District of Columbia, and four U.S. territories have legalized some form of recreational or medical cannabis use (including CBD/low THC).<sup>2</sup> In short, it is clear that legalized cannabis is here to stay.

In forty-seven states, the District of Columbia, and four territories, cannabis is regulated through responsible and robust regulatory programs. Nonetheless, federal law currently inhibits the ability of national financial institutions to provide banking and other financial services to cannabis-related businesses operating lawfully under state regulations. Without access to traditional financial services, these businesses operate exclusively or primarily in cash, making those businesses targets for criminal activity and hindering efforts to ensure regulatory and tax compliance and track financial flows. This status quo—a rapidly expanding, multibillion-dollar national marketplace without access to the national banking systems—is untenable.

As we noted in our May 2019 letter to the congressional leadership, passage of the SAFE Banking Act or similar legislation,

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.<sup>3</sup>

We further emphasized that passage of this legislation “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.”<sup>4</sup>

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<sup>1</sup> *State Medical Marijuana Laws*, Nat’l Conference of State Legislatures, <https://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx> (last accessed Mar. 23, 2021)

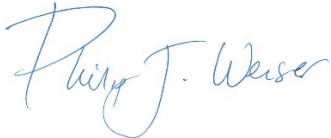
<sup>2</sup> *Id.*

<sup>3</sup> *2019 SAFE Banking Act Letter*, Nat’l Ass’n of Attorneys Gen. (May 8, 2019), <https://1li23g1as25g1r8so11ozniw-wpengine.netdna-ssl.com/wp-content/uploads/2020/10/NAAG-Letter-SAFE-Banking-Act-of-2019.pdf>.

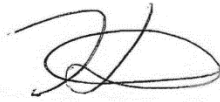
<sup>4</sup> *2020 SAFE Banking Act Letter*, Attorneys General Phil Weiser & Wayne Stenehjem et al. (May 19, 2020), <https://coag.gov/app/uploads/2020/05/SAFE-Banking-Act-with-Signatures-5.19.20.pdf>.

To address an untenable status quo and recognize on the ground realities, we strongly urge the House of Representatives and Senate to promptly take up and act upon the SAFE Banking Act. Our states' ability to protect public safety and properly regulate this new and growing industry depends on Congress enacting this vital legislation.

Respectfully,



Phil Weiser  
Colorado Attorney General



Karl A. Racine  
District of Columbia Attorney General



Wayne Stenehjem  
North Dakota Attorney General



Dave Yost  
Ohio Attorney General

Enclosure