

# GAO Highlights

Highlights of [GAO-16-1](#), a report to congressional requesters

## Why GAO Did This Study

An increasing number of states have adopted laws that legalize marijuana for medical or recreational purposes under state law, yet federal penalties remain. In 2012, Colorado and Washington became the first states to legalize marijuana for recreational purposes. In 2013, DOJ updated its marijuana enforcement policy by issuing guidance clarifying federal marijuana enforcement priorities and stating that DOJ may challenge those state marijuana legalization systems that threaten these priorities. GAO was asked to review issues related to Colorado's and Washington's actions to regulate recreational marijuana and DOJ's mechanisms to monitor the effects of state legalization.

This report examines, among other issues, (1) DOJ's efforts to monitor the effects of state marijuana legalization relative to DOJ's 2013 guidance and (2) factors DOJ field officials reported affecting their marijuana enforcement in selected states with medical marijuana laws. GAO analyzed DOJ marijuana enforcement guidance and drug threat assessments, and evaluated DOJ's monitoring efforts against internal control standards. GAO also interviewed cognizant DOJ officials, including U.S. Attorneys and DEA officials in six states.

## What GAO Recommends

GAO recommends that DOJ document a plan specifying its process for monitoring the effects of state marijuana legalization, and share the plan with DOJ components. DOJ concurred with GAO's recommendations.

View [GAO-16-1](#). For more information, contact Jennifer Grover at (202) 512-7141 or [groverj@gao.gov](mailto:groverj@gao.gov).

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# STATE MARIJUANA LEGALIZATION

## DOJ Should Document Its Approach to Monitoring the Effects of Legalization

### What GAO Found

Officials from the Department of Justice's (DOJ) Office of the Deputy Attorney General (ODAG) reported monitoring the effects of state marijuana legalization relative to DOJ policy, generally in two ways. First, officials reported that U.S. Attorneys prosecute cases that threaten federal marijuana enforcement priorities (see fig. below) and consult with state officials about areas of federal concern, such as the potential impact on enforcement priorities of edible marijuana products. Second, officials reported they collaborate with DOJ components, including the Drug Enforcement Administration (DEA) and other federal agencies, including the Office of National Drug Control Policy, and assess various marijuana enforcement-related data these agencies provide. However, DOJ has not documented its monitoring process, as called for in *Standards for Internal Control in the Federal Government*. Documenting a plan specifying its monitoring process would provide DOJ with greater assurance that its monitoring activities relative to DOJ marijuana enforcement guidance are occurring as intended. Further, making this plan available to appropriate DOJ components can provide ODAG with an opportunity to gain institutional knowledge with respect to its monitoring plan, including the utility of the data ODAG is using. This can better position ODAG to identify state systems that are not effectively protecting federal enforcement priorities and, if necessary, take steps to challenge these systems in accordance with DOJ marijuana enforcement guidance.

#### DOJ Marijuana Enforcement Priorities

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

Source: Department of Justice; Department of the Interior (logo). | GAO-16-1

U.S. Attorneys and DEA officials in six states with medical marijuana laws reported their perspectives on various factors that had affected their marijuana enforcement actions. These include

- applying resources to target the most significant public health and safety threats, such as violence associated with drug-trafficking organizations;
- addressing local concerns regarding the growth of the commercial medical marijuana industry; and
- implementing DOJ's updated marijuana enforcement policy guidance.