

# STATE OF ALASKA THE LEGISLATURE

2018

**Source**

SCS SSHJR 21(JUD)

**Legislative  
Resolve No.**

36



Urging the federal government to respect the authority of the state to regulate marijuana use, production, and distribution; and urging the federal government to reconsider its listing of marijuana as a schedule I controlled substance.

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

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

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

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

**WHEREAS** the state has prioritized the federal marijuana enforcement objectives

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

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

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

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

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

**WHEREAS** Alaska Governor Bill Walker and the governors of Colorado,

Washington, and Oregon sent a letter, dated April 3, 2017, urging United States Attorney General Jeff Sessions and United States Secretary of the Treasury Steve Mnuchin to engage with states where marijuana has been legalized before embarking on any changes to federal regulatory and enforcement systems; and

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

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

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

**WHEREAS** United States Attorney General Jeff Sessions' rescission of the Department of Justice's August 29, 2013, memorandum and other federal guidance on state marijuana policy demonstrates a need to address federal law;

**BE IT RESOLVED** that the Alaska State Legislature urges the federal government to respect the authority of the State of Alaska to regulate marijuana use, production, and distribution and forbear any federal interference in marijuana policy of states where marijuana has been legalized, and urges the United States Congress to address these issues while respecting states' rights; and be it

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

**COPIES** of this resolution shall be sent to the Honorable Donald J. Trump, President

of the United States; the Honorable Jeff Sessions, Attorney General of the United States; and the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.