

**SPONSOR SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 21**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES GUTTENBERG, Drummond, Tarr, Kawasaki, Kito**

**Introduced: 2/5/18**

**Referred: State Affairs**

**A RESOLUTION**

1    **Urging the federal government to respect the authority of the state to regulate**  
2    **marijuana use, production, and distribution and to honor previous federal guidance on**  
3    **marijuana policy; and urging the federal government to reconsider its listing of**  
4    **marijuana as a schedule I controlled substance.**

5    **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6            **WHEREAS** art. I, sec. 22, Constitution of the State of Alaska, establishes a right to  
7    privacy, stating "The right of the people to privacy is recognized and shall not be infringed";  
8    and

9            **WHEREAS** the Alaska Supreme Court held in *Ravin v. State*, 537 P.2d 494, 511  
10   (Alaska 1975), that there is "no adequate justification for the state's intrusion into the citizen's  
11   right to privacy by its prohibition of possession of marijuana by an adult for personal  
12   consumption in the home . . . ."; and

13           **WHEREAS** the citizens of the state voted to legalize marijuana by way of Ballot  
14   Measure No. 2, an "Act to tax and regulate the production, sale, and use of marijuana," on  
15   November 4, 2014; and

1       **WHEREAS** the state has prioritized the federal marijuana enforcement objectives  
2       stated in the August 29, 2013, memorandum from the United States Department of Justice to  
3       all United States Attorneys, including preventing the distribution of marijuana to minors,  
4       preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and  
5       cartels, preventing the diversion of marijuana from states where it is legal under state law in  
6       some form to other states, preventing state-authorized marijuana activity from being used as a  
7       cover or a pretext for the trafficking of other illegal drugs or other illegal activity, preventing  
8       violence and the use of firearms in the cultivation and distribution of marijuana, preventing  
9       drugged driving and the exacerbation of other adverse public health consequences associated  
10      with marijuana use, preventing the growing of marijuana on public land and the attendant  
11      public safety and environmental dangers posed by marijuana production on public land, and  
12      preventing marijuana possession or use on federal property; and

13      **WHEREAS** the state has implemented regulations under 3 AAC 306 that respect and  
14      support the federal priorities listed in the Department of Justice's August 29, 2013,  
15      memorandum; and

16      **WHEREAS** the American Medical Association supports public health-based  
17      strategies, rather than incarceration, for individuals possessing cannabis for personal use and  
18      urges the federal government to review its listing of marijuana as a schedule 1 controlled  
19      substance with the goal of facilitating clinical research and development of cannabinoid-based  
20      medicines and alternative delivery methods; and

21      **WHEREAS**, on August 1, 2017, Alaska Attorney General Jahna Lindemuth sent a  
22      letter to United States Attorney General Jeff Sessions stating that former federal policy, as  
23      articulated in the Department of Justice's August 29, 2013, memorandum, represented "a  
24      pragmatic approach that effectively created space for states to be responsive to their residents  
25      while also protecting federal priorities" and requesting the federal government to engage  
26      directly with states to discuss potential approaches before reaching any final decisions on  
27      changes to the Department of Justice's marijuana enforcement policies; and

28      **WHEREAS**, on January 16, 2018, Attorney General Lindemuth and the attorneys  
29      general of 18 other states, districts, and territories sent a letter urging the United States  
30      Congress to advance legislation to allow states that have legalized medical or recreational use  
31      of marijuana to bring legal marijuana-related commerce into the banking system; and

1       **WHEREAS** Alaska Governor Bill Walker and the governors of Colorado,  
 2 Washington, and Oregon sent a letter, dated April 3, 2017, urging United States Attorney  
 3 General Jeff Sessions and United States Secretary of the Treasury Steve Mnuchin to engage  
 4 with states where marijuana has been legalized before embarking on any changes to federal  
 5 regulatory and enforcement systems; and

6       **WHEREAS** Alaska Governor Bill Walker sent letters to United States Attorney  
 7 General Jeff Sessions, dated August 1, 2017, and August 14, 2017, stating the manner in  
 8 which Alaska's regulatory framework governing state-licensed marijuana businesses  
 9 addresses federal interests and urging the federal government to maintain policies that respect  
 10 the state's authority; and

11       **WHEREAS**, on January 18, 2018, United States Senators Lisa Murkowski and Dan  
 12 Sullivan joined with 14 other Senators from around the country in a letter to the Director of  
 13 the United States Department of the Treasury's Financial Crimes Enforcement Network  
 14 expressing continuing support for a 2014 Financial Crimes Enforcement Network guidance on  
 15 Bank Secrecy Act expectations regarding marijuana-related businesses; and

16       **WHEREAS** United States Representative Don Young is cosponsoring H.R. 4779  
 17 (REFER Act of 2018), which would prohibit the United States Department of Justice from  
 18 using federal funds to "detain, prosecute, sentence, or initiate civil proceedings against an  
 19 individual, business or property, that is involved in the cultivation, distribution, possession,  
 20 dispensation, or use of cannabis," when those activities are conducted in compliance with  
 21 state law and local regulations; and

22       **WHEREAS** United States Attorney General Jeff Sessions' rescission of the  
 23 Department of Justice's August 29, 2013, memorandum and other federal guidance on state  
 24 marijuana policy undermines federal priorities;

25       **BE IT RESOLVED** that the Alaska State Legislature urges the federal government to  
 26 respect the authority of the State of Alaska to regulate marijuana use, production, and  
 27 distribution and forbear any federal interference in marijuana policy of states where marijuana  
 28 has been legalized, in keeping with the federal enforcement priorities enumerated in the  
 29 United States Department of Justice's August 29, 2013, memorandum; and be it

30       **FURTHER RESOLVED** that the Alaska State Legislature urges the federal  
 31 government to reconsider its listing of marijuana as a federal schedule I controlled substance.

1           **COPIES** of this resolution shall be sent to the Honorable Donald J. Trump, President  
2 of the United States; the Honorable Jeff Sessions, Attorney General of the United States; and  
3 the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the  
4 Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.