



September 19, 2023

Dear Leader Schumer, Leader McConnell, Chairman Brown, and Ranking Member Scott:

We, the undersigned U.S. trade associations, write to express support for the Secure And Fair Enforcement Regulation (SAFER) Banking Act of 2023. Collectively, we represent a majority of the companies, agents, and brokers offering property-casualty, life, title, and reinsurance (collectively, “insurers”) in the U.S. We appreciate your leadership in seeking needed clarity for insurance transactions related to marijuana businesses that are otherwise permissible under state law.

The insurance industry is potentially exposed to liability arising from the differences of the legal treatment of marijuana and marijuana products under federal and state law and regulation at the state level. However, with the inclusion of key language from the Clarifying Law Around Insurance of Marijuana Act, sponsored by Senators Menendez, Paul, Tester, Daines, and Merkley and Representatives Velázquez and Davidson, the SAFER Banking Act’s safe harbor provisions would prevent federal criminal prosecution of and civil liability for agents, brokers, and insurers, their officers, directors or employees when engaging in the business of insurance in states that have legalized marijuana in some form.

By resolving the legal uncertainty presented by the dueling state and federal treatment of marijuana, the insurance industry can serve both State-sanctioned marijuana businesses and other commercial and personal lines consumers who may have a direct or indirect relationship to State-legalized marijuana, and still be in compliance with the law. Insurers must also continue to satisfy all applicable state statutory or regulatory requirements, such as those pertaining to consumer protections and claims payments.

We greatly appreciate your leadership, and we look forward to continuing to work with you and Congress to ensure our industry is not caught between conflicting obligations under federal and state law.

Sincerely,

- American Land Title Association (ALTA)
- American Council of Life Insurers (ACLI)
- American Property Casualty Insurance Association (APCIA)
- The Council of Insurance Agents & Brokers (CIAB)
- Independent Insurance Agents & Brokers of America (IIABA)
- National Association of Mutual Insurance Companies (NAMIC)
- National Association of Professional Insurance Agents (PIA)
- Reinsurance Association of America (RAA)
- Wholesale & Specialty Insurance Association (WSIA)