

NEWS BRIEF

Obama-era Guidance Rescinded by Justice Department

On Thursday, Jan. 4, 2018, Attorney General Jeff Sessions rescinded guidance from the Obama administration that adopted non-interference policies with marijuana-friendly state legislations. Although many states have either legalized or decriminalized marijuana use, federal law still considers marijuana to be an illegal drug.

The main Obama-era directive that is being rescinded is known as the "[Cole memo](#)", named for then-Deputy Attorney General Jim Cole. The Cole memo set forth guidance discouraging federal prosecutors who operate in states where marijuana usage was legalized from prioritizing marijuana-related prosecutions in those states except in certain circumstances.

Sessions' decision to rescind the memos puts states like California and Colorado, where recreational marijuana usage is legal, in limbo. The decision also represents a major shift away from the more hands-off approach on marijuana enforcement demonstrated by the previous administration.

At this time, it is not clear whether new guidance will be issued to replace the rescinded memos or if the Justice Department and Trump administration will revert back to older policies on marijuana enforcement.

Hopefully, further clarification will come in the near future. Cluett Commercial Insurance Agency, Inc. will continue to monitor this issue and provide updates whenever possible.

