

HOUSE JOINT RESOLUTION NO. 21

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES GUTTENBERG, Drummond, Tarr, Kawasaki

Introduced: 4/16/17

Referred: State Affairs

A RESOLUTION

1 **Urging the federal government to respect previous federal guidance on marijuana**
2 **policy; and urging the federal government not to interfere in state marijuana policy.**

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

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

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

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

14 **WHEREAS** the United States Department of Justice issued a memorandum on
15 "Guidance Regarding Marijuana Enforcement" (Cole Memo) on August 29, 2013, and the
16 United States Department of the Treasury issued related guidance on the "Bank Security Act's

1 Expectations Regarding Marijuana-Related Businesses" (FIN-2014-G001 Memo) on
2 February 14, 2014, which provide the foundation for state regulatory systems on marijuana
3 and are vital to the ability of states to maintain control over marijuana; and

4 **WHEREAS** the FIN-2014-G001 Memo clarifies how financial institutions can
5 provide services to marijuana-related businesses consistent with their obligations under the
6 Bank Security Act and aligns the information provided by financial institutions in the Bank
7 and Security Act reports with federal and state law enforcement priorities; and

8 **WHEREAS** the Cole Memo establishes that the federal government should focus on
9 certain priorities with respect to marijuana enforcement, including preventing the distribution
10 of marijuana to minors, preventing revenue from the sale of marijuana from going to criminal
11 enterprises, gangs, and cartels, preventing the diversion of marijuana from states where it is
12 legal under state law in some form to other states, preventing the state-authorized marijuana
13 activity from being used as a cover or a pretext for the trafficking of other illegal drugs or
14 other illegal activity, preventing violence and the use of firearms in the cultivation and
15 distribution of marijuana, preventing drugged driving and the exacerbation of other adverse
16 public health consequences associated with marijuana use, preventing the growing of
17 marijuana on public land and the attendant public safety and environmental dangers posed by
18 marijuana production on public land, and preventing marijuana possession or use on federal
19 property; and

20 **WHEREAS** the state has implemented regulations under 3 AAC 306 that respect and
21 maintain the federal priorities delineated in the Cole Memo; and

22 **WHEREAS** overhauling the Cole Memo would result in economic disruption and
23 unintended and harmful consequences that would be detrimental to achieving the priorities
24 listed in the Cole Memo;

25 **BE IT RESOLVED** that the Alaska State Legislature urges the federal government to
26 respect the guidance prescribed in the Cole Memo and the FIN-2014-G001 Memo, and
27 forbear any federal interference in marijuana policy of states where marijuana has been
28 legalized, in keeping with the federal enforcement priorities enumerated in the Cole Memo.

29 **COPIES** of this resolution shall be sent to the Honorable Donald J. Trump, President
30 of the United States; the Honorable Jeff Sessions, Attorney General of the United States; and
31 the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the

1 Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.