

SB 32

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CS SB 32 (HESS)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: 3-31-88
Title: An Act relating to marijuana; and providing for an effective date.
Sponsor: Fischer and Faiks
Requestor: _____
Agency Affected: Health & Social Services
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

N/A

Prepared by: Yvonne M. Chase Director
Division: Division of Family and Youth Services Phone: 465-3170
Date: 04-11-88

Approved by Commissioner: Myra M. Munson
Agency: Department of Health and Social Services Date: 4-12-88

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

RECEIVED
APR 14 1988

1988 Fiscal
Notes received
& forwarded
after bill R/o.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 32 (HESS)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: April 8, 1988
Title: "An Act relating to marijuana..."

Agency Affected: Department of Law
BRU: Prosecution

Sponsor: Senate HESS
Requestor: House HESS

Components: Third District, Fourth District, Criminal Appeals and Special Prosecution, and Criminal Justice Litigation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		160.9	165.7	170.7	175.8	181.1
TRAVEL		5.4	5.6	5.8	6.0	6.2
CONTRACTUAL		53.7	36.5	11.9	12.3	12.7
SUPPLIES		12.6	9.3	9.6	9.9	10.2
EQUIPMENT		4.5	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		237.1	217.1	198.0	204.0	210.2

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		237.1	217.1	198.0	204.0	210.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		2	2	2	2	2
PART-TIME		1	1	1	1	1
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see attached analysis.

Prepared by: Richard I. Pegues, Director
Division: Administrative Services

Phone: 465-3672
Date: April 8, 1988

Approved by Commissioner: Richard I. Pegues FOR
Grace Berg Schaible, Atty. Gen.
Agency: Department of Law

Date: April 8, 1988

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

RECEIVED

APR 11 1988

LEGISLATIVE FINANCE

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 32 (HESS)

The committee substitute for SB 32 makes changes in the legislative findings (Section 1); however, no substantive changes have been made in Section 2, which makes it a Class B misdemeanor to possess or use small amounts of marijuana. Consequently, the fiscal impacts noted in the Department of Law's fiscal note for SB 32, which was originally submitted on March 11, 1987, remain essentially the same. Our revised analysis is herewith attached.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 32 (HESS)

CSSB 32 is a blanket provision which would make possession or use of less than one-half pound of marijuana by anyone a class B misdemeanor. Some of the conduct which this bill would cover (such as use or display of any amount in a public place, possession of any amount while operating a motor vehicle, or possession of more than four ounces of marijuana anywhere) is a class B misdemeanor under existing law. See AS 11.71.060. Some of the conduct which this bill would make a crime (such as delivery of less than one-half ounce or possession of less than one ounce in public) is classified under current law as a "violation", punishable by a fine. See AS 11.71.070. The penalties under current law for other conduct such as delivery of one-half ounce or more, delivery to a minor, or possession of any amount on school grounds would not be altered. Penalties under existing law for these offenses range from A misdemeanor to B felony level. See AS 11.71.030, .040, and .050.

The passage of CSSB 32 would have fiscal impact on the Department of Law in three general areas: (1) the cost of defending the new law against constitutional challenge; (2) the cost of processing the resulting additional criminal cases; and (3) the cost of educating the public about the new law. These three areas are discussed separately below.

1. Defending the New Law

In 1975 the Alaska Supreme Court in the case of Ravin v. State, 537 P.2d 497 (Alaska 1975), ruled that under Art. I, Sec. 22 of the Alaska Constitution the state could not prohibit possession of marijuana by adults in their own homes for personal use. The court held that the state had not demonstrated the existence of a legitimate state interest which was strong enough to justify the regulation of this conduct.

Since passage of CSSB 32 would make it a crime for an adult to possess any amount of marijuana anywhere, including in his or her own home, the constitutionality of the new law is certain to be challenged. An appellate court will have to decide whether the state has proved that there is a "compelling state interest" in the prohibition of the use of marijuana which is sufficient to outweigh an individual's right to privacy under the state constitution. It is extremely important, therefore, that the legislature's consideration of this bill include extensive public hearings, debate on the social policy merits of the proposal, and the collection of the results of the most recent scientific, medical, and pharmacological studies regarding the physical, emotional, and social effects of marijuana usage.

In addition to the necessary legislative hearings, evidentiary hearings at the trial court level can be expected when a challenge to the new law is filed. Challenges to the new law will most likely arise

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 32 (HESS)

in the context of a defendant's pretrial motion to dismiss a criminal prosecution. When responding to such a defense motion, the prosecutor would, in essence, have to convince a court to reverse the ruling in the Ravin case. In order to demonstrate that the result in Ravin is no longer correct, the prosecutor would have to present convincing, scientifically accurate, evidence that the effects of marijuana usage are so injurious to a person's mental and physical health as to justify the legislative decision to totally prohibit use of marijuana by anyone at any time (as opposed to use by minors or use by a person who is operating a motor vehicle--both of which are already prohibited under current law).

The presentation of this convincing evidence will require the prosecution to present expert testimony from authorities who have conducted recent research in this area. Out-of-state witnesses in medical and scientific fields charge a fee for their services. These fees will vary from individual to individual, but are expected to average at least \$100 per hour. This would include services for consultation, witness preparation and actual testimony. Costs will be incurred for expert witness transportation, food and lodging, and other incidental expenses. Additionally, there will be some costs for preparation of exhibits and written reports. To the extent possible, the Department of Law would attempt to present written testimony in situations where it is not feasible to fly a person to Alaska to testify in person. We estimate that a minimum of six expert witnesses will be required to attempt to successfully defend the new law at the trial court level.

Hearings at the trial court level can reasonably be expected to take several days. A substantial commitment of attorney time will be required for scientific and legal research in preparation for the hearings, actual court time, legal briefing, and the preparation of proposed findings of fact. Since prosecutions under the new law will occur statewide, defense challenges may be raised at the same time in different parts of the state. The extensive hearings described above may have to be held in more than one judicial district in the state.

Regardless of which side prevails at the trial court level, the lower court ruling would almost certainly be followed by an appeal. At a minimum, such an appeal (or appeals) would require additional legal research, a thorough review of the record, the drafting of briefs, and oral argument before the appellate court and the Supreme Court.

2. New Criminal Cases

Although some of the conduct included within the scope of SB 32 is already against the law, much behavior which is now classified as a "violation" or which is not now an offense of any sort will become

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 32 (HESS)

a misdemeanor crime. It is difficult to accurately predict in advance the impact which the passage of CSSB 32, will have on the criminal justice system.

In the past, some law enforcement officers who work primarily in the drug enforcement area indicated that the new law could potentially result in "thousands" of new misdemeanor cases a year. The police now doubt this but, nonetheless, a large number of the new cases would arise from situations where law enforcement officers now commonly discover small amounts of marijuana (as when an officer responds to a domestic disturbance call and sees some marijuana plants in a person's home, or when a person is arrested for a minor offense and a routine search for weapons reveals some marijuana cigarettes in the person's pocket, for example). Incidents of this sort occur frequently now, but do not generally result in any criminal prosecution for the marijuana possession. Many of these cases are likely to be referred for criminal prosecution if CSSB 32 becomes law, police officers will not ignore evidence of wrongdoing that is in plain view. Many of these defendants are middle-class people who we may expect to vigorously resist having a criminal record. Class B misdemeanors, as opposed to the violations, entitle a defendant to a jury trial. In every trial there will have to be an expert to testify as to the substance being marijuana.

Prosecutors generally predict a lesser number of new potential criminal cases under CSSB 32 than the "thousands" that were once predicted. Once the public becomes aware of the new law, some people are likely to become more careful about not allowing marijuana or smoking paraphernalia to be exposed in plain view in their homes, for example. Judging from the number of minor marijuana offenses prosecuted prior to the Ravin decision in 1975, prosecutors still expect a "few hundred" new criminal cases a year.

Cases which are accepted for prosecution will require attorney time both at trial and in preparation for trial (i.e., preparation of search warrants, response to defense motions, evaluation of results of laboratory analysis, pretrial witness preparation, etc.). To handle screening of the expected case referrals, and to prosecute the additional cases, the criminal division will require the addition of at least two Attorney III positions in Anchorage. It is anticipated that a half-time attorney will also be needed in the Fairbanks District Attorney's office.

This fiscal note reflects the fact that the pretrial diversion program was entirely eliminated in FY 88. Anticipating that more than fifty per cent of defendants would qualify for diversion, we must prepare for a gross increase in the number of cases that will go to trial.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 32 (HESS)

3. Public Education

In order to inform the public of the changes in the law, the Department of Law will develop and disseminate public notices explaining the new law. These notices will include newspaper ads and brochures, and will be modeled upon the public education notices which were distributed statewide in connection with the new drug law in 1982 and the new DWI and drinking age laws in 1983. Based upon experience with these earlier notices, approximately \$18,000 will be needed to cover the costs of writing, layout, typesetting, publication, and distribution.

In addition to the costs explained above, it is anticipated that the passage of this bill will result in increased costs to other components of the criminal justice system, including law enforcement, the courts, the public defender agency, the Office of Public Advocacy, and corrections.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 32

Fiscal Analysis

1. Defending the New Law

Admin. & Support Component/Prosc. - BRU

<u>Object</u>	<u>Total</u>
Contractual Services -	
Professional fees scientific experts 120 hrs. X \$100 = \$12,000	\$12,000
Experts' staff support, preparation of exhibits, written testimony 50 hrs. X \$40 = \$2,000	2,000
Experts' travel to attend hearings and offer testimony 6 trips X 4 days X \$80 = \$1,920 subsistence 6 trips X \$1,500 = \$9,000 travel	1,920 9,000
	<u>\$24,920</u>

This amount will be required for both FY 89 and FY 90, to cover both trials and appeals.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 32

Fiscal Analysis - (cont'd)

2. New Criminal Cases

Third Judicial District - Anchorage

	Atty III <u>(PFT)</u>	Atty III <u>(PFT)</u>	<u>Total</u>
Personal Services	62.6	62.6	125.2
Travel - Witness travel subsistence, atty. travel	1.8	1.8	3.6
Contractual Services			
office commo. equip. repairs	2.4	2.4	4.8
copy - postage	1.2	1.2	<u>2.4</u>
			7.2
Commodities - Ongoing			
office consumables	1.8	1.8	3.6
Law library	1.2	1.2	2.4
Commodities - one time			
New position materials	1.2	1.2	<u>2.4</u>
			8.4
Equipment - one time			
New position equipment	1.5	1.5	3.0
	<hr style="width: 50px; margin: 0 auto;"/>	<hr style="width: 50px; margin: 0 auto;"/>	<hr style="width: 50px; margin: 0 auto;"/>
	73.7	73.7	147.4

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 32

Fiscal Analysis - (cont'd)

Fourth Judicial District - Fairbanks

	<u>Atty. III (PPT)</u>	<u>Total</u>
Personal Services	35.7	35.7
Travel - Witness travel subsistence, Atty. travel	1.8	1.8
Contractual Services		
office commo., equip. repair	2.4	2.4
copy - postage	1.2	<u>1.2</u>
		3.6
Commodities - Ongoing		
office consumables	1.8	1.8
Law library	1.2	1.2
Commodities - one time		
New position materials	1.2	<u>1.2</u>
		4.2
Equipment - one time		
New position equipment	1.5	1.5
		<hr style="width: 10%; margin: 0 auto;"/> 46.8

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 32

Fiscal Analysis - (cont'd)

3. Public Education

Admin. & Support Component/Prosc. BRU

<u>Object</u>	<u>Total</u>
Contractual Services - one time writing, layout, typesetting, publication and distribution of public notices and information brochures describing the changes in the law.	18.0 18.0
	18.0

Summary of Expenses

	<u>Defending the new law</u>	<u>New Criminal Cases</u>	<u>Public Education</u>	<u>Total</u>
Personal Services		160.9		160.9
Travel		5.4		5.4
Contractual	24.9	10.8	18.0	53.7
Commodities		12.6		12.6
Equipment		4.5		4.5
	24.9	194.2	18.0	237.1

Costs beyond FY 89 include a 3 per cent inflation factor, less one-time items. The costs for defending the new law will occur in both FY 89 and FY 90 and they will be eliminated thereafter.

Position Title Attorney III		No. of Positions 2	Range/Step 22A	Barg. Unit PX	
Time Status PFT	Staff Months 24	Location EBA - Anchorage		Election District 8	
Type of Expenditure		Justification			
Amount		<p>These two full-time attorney positions are required at Anchorage to handle the influx of new cases that will result when marijuana violations, or any use of marijuana, which is not now a violation, become misdemeanor offenses. Prosecutors expect that at least a few hundred such offenses will occur each year as a result of the enactment of this bill. These positions will be responsible for prosecuting those new cases that are brought in the Third Judicial District and handling appellate briefs and appeals hearings. Because these new cases will be classed as misdemeanor offenses, allocation of the positions to the Attorney III level is appropriate.</p>			
1	2				3
Salary	98,380				
Benefits	26,834				
Premium Pay					
Other					
Total Personal Services					125,214
Travel					3,600
Contractual					7,200
Commodities					8,400
Equipment		3,000			
Other					
Total Cost		147,414			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	147,414			
GF Program Receipts	1005				
Other					

**Request For
New Position**

Agency Department of Law
 BRU Prosecution
 Component Third Judicial District

Page 1 of 2
 Revised Date 4/08/88

FY 89

Position Title Attorney III		No. of Positions 1	Range/Step 22A	Barg. Unit PX	
Time Status PPT	Staff Months 12	Location JBA - Fairbanks		Election District 16	
Type of Expenditure		Justification			
		<p>This permanent part-time position at Fairbanks is required to handle the influx of new cases that will result when marijuana violations, or any use of marijuana, which is not now a violation, become misdemeanor offenses. Prosecutors expect that at least a few hundred offenses will occur each year as a result of the enactment of this bill. This position will be responsible for prosecuting those new cases that are brought in the Fourth Judicial District. Because these new cases will be classed as misdemeanor offenses, allocation of the position to the Attorney III level is appropriate.</p>			
Amount					
1	2				3
Salary	28,128				
Benefits	7,576				
Premium Pay					
Other					
Total Personal Services					35,704
Travel					1,800
Contractual					3,600
Commodities					4,200
Equipment					1,500
Other					
Total Cost					46,804
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	46,804			
GF Program Receipts	1005				
Other					

**Request For
New Position**

Agency Department of Law
 BRU Prosecution
 Component Fourth Judicial District

Page 2 of 2
 Revised Date

FY 89

FISCAL NOTE

REQUEST:

Revision Date: February 17, 1988
Title: "An Act relating to marijuana..."

Agency Affected: Department of Law
BRU: Prosecution

Sponsor: Senate HESS
Requestor: Governor's Office/OMB

Components: Third District, Fourth District, Criminal Justice Litigation

EXPENDITURES/REVENUE (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		160.9	165.7	170.7	175.8	181.1
TRAVEL		5.4	5.6	5.8	6.0	6.2
CONTRACTUAL		53.7	36.5	11.9	12.3	12.7
SUPPLIES		12.6	9.3	9.6	9.9	10.2
EQUIPMENT		4.5	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		237.1	217.1	198.0	204.0	210.2

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		237.1	217.1	198.0	204.0	210.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		2	2	2	2	2
PART-TIME		1	1	1	1	1
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see attached analysis.

Prepared by: Richard I. Peques, Director

Phone: 465-3672

Division: Administrative Services

Date: February 17, 1988

Approved by Commissioner: Richard I. Peques (FOR) Grace Berg Schaible, Atty. Gen.

Date: February 17, 1988

Agency: Department of Law

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SSSB 32 (HESS)

The committee substitute for SB 32 makes changes in the legislative findings (Section 1); however, no substantive changes have been made in Section 2, which makes it a Class B misdemeanor to possess or use small amounts of marijuana. Consequently, the fiscal impacts noted in the Department of Law's fiscal note for SB 32, which was originally submitted on March 11, 1987, remain the same. The original analysis is herewith attached.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

SB 32 is a blanket provision which would make possession or use of less than one-half pound of marijuana by anyone a class B misdemeanor. Some of the conduct which this bill would cover (such as use or display of any amount in a public place, possession of any amount while operating a motor vehicle, or possession of more than four ounces of marijuana anywhere) is a class B misdemeanor under existing law. See AS 11.71.060. Some of the conduct which this bill would make a crime (such as delivery of less than one-half ounce or possession of less than one ounce in public) is classified under current law as a "violation", punishable by a fine. See AS 11.71.070. The penalties under current law for other conduct such as delivery of one-half ounce or more, delivery to a minor, or possession of any amount on school grounds would not be altered. Penalties under existing law for these offenses range from A misdemeanor to B felony level. See AS 11.71.030, .040, and .050.

The passage of SB 32 would have fiscal impact on the Department of Law in three general areas: (1) the cost of defending the new law against constitutional challenge; (2) the cost of processing the resulting additional criminal cases; and (3) the cost of educating the public about the new law. These three areas are discussed separately below.

1. Defending the New Law

In 1975 the Alaska Supreme Court in the case of Ravin v. State, 537 P.2d 497 (Alaska 1975), ruled that under Art. I, Sec. 22 of the Alaska Constitution the state could not prohibit possession of marijuana by adults in their own homes for personal use. The court held that the state had not demonstrated the existence of a legitimate state interest which was strong enough to justify the regulation of this conduct.

Since passage of SB 32 would make it a crime for an adult to possess any amount of marijuana anywhere, including in his or her own home, the constitutionality of the new law is certain to be challenged. An appellate court will have to decide whether the state has proved that there is a "compelling state interest" in the prohibition of the use of marijuana which is sufficient to outweigh an individual's right to privacy under the state constitution. It is extremely important, therefore, that the legislature's consideration of this bill include extensive public hearings, debate on the social policy merits of the proposal, and the collection of the results of the most recent scientific, medical, and pharmacological studies regarding the physical, emotional, and social effects of marijuana usage.

In addition to the necessary legislative hearings, evidentiary hearings at the trial court level can be expected when a challenge to the new law is filed. Challenges to the new law will most likely arise in the context of a defendant's pretrial motion to dismiss a criminal prosecution. When responding to such a defense motion, the prosecutor

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

would, in essence, have to convince a court to reverse the ruling in the Ravin case. In order to demonstrate that the result in Ravin is no longer correct, the prosecutor would have to present convincing, scientifically accurate, evidence that the effects of marijuana usage are so injurious to a person's mental and physical health as to justify the legislative decision to totally prohibit use of marijuana by anyone at any time (as opposed to use by minors or use by a person who is operating a motor vehicle--both of which are already prohibited under current law).

The presentation of this convincing evidence will require the prosecution to present expert testimony from authorities who have conducted recent research in this area. Out-of-state witnesses in medical and scientific fields charge a fee for their services. These fees will vary from individual to individual, but are expected to average at least \$100 per hour. This would include services for consultation, witness preparation and actual testimony. Costs will be incurred for expert witness transportation, food and lodging, and other incidental expenses. Additionally, there will be some costs for preparation of exhibits and written reports. To the extent possible, the Department of Law would attempt to present written testimony in situations where it is not feasible to fly a person to Alaska to testify in person. We estimate that a minimum of six expert witnesses will be required to attempt to successfully defend the new law at the trial court level.

Hearings at the trial court level can reasonably be expected to take several days. A substantial commitment of attorney time will be required for scientific and legal research in preparation for the hearings, actual court time, legal briefing, and the preparation of proposed findings of fact. Since prosecutions under the new law will occur statewide, defense challenges may be raised at the same time in different parts of the state. The extensive hearings described above may have to be held in more than one judicial district in the state.

Regardless of which side prevails at the trial court level, the lower court ruling would almost certainly be followed by an appeal. At a minimum, such an appeal (or appeals) would require additional legal research, a thorough review of the record, the drafting of briefs, and oral argument before the appellate court.

2. New Criminal Cases

Although some of the conduct included within the scope of SB 32 is already against the law, much behavior which is now classified as a "violation" or which is not now an offense of any sort will become a misdemeanor crime. It is difficult to accurately predict in advance the impact which the passage of SB 32 will have on the criminal justice system.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Some law enforcement officers who work primarily in the drug enforcement area believe that the new law could potentially result in "thousands" of new misdemeanor cases a year. They believe that the bill would cause an increased enforcement effort both in the areas not now covered by existing law and against persons who commit minor offenses which are already against the law. A great number of the new cases would arise from situations where law enforcement officers now commonly discover small amounts of marijuana (as when an officer responds to a domestic disturbance call and sees some marijuana plants in a person's home, or when a person is arrested for a minor offense and a routine search for weapons reveals some marijuana cigarettes in the person's pocket, for example). Incidents of this sort occur frequently now, but do not generally result in any criminal prosecution for the marijuana possession. Many of these cases are likely to be referred for criminal prosecution if SB 32 becomes law.

Prosecutors generally predict a lesser number of new potential criminal cases under SB 32 than do police. Once the public becomes aware of the new law, people are likely to be more careful about not allowing marijuana or smoking paraphernalia to be exposed in plain view in their homes, for example. Judging from the number of minor marijuana offenses prosecuted prior to the Ravin decision in 1975, prosecutors expect a "few hundred" new criminal cases a year.

Cases which are accepted for prosecution will require attorney time both at trial and in preparation for trial (i.e., preparation of search warrants, response to defense motions, evaluation of results of laboratory analysis, pretrial witness preparation, etc.). To handle screening of the expected case referrals, and to prosecute the additional cases, the criminal division will require the addition of at least two Attorney III positions in Anchorage. It is anticipated that a half-time attorney will also be needed in the Fairbanks District Attorney's office.

This fiscal note reflects the fact that the pretrial diversion program was entirely eliminated in FY 88. Anticipating that more than fifty per cent of defendants would qualify for diversion, we must prepare for a gross increase in the number of cases that will go to trial.

3. Public Education

In order to inform the public of the changes in the law, the Department of Law will develop and disseminate public notices explaining the new law. These notices will include newspaper ads and brochures, and will be modeled upon the public education notices which were distributed statewide in connection with the new drug law in 1982 and the new DWI and drinking age laws in 1983. Based upon experience with these earlier notices, approximately \$18,000 will be needed to cover the costs of writing, layout, typesetting, publication, and distribution.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

In addition to the costs explained above, it is anticipated that the passage of this bill will result in increased costs to other components of the criminal justice system, including law enforcement, the courts, the public defender agency, and corrections.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis

1. Defending the New Law

Admin. & Support Component/Prosc. - BRU

<u>Object</u>	<u>Total</u>
Contractual Services -	
Professional fees scientific experts 120 hrs. X \$100 = \$12,000	\$12,000
Experts' staff support, preparation of exhibits, written testimony 50 hrs. X \$40 = \$2,000	2,000
Experts' travel to attend hearings and offer testimony 6 trips X 4 days X \$80 = \$1,920 subsistence 6 trips X \$1,500 = \$9,000 travel	1,920 9,000
	<u>\$24,920</u>

This amount will be required for both FY 89 and FY 90, to cover both trials and appeals.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis - (cont'd)

2. New Criminal Cases

Third Judicial District - Anchorage

	Atty III (PFT)	Atty III (PFT)	Total
Personal Services	62.6	62.6	125.2
Travel - Witness travel subsistence, atty. travel	1.8	1.8	3.6
Contractual Services			
office commo. equip. repairs	2.4	2.4	4.8
copy - postage	1.2	1.2	<u>2.4</u>
			7.2
Commodities - Ongoing			
office consumables	1.8	1.8	3.6
Law library	1.2	1.2	2.4
Commodities - one time			
New position materials	1.2	1.2	<u>2.4</u>
			8.4
Equipment - one time			
New position equipment	1.5	1.5	3.0
	<hr/>	<hr/>	<hr/>
	73.7	73.7	147.4

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis - (cont'd)

Fourth Judicial District - Fairbanks

	Atty. III (PPT)	<u>Total</u>
Personal Services	35.7	35.7
Travel - Witness travel subsistence, Atty. travel	1.8	1.8
Contractual Services		
office commo., equip. repair	2.4	2.4
copy - postage	1.2	<u>1.2</u>
		3.6
Commodities - Ongoing		
office consumables	1.8	1.8
Law library	1.2	1.2
Commodities - one time		
New position materials	1.2	<u>1.2</u>
		4.2
Equipment - one time		
New position equipment	1.5	1.5
		—
		46.8

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis - (cont'd)

3. Public Education

Admin. & Support Component/Prosc. BRU

<u>Object</u>	<u>Total</u>
Contractual Services - one time writing, layout, typesetting, publication and distribution of public notices and information brochures describing the changes in the law.	18.0 18.0
	18.0

Summary of Expenses

	<u>Defending the new law</u>	<u>New Criminal Cases</u>	<u>Public Education</u>	<u>Total</u>
Personal Services		160.9		160.9
Travel		5.4		5.4
Contractual	24.9	10.8	18.0	53.7
Commodities		12.6		12.6
Equipment		4.5		4.5
	24.9	194.2	18.0	237.1

Costs beyond FY 89 include a 3 per cent inflation factor, less one-time items. The costs for defending the new law will occur in both FY 89 and FY 90 and they will be eliminated thereafter.

Position Title Attorney III		No. of Positions 2	Range/Step 22A	Barg. Unit PX
Time Status PFT	Start Months 24	Location EBA - Anchorage		Election District 8
Justification				
<p>These two full-time attorney positions are required at Anchorage to handle the influx of new cases that will result when marijuana violations, or any use of marijuana, which is not now a violation, become misdemeanor offenses. Prosecutors expect that at least a few hundred such offenses will occur each year as a result of the enactment of this bill. These positions will be responsible for prosecuting those new cases that are brought in the Third Judicial District and handling appellate briefs and appeals hearings. Because these new cases will be classed as misdemeanor offenses, allocation of the positions to the Attorney III level is appropriate.</p>				
Type of Expenditure:		Amount		
1	2	3		
Salary	98,380			
Benefits	26,834			
Premium Pay				
Other				
Total Personal Services		125,214		
Travel		3,600		
Contractual		7,200		
Commodities		8,400		
Equipment		3,000		
Other				
Total Cost		147,414		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	147,414		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

Request For
New Position

Agency Department of Law
 BRU Prosecution
 Component Third Judicial District

Page 1 of 2
 Revised Date

FY 89

Position Title Attorney III		No. of Positions	Range/Step 22A	Barg. Unit PX
Time Status PPT	Staff Months 12	Location JBA - Fairbanks		Election District 16
Type of Expenditure		Justification		
1	2	3		
Salary	28,128	This permanent part-time position at Fairbanks is required to handle the influx of new cases that will result when marijuana violations, or any use of marijuana, which is not now a violation, become misdemeanor offenses. Prosecutors expect that at least a few hundred offenses will occur each year as a result of the enactment of this bill. This position will be responsible for prosecuting those new cases that are brought in the Fourth Judicial District. Because these new cases will be classed as misdemeanor offenses, allocation of the position to the Attorney III level is appropriate.		
Benefits	7,576			
Premium Pay				
Other				
Total Personal Services	35,704			
Travel		1,800		
Contractual		3,600		
Commodities		4,200		
Equipment		1,500		
Other				
Total Cost		46,804		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	46,804		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

Request For
New Position

Agency Department of Law
 BRU Prosecution
 Component Fourth Judicial District

Page 2 of 2
 Revised Date

FY 89

0/12/88 S de

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 32
PUBLISH DATE: _____

FISCAL NOTE

REQUEST

Revision Date: _____
Title: "An Act relating to the
recriminalization of marijuana.."
Sponsor: Sen. Fischer
Requestor: Senate Rules

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Criminal Investigation
Bureau

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

JMC
2/19/88

Prepared by: Francis C. Allan *F.C.A.*
Division: Alaska State Troopers

Phone: 269-5691
Date: 1/29/88

Approved by Commissioner: Arthur English *A.H.*
Agency: Public Safety

Date: 1/29/88

- Distribution: (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

RECEIVED
FEB 13 1988

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CS SB 32
PUBLISH DATE: 3/31/87

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act relating to marijuana" Agency Affected: Dept. of Administration
BRU: Public Defender Agency

Sponsor: Fischer and Faiks
Requestor: Judiciary and Finance Components: Third Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		140.4	146.0	151.8	157.9	164.2
TRAVEL		-0-	-0-	-0-	-0-	-0-
CONTRACTUAL		27.5	10.4	10.8	11.2	11.6
SUPPLIES		2.0	2.1	2.2	2.3	2.4
EQUIPMENT		3.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		172.9	158.5	164.8	171.4	178.2

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		172.9	158.5	164.8	171.4	178.2
FEDERAL FUNDS						
OTHER						
TOTAL		172.9	158.5	164.8	171.4	178.2

POSITIONS:

FULL-TIME		2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

(See attached)

Prepared by: Dana Fabe, Public Defender
Division: Public Defender Agency

Phone: 279-7541
Date: January 21, 1988

Approved by Commissioner: John Andrews
Agency: Department of Administration

Date: 2/1/88

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

FEB 3 1988

page 1 of 4

LEGISLATIVE FINANCE

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 32

This bill would re-institute the prosecution of offenses relating to the possession of marijuana in any amount or location and would result in a significant number of new cases for the Department of Law, the Public Defender Agency and the Office of Public Advocacy. The Department of Law is requesting 2.5 new attorney positions while the Public Defender Agency is requesting an Attorney III in Anchorage and an Attorney III in Fairbanks for a total of 173.4.

BUDGET ANALYSIS

100	Attorney III - Anchorage	66.0	
	Attorney III - Fairbanks	74.4	140.4
200	Travel		-0-
300	Contractual - Space, phone, etc.	10.0	
	Litigation, one time	17.5	27.5
400	Supplies - Law Library, office, etc.		2.0
500	Equipment - One time		<u>3.0</u>
		TOTAL	172.9

Position Title Attorney III		No. of Positions 1	Range/Step 22/A	Barg. Unit PX
Time Status PFT	Staff Months 12	Location Anchorage		Election District 92
Type of Expenditure		Amount		
1	2	3		
Salary	49,140			
Benefits	16,834			
Premium Pay				
Other				
Total Personal Services		65,974		
Travel		-0-		
Contractual		22,500		
Commodities		1,000		
Equipment		1,500		
Other				
Total Cost		90,974		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	90,974		
GF Program Receipts	1005			
Other				
Justification				
This bill would result in a significant increase in criminal prosecutions as it would apply to any amount of marijuana in any location. The Public Defender Agency is requesting an Attorney III for Anchorage plus an additional 17.5 (one time) in contractual to litigate the constitutionality of this bill.				

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Third Judicial District

Page 3 of 4
 Revised Date 1/21/88

FY 89

Position Title Attorney III		No. of Positions 1	Range/Step 22/A	Barg. Unit PX	
Time Status PFT	Staff Months 12	Location Fairbanks	Election District 94		
Type of Expenditure		Justification			
Amount		<p>This bill would result in a significant increase in criminal prosecutions as it would apply to any amount of marijuana in any location. The Public Defender Agency is requesting an Attorney III for Fairbanks to respond to the anticipated increased caseload.</p>			
1	2				3
Salary	56,244				
Benefits	18,129				
Premium Pay					
Other					
Total Personal Services					74,373
Travel					-0-
Contractual					5,000
Commodities					1,000
Equipment		1,500			
Other					
Total Cost		81,873			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	81,873			
GF Program Receipts	1005				
Other					

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Fourth Judicial District

FY 89

Page 4 of 4
 Revised Date 1/21/88

SENATE COMMITTEE REPORT

FURTHER:

5/7/87

DATE TURNED INTO OFFICE

5/8/87

Mr. President:

FINANCE

Committee considered

SB 32

relating to marijuana; efd.

and recommended:

[] replace with CS FOR) [x] same title
[] or adopt CS FOR) [] new title

[] attached amendment(s) and

[] do pass

[] do not pass

[] no recommendation

[x] individual recommendations

[] further referral to

[] letter of intent adopted

Committee [x] attached or [] adopted fiscal note(s)

[x] new [] updated or [] previous
[x] zero [] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Paul Frade

John (No Rec)
Jim (No Rec)
Willie (No Rec)

Chairman signature and recommendation Do PASS

[] Committee Backup Attached

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 32 (HESS)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: January 14, 1988
Title: Relating to marijuana

Agency Affected: All
BRU: _____

Sponsor: Sen. Fischer
Requestor: Senate Finance Committee

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This fiscal note replaces all previous notes.

Prepared by: *Rick Halford* Phone: 465-4958
Division: Senator Rick Halford, Co-chairman Date: _____
Senate Finance Committee

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

*SFC O
Fiscal Note
Updated for
1988*

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version: CS SB 32 (HESS)
Publish Date: _____

REQUEST: _____

Revision Date: _____
Title: Relating to marijuana; efd

Agency Affected: ALL
BRU: _____

Sponsor: Senator Fischer
Requestor: _____

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)


GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This fiscal note replaces all previous notes.

Prepared by:  Phone: 465-4985
Division: Senator/John Binkley, Co-chairman Date: 5/8/87
Senate Finance Committee

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

Original sponsors: Fischer and Faiks

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR SENATE BILL NO. 32 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to marijuana; and providing for an
7 effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. FINDINGS. (a) The legislature finds that marijuana use
10 is a serious health problem for the following reasons, each of which con-
11 stitutes a legitimate and compelling state interest:

12 (1) marijuana and other cannabis preparations may contain over
13 420 different compounds;

14 (2) tetrahydrocannabinol (THC), one of the pharmacologically
15 active compounds in marijuana, is not soluble in water, but goes into the
16 fatty tissues of the brain, testicles, ovaries, and other internal organs,
17 and takes as long as 30 days to be eliminated from the body;

18 (3) the buildup of THC in the system means that repeated
19 administration of even small doses may lead to an accumulation of the drug
20 higher than levels reached at any time after a single dose;

21 (4) the buildup of THC in the body causes the user to smoke more
22 marijuana to achieve the desired high and may result in loss of sleep,
23 appetite, and initiative, as well as moodiness and depression;

24 (5) it is possible for a human being to overdose from the use of
25 marijuana, especially if it is used in conjunction with alcohol, because it
26 increases the effects of alcohol;

27 (6) the THC content of commonly obtainable marijuana has in-
28 creased from less than one percent 10 years ago to as high as 10 percent
29 today;

1 (7) marijuana with THC content higher than one percent is
2 generally available in the state, through both importation and local
3 cultivation;

4 (8) marijuana may cause schizophrenia, illusions, and hallucina-
5 tions, including a dulling of the senses, creating the possibility that the
6 user is unable to respond to body signals such as pain;

7 (9) although it may take a heavy cigarette smoker as long as 20
8 years to develop lung cancer, one marijuana cigarette a day may cause lung
9 cancer in three years;

10 (10) THC affects eggs, sperm, sexual hormones, and the develop-
11 ment of a fetus and marijuana use may result in deformed or undersized
12 offspring;

13 (11) other physical reactions to marijuana include irreversible
14 changes in the brain, sinusitis, pharyngitis, bronchitis, emphysema, in-
15 creased heart rate, and decreased blood circulation;

16 (12) other psychological reactions to marijuana include loss of
17 memory, anxiety, panic, paranoia, psychosis, psychological dependence, and
18 impairment in thinking, reading comprehension, verbal and arithmetic prob-
19 lem solving, and perception of distance and time;

20 (13) the use of even small amounts of marijuana by adults in the
21 home subjects children present to a substantial health hazard; and

22 (14) marijuana and tetrahydrocannabinols have been found by the
23 United States Congress to possess a high potential for abuse.

24 (b) The legislature further finds that

25 (1) patterns of marijuana use in the state have changed over the
26 past decade;

27 (2) the daily use of marijuana in the state has increased to as
28 high as four percent among the general population and as high as six
29 percent among secondary school students;

1 (3) marijuana use in the state within both the general popula-
2 tion and among adolescents is significantly higher than in the nation as a
3 whole;

4 (4) there is a direct relationship between the use of marijuana
5 at home by adults and the percentage of secondary school students who
6 experience disciplinary and academic problems in public schools; over the
7 last three years in the Anchorage School District, of the 230 students who
8 have been suspended from school for possession or use of marijuana, 29
9 percent have indicated that marijuana is used by adults in their living
10 environment;

11 (5) the changing patterns of marijuana use and the relationship
12 between marijuana use by adults and adolescents have significantly com-
13 promised the state's legitimate efforts to prevent the spread of marijuana
14 use to adolescents and protect the health of adolescents; and

15 (6) these efforts constitute a legitimate and compelling state
16 interest.

17 (c) The legislature further finds there is a legitimate and com-
18 pelling governmental interest, based on testimonial and scientific evi-
19 dence, that the public health and welfare will suffer if personal use of
20 marijuana even in small amounts is allowed.

21 * Sec. 2. AS 11.71.060(a) is amended to read:

22 (a) Except as authorized in AS 17.30, a person commits the crime
23 of misconduct involving a controlled substance in the sixth degree if
24 the person

25 (1) uses or displays any amount of a schedule VIA con-
26 trolled substance or possesses one or more preparations, compounds,
27 mixtures, or substances of an aggregate weight of less than one-half
28 pound [ONE OUNCE OR MORE] containing a schedule VIA controlled sub-
29 stance [ON A PUBLIC STREET OR SIDEWALK OR ON THE PREMISES OF A PUBLIC

1 CARRIER OR BUSINESS ESTABLISHMENT OR IN ANY OTHER PUBLIC PLACE]; or
2 [(2) KNOWINGLY POSSESSES ANY AMOUNT OF A SCHEDULE VIA
3 CONTROLLED SUBSTANCE WITHIN THE IMMEDIATE CONTROL OF THAT PERSON WHILE
4 OPERATING A PROPELLED VEHICLE;
5 (3) BEING UNDER 19 YEARS OF AGE, POSSESSES ONE OR MORE
6 PREPARATIONS, COMPOUNDS, MIXTURES, OR SUBSTANCES OF AN AGGREGATE
7 WEIGHT OF LESS THAN FOUR OUNCES CONTAINING A SCHEDULE VIA CONTROLLED
8 SUBSTANCE;
9 (4) POSSESSES ONE OR MORE PREPARATIONS, COMPOUNDS, MIX-
10 TURES, OR SUBSTANCES OF AN AGGREGATE WEIGHT OF FOUR OUNCES OR MORE
11 CONTAINING A SCHEDULE VIA CONTROLLED SUBSTANCE; OR]

12 (2) [(5)] refuses entry into a premises for an inspection
13 authorized under AS 17.30.

14 * Sec. 3. AS 11.71.070 is repealed.

15 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST

Revision Date: _____
 Title: "An Act relating to the re-criminalization of marijuana.."
 Sponsor: Sen. Fischer
 Requestor: Senate Judiciary

Bill Version: CSSB 32 (HESS)

Publish Date: _____

Agency Affected: Public Safety
 BRU: Alaska State Troopers

Components: Detachments & CIB
Narcotics

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan
 Division: Alaska State Troopers

Phone: 269-5691
 Date: 4/8/87

Approved by Commissioner: William R. Nix
 Agency: Public Safety

Date: 4/8/87

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)
 Senate Secretary

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page ____ of ____

LEGISLATIVE FINANCE

JNK
4/8/87

4/8/87

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 32
Publish Date: _____

REQUEST

Revision Date: _____
Title: "An Act relating to marijuana;
and providing for an effective date."
Sponsor: Sen. Fischer
Requestor: Senate HESS

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Detachments & C.I.B.
Narcotics

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No additional enforcement activities are anticipated and thus no fiscal impact is anticipated.

Prepared by: Francis C. Allan
Division: Alaska State Troopers

Phone: 269-5691
Date: 1/21/87

Approved by Commissioner: [Signature]
Agency: Public Safety
Distribution (by preparer):

Date: 1/26/87

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

JMK
1/21/87

F.C.A.

3/10/87 B

Letter of SFC
referred to

STATE OF ALASKA 1987 LEGISLATIVE SESSION FISCAL NOTE

Bill Version : SB32
 Publish Date : _____
 REQUEST: _____
 Revision Date: _____
 Title: "An Act relating to marijuana..."
 Agency Affected: Dept. of Administration
 BRU: Public Defender Agency
 Sponsor: Sen. Fischer, Sen Faiks
 Requestor: Judiciary
 Components: Third Judicial District
Fourth Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		140.9	146.5	152.3	158.4	164.7
TRAVEL		-0-				
CONTRACTUAL		27.5	10.4	10.8	11.2	11.6
SUPPLIES		2.0	2.1	2.2	2.3	2.4
EQUIPMENT		3.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	173.4	159.0	165.3	171.9	178.7

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	173.4	159.0	165.3	171.9	178.7
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	173.4	159.0	165.3	171.9	178.7

POSITIONS:

FULL-TIME	-0-	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached analysis

by SFC

Prepared by: Dana Fabe, Public Defender Phone: 279-7541
 Division: Public Defender Agency Date: Feb. 20, 1987

Approved by Commissioner: Forney Peak Date: 3/6/87
 Agency: _____

- Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)
 Senate Secretary

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CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB32

This bill would re-institute the prosecution of offenses relating to the possession of marijuana in any amount or location and would result in a significant number of new cases for the Department of Law, the Public Defender Agency and the Office of Public Advocate. The Department of Law is requesting 2.5 new attorney positions while the Public Defender Agency is requesting an Attorney III in Anchorage and an Attorney III in Fairbanks for a total of \$173.4.

BUDGET ANALYSIS

100	Attorney III - Anchorage	66.1	
	Attorney III - Fairbanks	- 74.8	140.9
200	Travel		-0-
300	Contractual - Space, phone, etc.	10.0	
	Litigation, one time	17.5	27.5
400	Supplies - Law Library, office, etc.		2.0
500	Equipment - One time		<u>3.0</u>
		Total	173.4

Position Title Attorney III			No. of Positions 1	Range/Step 22A	Barg. Unit 94	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12.0	RP Number	Location Fairbanks	Election District 94	Leg.			
Type of Expenditure			Justification					
		Amount	<p>This bill would result in a significant increase in criminal prosecutions as it would apply to any amount of marijuana in any location. The Public Defender Agency is requesting an Attorney III for Fairbanks to respond to the anticipated increased caseload.</p>					
1	2	3						
Salary	56,244							
Benefits	18,551							
Premium Pay								
Other								
Total Personal Services		74,795						
Travel		-0-						
Contractual		5,000						
Commodities		1,000						
Equipment		1,500						
Other								
Total Cost		82,295						
Receipt Code	Funding Source							
	Federal Receipts	1002						
	G. F. Match	1003						
	General Funds	1004	82,295					
	I-A Receipts	1005						
	Program Receipts	1028						
	CIP Receipts	1061						
	Other							
For B&M Use Only								
Key Number								

**Request For
New Position**

Agency Dept. of Administration
 BRU Public Defender Agency
 Component Fourth Judicial District

Page 4 of 4
 Revised Date _____

FY 87

8

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version: SB 32
Publish Date:

REQUEST: _____

Revision Date: _____ Agency Affected: Alaska Court System
Title: An act relating to marijuana BRU: Trial Courts

Sponsor: Fischer Components:
Requestor: Senate Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
Personal Services	143.6	143.6	143.6	143.6	143.6
Travel
Contractual
Supplies
Equipment	11.5	. . . .	. . . .	. . . .	. . . .
Land & Structures
Grants & Claims
TOTAL OPERATING	0.0	155.1	143.6	143.6	143.6	143.6
CAPITAL
REVENUE

FUNDING: (Thousands of Dollars)

General Funds	0.0	155.1	143.6	143.6	143.6	143.6
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	155.1	143.6	143.6	143.6	143.6

POSITIONS:

Full-time	. . . .	4.0	4.0	4.0	4.0	4.0
Part-time	. . . .	1.0	1.0	1.0	1.0	1.0
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

ANALYSIS: (Attach a separate page if necessary)

by JFC

See attached fiscal analysis.

Prepared by: Karla Forsythe, General Counsel
Division: Alaska Court System

Phone: 264-8228
Date: 4-23-87

Approved by: *Stephanie J. Cole*
Stephanie J. Cole, Deputy Director
Agency: Alaska Court System

Date: 4-23-87

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management & Budget
Impacted Agency(ies)
Senate Secretary

RECEIVED

APR 27 1987

LEGISLATIVE FINANCE

ALASKA COURT SYSTEM
SB 32 - Fiscal Analysis

The Court System's fiscal note is based on the assumption that this bill will be enforced if enacted into law. The fiscal note submitted by the Department of Law reports that enforcement personnel anticipate several thousand new cases. This figure does not include prosecution resulting from municipal enforcement. Municipal police will generate a significant volume of cases for the courts, since they are responsible for enforcement in Alaska's urban communities and are more likely to arrest a large number of individuals than state troopers who focus on organized drug activity.

Using a conservative estimate of 2,000 cases annually, it appears that the increased caseload could be absorbed with existing judicial resources, but additional clerical support would be needed to process the high volume of paperwork attributable to these new criminal offenses which will be entering the criminal justice system.

10

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version : Senate Bill 32
Publish Date : _____

Revision Date: _____
Title: "An act relating to marijuana"

Agency Affected: Department of Corrections
BRU: _____

Sponsor: Senator Paul Fischer
Requestor: Senator Paul Fischer

Components : _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Susie Riley, Budget Analyst Phone: 465-3376
Division: Administrative Services Date: 01/26/87

Approved by ^{acting} Commissioner: William W. Ladwig Date: 01/26/87
Agency: Department of Corrections

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

Hess 1/19/87
 No SFC referral B
 3/12/87

STATE OF ALASKA 1987 LEGISLATIVE SESSION
 FISCAL NOTE

REQUEST: _____

Bill Version: SB 32

Publish Date: _____

Revision Date: _____

Agency Affected: Department of Law

Title: "An Act relating to marijuana..."

BRU: Prosecution

Sponsor: Sen. Fischer

Components: Third Judicial District,

Requestor: Sen. Fischer

Fourth Judicial District, Admin. &

Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		160.9	165.7	170.7	175.8	181.1
TRAVEL		5.4	5.6	5.8	6.0	6.2
CONTRACTUAL		53.7	36.5	11.9	12.3	12.7
SUPPLIES		12.6	9.3	9.6	9.9	10.2
EQUIPMENT		4.5	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		237.1	217.1	198.0	204.0	210.2

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		237.1	217.1	198.0	204.0	210.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		2	2	2	2	2
PART-TIME		1	1	1	1	1
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see attached analysis.

by SFC

Prepared by: Richard I. Pegues, Director

Phone: 465-3672

Division: Administrative Services

Date: 3/11/87

Approved by Commissioner: Richard I. Pegues (for) Grace Berg Schaible, Atty. Gen.

Date: 3/11/87

Agency: Department of Law

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

RECEIVED

MAR 11 1987

LEGISLATIVE FINANCE

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

SB 32 is a blanket provision which would make possession or use of less than one-half pound of marijuana by anyone a class B misdemeanor. Some of the conduct which this bill would cover (such as use or display of any amount in a public place, possession of any amount while operating a motor vehicle, or possession of more than four ounces of marijuana anywhere) is a class B misdemeanor under existing law. See AS 11.71.060. Some of the conduct which this bill would make a crime (such as delivery of less than one-half ounce or possession of less than one ounce in public) is classified under current law as a "violation", punishable by a fine. See AS 11.71.070. The penalties under current law for other conduct such as delivery of one-half ounce or more, delivery to a minor, or possession of any amount on school grounds would not be altered. Penalties under existing law for these offenses range from A misdemeanor to B felony level. See AS 11.71.030, .040, and .050.

The passage of SB 32 would have fiscal impact on the Department of Law in three general areas: (1) the cost of defending the new law against constitutional challenge; (2) the cost of processing the resulting additional criminal cases; and (3) the cost of educating the public about the new law. These three areas are discussed separately below.

1. Defending the New Law

In 1975 the Alaska Supreme Court in the case of Ravin v. State, 537 P.2d 497 (Alaska 1975), ruled that under Art. I, Sec. 22 of the Alaska Constitution the state could not prohibit possession of marijuana by adults in their own homes for personal use. The court held that the state had not demonstrated the existence of a legitimate state interest which was strong enough to justify the regulation of this conduct.

Since passage of SB 32 would make it a crime for an adult to possess any amount of marijuana anywhere, including in his or her own home, the constitutionality of the new law is certain to be challenged. An appellate court will have to decide whether the state has proved that there is a "compelling state interest" in the prohibition of the use of marijuana which is sufficient to outweigh an individual's right to privacy under the state constitution. It is extremely important, therefore, that the legislature's consideration of this bill include extensive public hearings, debate on the social policy merits of the proposal, and the collection of the results of the most recent scientific, medical, and pharmacological studies regarding the physical, emotional, and social effects of marijuana usage.

In addition to the necessary legislative hearings, evidentiary hearings at the trial court level can be expected when a challenge to the new law is filed. Challenges to the new law will most likely arise in the context of a defendant's pretrial motion to dismiss a criminal prosecution. When responding to such a defense motion, the prosecutor

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

would, in essence, have to convince a court to reverse the ruling in the Ravin case. In order to demonstrate that the result in Ravin is no longer correct, the prosecutor would have to present convincing, scientifically accurate, evidence that the effects of marijuana usage are so injurious to a person's mental and physical health as to justify the legislative decision to totally prohibit use of marijuana by anyone at any time (as opposed to use by minors or use by a person who is operating a motor vehicle--both of which are already prohibited under current law).

The presentation of this convincing evidence will require the prosecution to present expert testimony from authorities who have conducted recent research in this area. Out-of-state witnesses in medical and scientific fields charge a fee for their services. These fees will vary from individual to individual, but are expected to average at least \$100 per hour. This would include services for consultation, witness preparation and actual testimony. Costs will be incurred for expert witness transportation, food and lodging, and other incidental expenses. Additionally, there will be some costs for preparation of exhibits and written reports. To the extent possible, the Department of Law would attempt to present written testimony in situations where it is not feasible to fly a person to Alaska to testify in person. We estimate that a minimum of six expert witnesses will be required to attempt to successfully defend the new law at the trial court level.

Hearings at the trial court level can reasonably be expected to take several days. A substantial commitment of attorney time will be required for scientific and legal research in preparation for the hearings, actual court time, legal briefing, and the preparation of proposed findings of fact. Since prosecutions under the new law will occur statewide, defense challenges may be raised at the same time in different parts of the state. The extensive hearings described above may have to be held in more than one judicial district in the state.

Regardless of which side prevails at the trial court level, the lower court ruling would almost certainly be followed by an appeal. At a minimum, such an appeal (or appeals) would require additional legal research, a thorough review of the record, the drafting of briefs, and oral argument before the appellate court.

2. New Criminal Cases

Although some of the conduct included within the scope of SB 32 is already against the law, much behavior which is now classified as a "violation" or which is not now an offense of any sort will become a misdemeanor crime. It is difficult to accurately predict in advance the impact which the passage of SB 32 will have on the criminal justice system.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Some law enforcement officers who work primarily in the drug enforcement area believe that the new law could potentially result in "thousands" of new misdemeanor cases a year. They believe that the bill would cause an increased enforcement effort both in the areas not now covered by existing law and against persons who commit minor offenses which are already against the law. A great number of the new cases would arise from situations where law enforcement officers now commonly discover small amounts of marijuana (as when an officer responds to a domestic disturbance call and sees some marijuana plants in a person's home, or when a person is arrested for a minor offense and a routine search for weapons reveals some marijuana cigarettes in the person's pocket, for example). Incidents of this sort occur frequently now, but do not generally result in any criminal prosecution for the marijuana possession. Many of these cases are likely to be referred for criminal prosecution if SB 32 becomes law.

Prosecutors generally predict a lesser number of new potential criminal cases under SB 32 than do police. Once the public becomes aware of the new law, people are likely to be more careful about not allowing marijuana or smoking paraphernalia to be exposed in plain view in their homes, for example. Judging from the number of minor marijuana offenses prosecuted prior to the Ravin decision in 1975, prosecutors expect a "few hundred" new criminal cases a year.

Cases which are accepted for prosecution will require attorney time both at trial and in preparation for trial (i.e., preparation of search warrants, response to defense motions, evaluation of results of laboratory analysis, pretrial witness preparation, etc.). To handle screening of the expected case referrals, and to prosecute the additional cases, the criminal division will require the addition of at least two Attorney III positions in Anchorage. It is anticipated that a half-time attorney will also be needed in the Fairbanks District Attorney's office.

This fiscal note reflects the fact that the pretrial diversion program will be entirely eliminated in FY 88. Anticipating that more than fifty per cent of defendants would qualify for diversion, we must prepare for a gross increase in the number of cases that will go to trial.

3. Public Education

In order to inform the public of the changes in the law, the Department of Law will develop and disseminate public notices explaining the new law. These notices will include newspaper ads and brochures, and will be modeled upon the public education notices which were distributed statewide in connection with the new drug law in 1982 and the new DWI and drinking age laws in 1983. Based upon experience with these earlier notices, approximately \$18,000 will be needed to cover the costs of writing, layout, typesetting, publication, and distribution.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

In addition to the costs explained above, it is anticipated that the passage of this bill will result in increased costs to other components of the criminal justice system, including law enforcement, the courts, the public defender agency, and corrections.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis

1. Defending the New Law

Admin. & Support Component/Prosec. - BRU

<u>Object</u>	<u>Total</u>
Contractual Services -	
Professional fees scientific experts 120 hrs. X \$100 = \$12,000	\$12,000
Experts' staff support, preparation of exhibits, written testimony 50 hrs. X \$40 = \$2,000	2,000
Experts' travel to attend hearings and offer testimony 6 trips X 4 days X \$80 = \$1,920 subsistence 6 trips X \$1,500 = \$9,000 travel	1,920 9,000
	<u>\$24,920</u>

This amount will be required for both FY 88 and FY 89, to cover both trials and appeals.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis - (cont'd)

2. New Criminal Cases

Third Judicial District - Anchorage

	Atty III (PFT)	Atty III (PFT)	Total
Personal Services	62.6	62.6	125.2
Travel - Witness travel subsistence, atty. travel	1.8	1.8	3.6
Contractual Services			
office commo. equip. repairs	2.4	2.4	4.8
copy - postage	1.2	1.2	<u>2.4</u>
			7.2
Commodities - Ongoing			
office consumables	1.8	1.8	3.6
Law library	1.2	1.2	2.4
Commodities - one time			
New position materials	1.2	1.2	<u>2.4</u>
			8.4
Equipment - one time			
New position equipment	1.5	1.5	3.0
	<hr/>	<hr/>	<hr/>
	73.7	73.7	147.4

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis - (cont'd)

Fourth Judicial District - Fairbanks

	Atty. III (PPT)	<u>Total</u>
Personal Services	35.7	35.7
Travel - Witness travel subsistence, Atty. travel	1.8	1.8
Contractual Services		
office commo., equip. repair	2.4	2.4
copy - postage	1.2	<u>1.2</u>
		3.6
Commodities - Ongoing		
office consumables	1.8	1.8
Law library	1.2	1.2
Commodities - one time		
New position materials	1.2	<u>1.2</u>
		4.2
Equipment - one time		
New position equipment	1.5	1.5
		<hr style="width: 100%; border: 0.5px solid black;"/>
		46.8

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis - (cont'd)

3. Public Education

Admin. & Support Component/Prosc. BRU

Object

Total

Contractual Services - one time writing, layout, typesetting, publication and distribution of public notices and information brochures describing the changes in the law.

18.0 18.0

18.0

Summary of Expenses

	<u>Defending the new law</u>	<u>New Criminal Cases</u>	<u>Public Education</u>	<u>Total</u>
Personal Services		160.9		160.9
Travel		5.4		5.4
Contractual	24.9	10.8	18.0	53.7
Commodities		12.6		12.6
Equipment		4.5		4.5
	-----	-----	-----	-----
	24.9	194.2	18.0	237.1

Costs beyond FY 88 include a 3 per cent inflation factor, less one-time items. The costs for defending the new law will occur in both FY 88 and FY 89 and they will be eliminated thereafter.

Position Title Attorney II		No. of Positions 2	Range/Step 22A	Barg. Unit PX
Time Status PFT	Staff Months 24	Location EBA - Anchorage		Election District 8
Type of Expenditure:		Justification		
1	2	3		
Salary	98,380	These two full-time attorney positions are required at Anchorage to handle the influx of new cases that will result when marijuana violations, or any use of marijuana, which is not now a violation, become misdemeanor offenses. Prosecutors expect that at least a few hundred such offenses will occur each year as a result of the enactment of this bill. These positions will be responsible for prosecuting those new cases that are brought in the Third Judicial District and handling appellate briefs and appeals hearings. Because these new cases will be classed as misdemeanor offenses, allocation of the positions to the Attorney III level is appropriate.		
Benefits	26,834			
Premium Pay				
Other				
Total Personal Services					125,214
Travel		3,600		
Contractual		7,200		
Commodities		8,400		
Equipment		3,000		
Other				
Total Cost		147,414		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	147,414		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Department of Law
 BRU Prosecution
 Component Third Judicial District

Page 1 of 2
 Revised Date

FY 88

Position Title Attorney III		No. of Positions 1	Range/Step 22A	Barg. Unit PX
Time Status PPT	Staff Months 12	Location JBA - Fairbanks		Election District 16
Justification				
This permanent part-time position at Fairbanks is required to handle the influx of new cases that will result when marijuana violations, or any use of marijuana, which is not now a violation, become misdemeanor offenses. Prosecutors expect that at least a few hundred offenses will occur each year as a result of the enactment of this bill. This position will be responsible for prosecuting those new cases that are brought in the Fourth Judicial District. Because these new cases will be classed as misdemeanor offenses, allocation of the position to the Attorney III level is appropriate.				
Type of Expenditure		Amount		
1	2	3		
Salary	28,128			
Benefits	7,576			
Premium Pay				
Other				
Total Personal Services		35,704		
Travel		1,800		
Contractual		3,600		
Commodities		4,200		
Equipment		1,500		
Other				
Total Cost		46,804		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	46,804		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Department of Law
 BRU Prosecution
 Component Fourth Judicial District

Page 2 of 2
 Revised Date

FY 88

POSITION PAPER

SB 32

The Alaska Public Defender Agency and the Office of Public Advocacy are totally reactive agencies which provide representation to indigent persons when appointed by the court. These agencies do not make policy nor do they initiate litigation. Only proposed legislation with fiscal or program ramifications for these agencies can be said to have a direct agency impact. Thus, the Public Defender Agency and Office of Public Advocacy submit position papers for legislation which will affect these agencies fiscally or programatically or will require these agencies to litigate constitutional issues raised by the legislation.

Fiscal impact: _____ None See attached fiscal note X

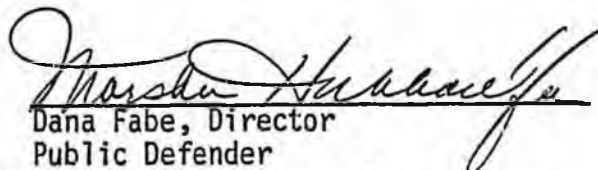
Program impact: _____ None See analysis below X

Contitutional impact: _____ None See analysis below X

This bill recriminalizes the use of marijuana in the home.

This bill appears to be violative of the Alaska Supreme Court's holding in Ravin v. State and will certainly lead to extensive trial and appellate court hearings on the issue of its constitutionality.

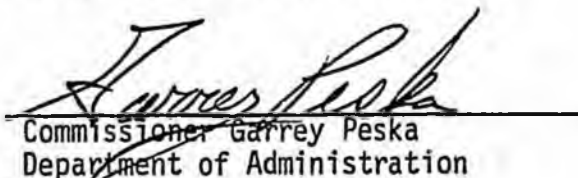
Furthermore, in a time of declining revenues, this bill may divert costly law enforcement, prosecution, defense and court resources from more serious cases.


Dana Fabe, Director
Public Defender

3/5/87
Date


Brant McGee, Director
Office of Public Advocacy

3/5/87
Date


Commissioner Garrey Peska
Department of Administration

3/6/87
Date

BILL NO: CSSB 32 (HESS)

DATE: 4/6/87 APR 9 1987

TITLE: "An Act relating to marijuana; and providing for an effective date."

CONTACT: Major Walter J. Gilmour
Acting Director
Alaska State Troopers

DEPARTMENT OF
PUBLIC SAFETY

RECEIVED
APR 10 1987

Provides for recriminalization of possession of marijuana and an effective date.

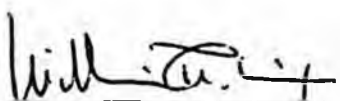
During past years, the crime of possession of marijuana has been a felony, a misdemeanor, a violation and presently, legal for possession of certain amounts in the home. The intent of this legislation is to recriminalize possession of any amount.

The limited manpower and capabilities of the Alaska State Troopers Drug Enforcement personnel requires that they concentrate enforcement efforts on the suppliers and dealers of the drug, leaving little time or resources to actively pursue small amount possession violators in the home. This makes sense since suppliers and dealers usually have on hand substantial amounts of marijuana which is destined for sale in small amounts to individuals anyway and by removing a substantial amount of the source, more of an effect is felt on the market than by seizing small amounts from individuals.

Since possession of any amount of marijuana in public, on a school ground or while operating a motor vehicle is presently a crime, as well as possession of any amount by a minor, the trooper on patrol or making traffic enforcement already has the vehicle with which to arrest and charge when confronted with these situations.

Although passage of this legislation would undoubtedly deter some people from possessing small amounts in the homes because it would be illegal, the enforcement efforts of the Alaska State Troopers probably would not change much from its present status, that being concentration on suppliers and dealers. Passage of this legislation would, however, bring Alaska's marijuana laws in line with federal laws, as well as the marijuana laws in the other states.

The Division of Alaska State Troopers is neutral on this legislation.



William R. Nix
Acting Commissioner

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 2/16/87 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: JUDICIARY
Finance

**FISCAL NOTE(S) ATTACHED 5 **
IN ACCORDANCE WITH AS 24.08.035
(see below)

1/19/87

DATE TURNED INTO OFFICE 3/31/87

Mr. President:

HESS

Committee considered SB 32

~~relating to~~ marijuana; efd.

and recommended:

replace with CS SB 32 (HESS) same title
 attached amendment(s) and new title

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
2 zero 3 fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]
[Signature]

Rich. Halford NO REC
Joe Josephson - Do NOT PASS
UNLESS AMENDED AND WITHOUT
FISCAL NOTE CHANGE

Paul Franks Do Pass
Chairman signature and recommendation

Committee Backup Attached

Boehner
SB32

Marijuana and Health

Report of a Study
by a Committee of the
INSTITUTE OF MEDICINE
Division of Health Sciences Policy

NATIONAL ACADEMY PRESS
Washington, D.C. 1982

18 (3) the buildup of THC in the system means that repeated
19 administration of even small doses may lead to an accumulation of the drug
20 higher than levels reached at any time after a single dose;

Aspergillus, a fungus, is a common contaminant of some cannabis (Llewellyn and O'Rear, 1977; Llamas et al., 1978). The spores pass easily through contaminated marijuana cigarettes and when smoked are presumed to enter the body.

CELLULAR TOXICITY

A variety of effects on cellular processes have been reported, usually based on studies of in vitro systems. The low water solubility of the cannabinoids and the need to add solvents and emulsifiers, along with a common tendency to use higher in vitro concentrations than occurs in living animals, makes interpretation of such experiments difficult.

In related studies, Δ-9-THC alters the actions of a number of intracellular enzyme systems. The biological relevance of these drug/enzyme interactions is still unclear at this time, but, together with the cytotoxicity, it suggests that Δ-9-THC is producing marked effects on cell membranes and intracellular processes.

Almost nothing is known of the molecular mechanisms by which cannabinoids produce their effects in cells.

TOLERANCE AND DEPENDENCE

Repeated administration development of tolerance results from two genera

- Dispositional to concentrations at sites of drug metabolism or e
- Functional toler the target cells.

FINDING # 3

...drugs leads to the used drug resistance al., 1971):

lower drug ause of increased rates

ased sensitivity of

Tolerance to most cannabinoid effects has been demonstrated both in animals and human beings (Jones, 1981). Tolerance can develop rapidly after only a few small doses. It disappears at an equally rapid rate for many effects, although after large doses in experimental animals some tolerance may persist for long periods (Jones, 1981). Systematic studies of tolerance loss have rarely been done. Many characteristics of tolerance to Δ-9-THC, particularly its pattern of rapid acquisition and loss, are similar to that occurring with opiates, nicotine, and cocaine (Jones, 1981). Most evidence suggests functional rather than dispositional means of acquiring tolerance.

The development of such tolerance to cannabis does not necessarily have health implications. However, if tolerance should lead to higher or more frequent doses, adverse consequences, e.g., respiratory effects, associated with higher usage could result.

3

21 (4) the buildup of THC in the body causes the user to smoke more
22 marijuana to achieve the desired high and may result in loss of sleep,
23 appetite, and initiative, as well as moodiness and depression;

Physical dependence, manifested by withdrawal signs and symptoms, can develop rapidly in animals and in human beings (Jones, 1981). The withdrawal syndrome is not life threatening. It is similar in many respects to the mild dependence produced by low doses of other sedatives. Withdrawal symptoms can include restlessness, irritability, mild agitation, insomnia, and sleep EEG disturbance.

Cannabis dependence does not mean the same thing as cannabis addiction. Dependence means only that a withdrawal syndrome can occur when drug taking is stopped. Addiction implies compulsive behavior to acquire the drug. The relationship between dependence and increased drug seeking or drug using is more theoretical than well documented, particularly in experiments with human beings. Given the appearance of tolerance and dependence with almost any psychoactive drug, it would be unusual not to find tolerance and dependence with the right dose and dosage schedule of cannabis. Good studies of the relationship of dependence, if any, to persistent drug use are important.

DRUG INTERACTIONS

Because cannabis often is consumed with other drugs, interactions can be expected. Other illicit drugs, tobacco, caffeine, alcohol, and over-the-counter or prescribed medications should be studied in combination with cannabis, because Δ -9-THC and its first metabolite are strongly bound to proteins in the plasma (Garratt and Hunt, 1974) and may interact with other drugs similarly bound. Cannabis and many other drugs share disposition by the hepatic metabolic enzyme systems, and there are possible interactions at the drug metabolism level. For example, drugs such as alcohol or pentobarbital can inhibit metabolism of Δ -9-THC by enzyme substrate competition. Or, if after a period of inhibition one drug is removed, the enzyme activity can increase so that faster than expected metabolism follows. If given simultaneously with other drugs, Δ -9-THC can slow metabolism of drugs such as theophyllin, antipyrine, ethanol, and pentobarbital (Benowitz and Jones, 1977; Jusko, 1979). Cannabidiol can also inhibit the metabolism of a variety of drugs normally metabolized by the shared hepatic enzyme systems.

Drug interactions also can occur by means of functional mechanisms. These can be additive, resulting in enhancement or prolongation of behavioral and psychological effects by cannabis when combined with other central nervous system depressant drugs, such as alcohol and barbiturates. Animals less tolerant to cannabis will also be less sensitive to other central nervous system depressants. This phenomenon is known as cross-tolerance. Drug interactions will be mentioned in subsequent chapters.

24 (5) it is possible for a human being to overdose from the use of
25 marijuana, especially if it is used in conjunction with alcohol, because it
26 increases the effects of alcohol;

It is generally agreed that smoking five or six 1-gram cannabis cigarettes daily is a large dose (Dornbush et al., 1971; Rosenkrantz, 1981). Because of the variability of Δ -9-THC content of cannabis available from street samples, it would be more appropriate to consider this heavy use. The definition of a low dose is more controversial. Some consider one marijuana cigarette a day to be a large dose. Others think even one cigarette a week is regular, frequent, and a high dose.

With tobacco and alcohol, for which dose is easier to quantify, it took many years to establish what a small or large dose might be in terms of specifying doses that significantly increased the risk of various behavioral and health consequences. Even with those drugs, there is still disagreement as to precisely what a small and "safe" dose might be. There will be even more problems in specifying typical cannabis doses and predicting their likely health consequences.

In controlled laboratory conditions, ingested doses of more than 20 mg of Δ -9-THC generally are considered by both investigators and cannabis users to be large doses. Doses of less than 10 mg are considered small. Marijuana cigarettes containing more than 20 mg of Δ -9-THC seem to be a large dose, and those with 10 mg produce effects generally considered the result of a small dose. When volunteers were allowed to select their own self-determined smoked doses in controlled experiments, some smoked only one or two 20-mg cigarettes daily, while other similar volunteers smoked six to ten or more cigarettes per day. Variability in smoking patterns is great and not easily quantified; only broad range estimates of dose are possible.

GENERAL TOXICOLOGY

Delta-9-THC and related cannabinoids have very low lethal toxicity. That is, a very high single acute dose of Δ -9-THC is required to kill half of a population of experimental animals. This lethal dose for 50 percent of the animals is called the LD₅₀. The lack of well-authenticated cases of human deaths from acute Δ -9-THC or cannabis overdoses is consistent with the experimental animal data. The lethal dose increases as the phylogenetic tree is ascended. The rat has an LD₅₀ of 40 mg/kg intravenously, in contrast to a 125 mg/kg in the monkey (Rosenkrantz, 1981). Death is usually due to cardiac dysfunction. Delta-9-THC appears to be the most toxic of the cannabinoids.

Studies of chronic cannabis administration to animals have demonstrated delayed lethality. Animals die after several days of a repeated high dose (Rosenkrantz, 1981). The reason for this pattern is unclear. It could be related to accumulation of Δ -9-THC or metabolites in tissues.

A 1-year chronic treatment of rats with lower doses of cannabinoids produced a pattern of toxicity consisting of weight loss, pulmonary pathology when the drug is inhaled, and slowly

4 (8) marijuana may cause schizophrenia, illusions, and hallucina-
5 tions, including a dulling of the senses, creating the possibility that the
6 user is unable to respond to body signals such as pain;

There is no clinical evidence that physical dependence plays an important role in persistent use of marijuana. Withdrawal symptoms would not be expected in intermittent users; however, daily round-the-clock users of high-dose marijuana may be expected to show some symptoms of withdrawal soon after stopping regular use.

Chronic Effects

Cannabis Psychosis

Cannabis psychosis refers to a chronic psychotic condition (out of contact with reality) reportedly seen in heavy marijuana users, but extending beyond the period of acute intoxication. Some authors have described a schizophrenialike picture with delusions and hallucinations, and others have stressed the existence of organic mental confusion. Most of the reports have come from observation of hospitalized patients in Asian and African countries (Asuni, 1964; Chopra and Smith, 1974; Thacore and Shukla, 1976). There are no reports in the North American literature. At this time, there is insufficient evidence to say that cannabis psychosis exists as a separate clinical entity (Murphy, 1963; Edwards, 1976).

"Amotivational Syndrome"

Clinicians coined the term "amotivational syndrome" to describe a characteristic set of personality changes seen in some daily users of marijuana (McGlothlin and West, 1968; Smith, 1968). The changes include apathy, loss of ambition, loss of effectiveness, diminished ability to carry out long-term plans, difficulty in concentrating, and a decline in school or work performance. As usually described, these changes are seen in frequent or daily users, and thus they may be considered a form of chronic intoxication. The term "amotivational syndrome" is not an official diagnosis, but there is agreement among many clinicians who treat young people that this constellation of symptoms is common. It may also be seen in nonmarijuana users, and daily use of marijuana is not always associated with loss of motivation.

The evidence presented for the linking of this syndrome with marijuana consists of case reports. For example, Baker and Lucas (1969) described the case of a man whom friends described as previously conscientious, capable, and effective; but after smoking hashish daily for 3 years, he changed into a person for whom use of drugs was a way of life and in whom a serious deterioration of social function was observed. Other reports consist of groups of cases with similar histories (Thurlow, 1971). The symptoms mentioned, in addition to loss of motivation, include falling grades, difficulties in concentration, intermittent confusion, and impaired memory. Some authors report improvement when use of marijuana is stopped (Kolansky and Moore, 1971, 1972).

EFFECTS OF MARIJUANA ON THE BRAIN

The most clearly established effects of cannabis are upon behavior. These effects, described in Chapter 6, indicate that major actions of cannabinoids are upon the brain. The ways in which marijuana alters the brain to produce its behavioral effects are not known.

Efforts to discover the causes of the behavioral effects have included studies on brain morphology, physiology, and chemistry to be reviewed in this chapter. Effects of marijuana on brain electrical activity and on brain chemistry have been measured, but their significance for brain function is not known because of our limited knowledge of brain-behavior relations. Marijuana causes temporary intoxication and results in changes in brain physiology and chemistry similar to those caused by other intoxicating drugs. Although these kinds of studies may ultimately shed light on the way marijuana produces its behavioral changes, they do not provide answers to important clinical questions. Does marijuana cause long-term changes in the brain that lead to chronic psychiatric or neurological disorders? So far, the studies reviewed below provide no convincing evidence for long-term changes because of use of marijuana.

BRAIN MORPHOLOGY

There is substantial controversy about whether marijuana causes changes in brain structure or in brain cells. Two studies have reported that marijuana produces changes in brain morphology. Both suffer sufficiently from methodologic and interpretational defects that their conclusions cannot be accepted. Furthermore, other studies have not found changes in morphology.

Gross Morphology

Data suggesting that use of marijuana causes brain atrophy were obtained by pneumoencephalography (injection of air into spaces in and surrounding the brain) on 10 users of marijuana who had sought medical attention because of neurologic complaints (Campbell et al., 1971). The size of the largest brain cavities (ventricles) was

7 (9) although it may take a heavy cigarette smoker as long as 20
8 years to develop lung cancer, one marijuana cigarette a day may cause lung
9 cancer in three years;

10 (10) THC affects eggs, sperm, sexual hormones, and the develop-
11 ment of a fetus and marijuana use may result in deformed or undersized
12 offspring;

However, extensive testing with Δ -9-THC using three established tests for mutagenesis failed to detect any mutagenic effect, or any effect as an inhibitor of DNA repair (Legator et al., 1976; Glatt et al., 1979; Zimmerman et al., 1978).

Cytogenetic Effects

#10
 The numbers and kinds of chromosomes (structures in a cell nucleus that contain and transmit genetic information carried in DNA) are highly characteristic for a given species. Structural variation and changes in numbers of chromosomes may be evidence for genetic damage produced by drugs and other chemical agents. Unfortunately, the literature on the effects of marijuana on chromosomes is limited and conflicting. Studies suggesting that marijuana probably does not break chromosomes are fairly conclusive. There is less evidence that marijuana may produce aneuploidy (abnormal numbers of chromosomes) in some daughter cells during cell division.

Does marijuana cause chromosome breaks? The weight of the evidence from in vitro cultures of human cells and from in vivo animal and human studies is that neither marijuana nor Δ -9-THC causes chromosome breaks.

In Vitro and Animal Studies

* Cultures of human leukocytes, exposed to different concentrations of Δ -9-THC, showed no increase in the incidence of chromosome breaks or gaps when compared to controls (Stenchever and Allen, 1972). Studies of golden hamsters given subcutaneous injections for 10 days of marijuana extract distillate containing 17.1 percent Δ -9-THC (Nicholson et al., 1973), and of beagle dogs trained to smoke high doses of marijuana (3 g/day/week for 30 months), showed no significant differences in chromosome gaps or breaks when compared with control groups (Genest et al., 1976).

Human Studies

Cytogenetic analysis of chromosomes from peripheral blood leukocytes and cultures of subjects exposed to marijuana smoking, marijuana extract, or synthetic Δ -9-THC revealed no increase in chromosome breakage attributable to these compounds (Nichols et al., 1974; Matsuyama, 1976; Morishima et al., 1979). Doses ranged from 20 mg Δ -9-THC per day to 12-16 marijuana cigarettes per day. Studies that have reported chromosome breaks or gaps in cell cultures of users of marijuana have largely been carried out on multiple drug users, and the breaks and gaps may be due to other factors associated with a life of heavy drug use (Gilmour et al., 1971; Herka and Obe, 1974). However, in a retrospective study on college students, chromosome breaks were found in blood cultures of 49 light (one or

Mice were given five daily intraperitoneal injections of Δ -9-THC, cannabidiol, or cannabinol at doses approaching or exceeding the LD₅₀ (the dose necessary to kill 50 percent of the animals). Thirty-five days after the last treatment, animals were killed and sperm were evaluated by scanning electron microscopy. Control animals had 1.5 percent abnormal forms. ~~Animals that received LD₅₀ doses of the various derivatives had 2.4 to 5.0 percent abnormal forms.~~

10
 ↓ Only a few studies have examined the effects of cannabis on spermatogenesis (Huang et al., 1979). Marijuana was administered to rats in a smoke machine. After 30 days of exposure, marijuana smoke lowered the sperm counts in animals significantly, as did cannabinoid-free smoke. By 75 days, however, only the marijuana smoke group maintained a low sperm count. In the marijuana-treated group, there was an increased number of abnormal forms, particularly with an increase in dissociation of sperm heads and tails. In the discussion of this paper, the authors reported elevated serum FSH levels following marijuana exposure, but did not present data. They concluded that marijuana has a direct effect on the testis. A variety of in vitro studies support this suggestion (Jakubovic et al., 1977, 1979).

Marijuana and its derivatives also have been shown to be antiandrogenic (antagonistic to male hormones) (Purohit et al., 1980). Several constituents, including Δ -9-THC, can bind to the receptor for androgen. Marijuana also has been demonstrated to be estrogenic (like female sex hormones) in vivo, and recent studies suggest that these effects may be mediated via the estrogen receptor. These observations have been disputed by others (reviewed by Purohit et al., 1980). The ability to inhibit or mimic the action of sex steroids provides one mechanism by which these agents can produce their effects. There obviously are many others.

FEMALE REPRODUCTIVE FUNCTION

The effect of cannabis on female reproduction has been studied in rats, mice, rabbits, and monkeys. The work in rhesus monkeys is of particular importance, because of the similarity in the menstrual cycle among primate species, including human beings.

Human Studies

10
 ↓ There is only one study reported on the effects of marijuana on reproductive function in women. The work has appeared in print as a report of the proceedings of a 1978 symposium held in Mexico City (Bauman et al., 1979) and as part of the congressional record subsequent to testimony before a Senate committee hearing (Bauman, 1980). These publications do not provide details on methodology or on individual hormone values. Differences between the control and experimental groups, recognized by the investigators, could be of

importance; alcohol use, for example, was more frequent in the marijuana-using group. The study attempted to establish the endocrine (hormonal) profile and menstrual patterns of women who used marijuana on a chronic and frequent basis. Twenty-six women who used it at least three times a week for 6 months were compared with 17 women who had never used the substance. The number of cycles studied for each variable investigated is not clear from the publications. This difficulty notwithstanding, the report reveals no difference in plasma levels of LH and FSH between the two groups and no change in peaks and basal values of the female hormones estradiol or progesterone, the critical hormone levels controlling the process of ovulation. It would be expected that no major difference was found in the incidence of anovulatory cycles between the two groups. By combining anovulation and shortened luteal phase, however, the authors report a statistically significant difference in the marijuana-using group, which could be clinically important in causing subfertility. This evidence is, at best, only suggestive. The observation that testosterone levels in marijuana-using women are elevated is difficult to interpret in terms of clinical significance; apparently, the subjects did not report episodes of acne, abnormal hairiness, or other testosterone-dependent side-effects. According to the authors, serum prolactin levels are lower in marijuana users than in controls. The implications of this observation for fertility, lactation, or the development of breast cancer are not clear.

The absence of other studies on users of marijuana makes it difficult to draw conclusions on the implications of the data cited above. Several of the effects noted are different from the more extensive and experimentally controlled observations in rhesus monkeys and other laboratory animals. This situation calls attention to the urgent need for more comprehensive endocrine and gynecologic investigations of women who use marijuana.

Animal Studies

Administration of crude marijuana extract to rats or mice resulted generally in suppression of ovarian function and in various aspects of estrogen activity, such as uterine metabolism, weight, glycogen content, and levels of RNA and sialic acid (Chakravarty et al., 1975; Dixit et al., 1975).

The administration of crude marijuana extract for 30 days to rats and mice abolished the estrus cycle and caused a significant reduction in the size of the ovaries and in some primordial ova (Dixit et al., 1975). Intraperitoneal administration of Δ -9-THC to rats, appropriately timed, has also been reported to block ovulation (Nir et al., 1973). This effect of Δ -9-THC was exerted by suppressing the characteristic preovulatory surge of plasma LH. Other investigators have reported suppression also of plasma FSH and prolactin when Δ -9-THC is given just before ovulation (Ayalon et al., 1977). The substance was found to depress plasma concentration of LH in ovariectomized rats (Marks, 1973; Tyrey, 1978, 1980) and

rhesus monkeys (Besch et al., 1977). Asch et al. (1979) also showed in the rabbit, a reflex ovulator, that a precoital single dose of Δ -9-THC blocks the postcoital LH surge and ovulation.

Administration of LHRF was able to bring about the release of LH in Δ -9-THC treated rats and rhesus monkeys (Smith et al., 1979). These results indicate a direct effect of cannabinoids at the level of the hypothalamus, part of brain important in reproductive hormone regulation. The ovulation-blocking effect of the cannabinoids was further investigated by Cordova et al. (1980). Natural and chemically modified cannabinoids blocked ovulation in rats.

Administration of Δ -9-THC to rhesus monkeys during the follicular phase resulted in prolonged periods of amenorrhea (absence or abnormal stoppage of the menstrual flow), absence of midcycle LH surge, and progesterone levels characteristic of anovulation (Asch et al., 1981).

BIRTH DEFECTS AND TERATOGENICITY

Because Δ -9-THC crosses the placenta it is a potential teratogen, agent that causes defects in the developing embryo. This effect could occur in either of two ways: (1) exposure to cannabis prior to conception could harm the sex cells (the ova and sperm), or (2) the fetus could be harmed directly during organogenesis. In addition, Δ -9-THC can be secreted in breast milk and, therefore, can be toxic neonatally.

Human Studies

The evidence for teratogenicity in human beings is very difficult to interpret. Although there is widespread use of marijuana in young women of reproductive age, there is no evidence yet of any teratogenic effects of high frequency or consistent association with the drug. There are isolated reports of congenital anomalies in the offspring of marijuana users, but there is no evidence that they occurred more often in users than in nonusers and in those cases there was coincident use of other drugs. Subtle development effects in offspring, such as nervous system abnormalities, and reductions in birth weight and height may indeed exist (Finnegan, 1980; Fried, 1980; Hingson et al., in press). Additional carefully designed, prospective studies should provide valuable information in this area.

Animal Studies

Crude marijuana extract and Δ -9-THC are teratogenic at certain doses in animals.*

*Bibliography available upon request from the Institute of Medicine, National Academy of Sciences.

13 (11) other physical reactions to marijuana include irreversible
14 changes in the brain, sinusitis, pharyngitis, bronchitis, emphysema, in-
15 creased heart rate, and decreased blood circulation;

In two cross-sectional national samples of high school students, surveyed in 1974 and 1978, Jessor et al. have found that not only are the patterns of association between use of marijuana and deviant characteristics similar in both surveys, but also that the strength of the associations, as reflected in the sizes of the correlation coefficients, are almost identical. The very same conclusions derive from analyses based on five successive cohorts of high school seniors, sampled at yearly intervals in Monitoring the Future (Bachman et al., 1981).

— Longitudinal studies of students aged 12-21 have done much to extend our understanding of the precursors of using various forms of drugs. Studies have been reviewed in detail by Kandel (1978a,b; 1980a; also see Appendix C) and document that many of the factors found to be associated with use of drugs at one point in time, such as low academic performance, crime, low self-esteem, depressive mood, rebelliousness, and other personality characteristics, precede the use of drugs (see in particular Mellinger et al., 1976; Jessor and Jessor, 1977; Johnston et al., 1978; Kandel, 1978a; Kandel et al., 1978b,c; Kaplan and Pokorny, 1978; Smith and Fogg, 1978; Wingard et al., 1979; Kaplan, 1980). Some of the predictive factors can be identified in childhood, such as aggressiveness with or without association with shyness (Kellam et al., 1980, in press) and rebelliousness (Smith and Fogg, 1978).

10
→ Other longitudinal studies also document that many of the factors found to be associated with use of drugs at one point in time, such as low academic performance, delinquency, low self-esteem, and depressive mood actually precede the use of drugs (O'Malley, 1975; Mellinger et al., 1976; Jessor and Jessor, 1977; Johnston et al., 1978; Kandel et al., 1978a; Kaplan and Pokorny, 1978; Wingard et al., 1979; Kaplan, 1980).

One study shows not only that certain behaviors predict use of marijuana, but also that drugs may aggravate or exaggerate certain behaviors. A cohort of high school students was followed at annual intervals throughout the four years of high school (Jessor and Jessor, 1977). During this time annual scores for various attributes were charted in four groups of students distinguished by differing drug histories: veteran users, who used drugs pre-high school; early initiates, who began relatively early in their high school career, i.e., between the first and second year of testing; late initiates, who began relatively late, i.e., between the second and the third year; and nonusers, who had not started to use marijuana at the last testing in the senior year of high school (Jessor and Jessor, 1977, 1978). These four groups of students differed on measures, such as general deviant behavior (a 12-item scale measuring frequency of involvement in stealing, fighting, property destruction, truancy, or other delinquent activities in the last year) or value on academic achievement (a five-item scale, measuring the value placed on the attainment of success in school work), at the beginning of the study. Scores predicted if and when students initiated use of marijuana. Those students already involved in use of drugs before high school scored highest on deviance and lowest on achievement motivation at

THE IMMUNE SYSTEM

The immune system functions in protecting the body against viruses, bacteria, and other infections. It also plays a major role in preventing the growth and dissemination of cancerous cells.

There have been reports that cannabis is immunogenic, capable of activating components in the immune system. These components include such cells as lymphocytes, some of which produce antibodies in response to invasion by a foreign agent, and macrophages, which can be stimulated by inflammation to ingest invaders.

Human Studies

There have been reports that cannabis interferes with components in the immune system in man. Antibodies will develop in response to marijuana in some people, along with an allergic response, while others develop antibodies without apparent allergic reaction (Liskow et al., 1971; Shapiro et al., 1974, 1976; Lewis and Slavin, 1975). However, the studies reporting these effects were not designed to determine which components of the marijuana are immunogenic and which are allergenic.

Studies of various aspects of the immune system in persons who were chronic users of marijuana have indicated mild decreases in activity of one or another component of the system; however, other investigators have noted no changes outside of the normal range (Gupta et al., 1974; Petersen et al., 1975, 1976; White et al., 1975; Lau et al., 1976; Rachelefsky et al., 1976; Silverstein and Lessin, 1976; Cushman and Khurana, 1977; McDonough et al., 1980). These apparent inconsistencies may stem from the variability in the amount of marijuana consumed among users in different studies and the differences in the immune system assays. Hashish, as distinct from marijuana, was shown to have a slight temporary stimulatory effect on immune system (Kaklamani et al., 1978; Kalofoutis et al., 1978).

Animal Studies

Number of studies have shown that Δ -9-THC and other cannabinoids cause immunological defects in rodents (Petersen and Lemberger, 1975; Lefkowitz and Klager, 1978; Lefkowitz et al., 1978; Preuss and Lefkowitz, 1978). The doses varied from 5 to 25 mg/kg (intraperitoneally) to 100 mg/kg (orally). At the higher doses there was a diminution of immune response, as measured by standard immunological assays. Delta-9-THC had the same effects on cells grown in vitro. Other cannabinoids also have been tested for their effects. Cannabinol, Δ -8-THC, and 1-methyl- Δ -8-THC had the same immunosuppressive effects as Δ -9-THC, but cannabidiol had no immunosuppressive effect. Immunizing rabbits with Δ -9-THC resulted in the production of antibodies (Chiarotti et al., 1980).

16 (12) other psychological reactions to marijuana include loss of
17 memory, anxiety, panic, paranoia, psychosis, psychological dependence, and
18 impairment in thinking, reading comprehension, verbal and arithmetic prob-
19 lem solving, and perception of distance and time;

2

USE OF MARIJUANA IN THE UNITED STATES

Epidemiologic studies provide information on the use of drugs in various subgroups of the population and on the changes in patterns of use over time. The epidemiologic approach is particularly useful in defining patterns of use of marijuana in American society and in describing and analyzing the behavioral and psychosocial antecedents and consequences of that use. One of the more difficult questions is whether particular behavior or effects that are associated with use of a drug are the consequences of that use, or whether attitudes, values, and behavior develop about the use of drugs to constitute factors that may actually lead to the use of drugs. One of the more useful epidemiologic study designs is a cohort study that follows the same individual with repeated observations at regular intervals over time. Such longitudinal studies have the potential for obtaining the most compelling evidence on the antecedents of known patterns of use of marijuana, as well as possible long-term psychosocial and biological outcomes for these individuals. # 12

The committee, with the help of consultants, sought answers in the epidemiologic literature to the following five questions:

1. What are important patterns of use of marijuana in the American population including special groups?
2. What are the general characteristics of users of marijuana?
3. What is the profile of a user of marijuana on a "daily" basis?
4. What is known about the antecedents of use of marijuana?
5. How is use of marijuana related to the use of other drugs?

The epidemiologic and survey literature have been extensively reviewed and the major longitudinal studies are summarized in a table in Appendix C. Much of our recent knowledge derives from two well-designed major, continuing nationwide monitoring efforts

*When placed in quotation marks, "daily" is used as defined by Johnston et al., (1980b), i.e., those individuals using marijuana 20 or more times in the preceding 30 days.

significant association with the precipitation of LSD flashbacks among five classes of abused drugs. Clinical studies also have provided evidence that marijuana precipitates a recurrence of the LSD flashbacks experience (Holsten, 1976; Abraham, 1981).

The existence of flashbacks following use of either LSD or marijuana is entirely based on self-reports, because there are no distinctive physical signs or tests, such as EEG changes, to identify this condition. There is no current pharmacological explanation of the phenomenon, and data regarding dose and time parameters do not exist. Still, the reports by users are reasonably consistent. Thus, there is clinical evidence that use of marijuana by those who have previously used LSD increases the likelihood of recurrence of the LSD experience.

Effects on Preexisting Mental Illness

The only evidence available regarding this issue consists of case reports of patients who had recovered and apparently were doing well until they used marijuana. There is no information on the number of mentally ill patients who have used marijuana without complications.

The available data, therefore, do not prove that marijuana worsens mental illness. Still, there are sufficient numbers of uncontrolled clinical reports showing a temporal association between use of marijuana and return of mental symptoms, so that patients should be warned of this possibility.

Patients with a history of schizophrenia may be particularly sensitive to marijuana's effects. Four schizophrenic patients who were otherwise well controlled with medication suffered serious relapse of their schizophrenic symptoms following use of marijuana (Treffert, 1978). Other cases have been reported (Smith and Mehl, 1970; Weil, 1970; Bernhardson and Gunne, 1972). These all were cases in which marijuana was purchased on the street, so the dose and purity were unknown.

Patients with mood disorders have also been reported to show worsening of mental symptoms after use of marijuana. For example, four cases are known in which marijuana apparently precipitated a relapse of psychotic (hypomanic) behavior (Harding and Knight, 1973). Furthermore, depressed patients treated with Δ -9-THC have been observed to show a high incidence of dysphoric reactions (Ablon and Goodwin, 1974).

Effects Sometimes Reported By Users

Mood Changes

There is a general belief that use of marijuana alters mood. This property is one of the desired effects sought by many users. Investigators have described a number of variables that enter into the mood response to marijuana (Jones, 1971). These include dosage,

past experience, attitude, expectations, and setting. For example, individuals who used marijuana in isolation tended to be relaxed and slightly drowsy; in contrast, when the user was in a group situation, marijuana was associated with euphoria and lack of sedative effect (Jones, 1971). Further evidence that mood changes are not attributable solely to the pharmacological action of marijuana comes from a study that found that elevation in mood occurred immediately before use of marijuana and immediately after, but that mood was not correlated with other indications of the subjective level of intoxication (Rossi et al., 1978). Instead, mood was correlated significantly with the moods of others, whether or not the other persons were intoxicated.

It appears that preexisting mood can influence the decision to use marijuana. High school students who exhibit symptoms of depression are more likely than are others to begin using marijuana as well as other illicit drugs (Paton et al., 1977). There is some evidence that students use the drug as a self-prescribed remedy for their own mood problems, often reporting that they use marijuana as a means of psychological coping (Johnston et al., 1980; Kaplan, 1980).

A belief that marijuana can be used to alleviate clinical depression is not supported by other studies, including one in which Δ -9-THC was carefully tested as an antidepressant. It was given to depressed patients as an experimental treatment without success (Ablon and Goodwin, 1974) (see Chapter 7).

Interpersonal Behavior

Adolescents and young adults often report that they use marijuana to facilitate interaction in new social situations (Mirin and McKenna, 1975). In a survey of 704 midwestern undergraduate students, most reported that marijuana was a meaningful "tool of social bonding" (Linn, 1971). There seems to be a widespread belief that marijuana smoking has several facilitative effects, including enhanced social effectiveness, closer social bonding, heightened interpersonal sensitivity and empathy, and enhanced sexual pleasure. The subcultural lore on one of these measures of interpersonal behavior--sexual effects--has not been studied systematically either in surveys or in experimental studies. The effects on sex hormones are controversial (see Chapter 5). Studies in experimental situations have failed to show any enhancement of social interaction and, in fact, some decrements were noted (Galanter et al., 1974; Clopton et al., 1979; Janowsky et al., 1979). Data from natural settings rather than experimental settings are not available.

Effects on Aggression

Because marijuana users have been involved in delinquent behavior, a number of investigators have questioned whether use of marijuana enhances aggressiveness in human beings. There are specific concerns

Marijuana also has been found to produce an acute brain syndrome. This is a more severe mental problem consisting of confusion and loss of contact with reality. It lasts from several hours to several days and appears to be more likely to occur with higher doses.

Chronic effects of any drug are more difficult to assess than are immediate effects. The evidence that marijuana produces a chronic psychosis is not convincing. The possible role of marijuana in causing an amotivational syndrome is a matter of great concern. Apathy, poor school work or work performance, and lack of goals characterize a number of long-term marijuana users. But it has not been possible to determine how much is caused by use of marijuana and how much was antecedent; it seems likely that both factors (drug effect and self-selection) contribute to the motivational problems seen in chronic users of marijuana. Existing studies have produced conflicting results. None of the investigators has looked at effects on the very young daily marijuana user, who is regarded as potentially at high risk for damaging effects because of physiological and psychological immaturity.

There is clinical evidence that marijuana use by former LSD users may precipitate a recurrence of LSD-type hallucinations known as a "flashback." Other clinical evidence raises the possibility that marijuana use can worsen preexisting mental illness.

RECOMMENDATIONS FOR RESEARCH

The committee recommends the following types of studies.

- Systematic research on acute behavioral and psychosocial effects of marijuana should be extended to other age groups. There are virtually no data on prepubertal children, young adolescents, older adults, and aging persons.

- Studies of effects of daily use of marijuana on school children are greatly needed. These effects should include the learning of new material, physical, psychological, and social development, acquisition of coping skills, and tools of daily living.

- Systematic studies of long-term effects of marijuana are increasingly possible now that longitudinal studies have identified representative panels of persons known to be chronic heavy users. These studies should cover interactive effects of marijuana and other drugs on behavioral and psychosocial responses, especially interactions of alcohol and marijuana because of their frequency of associated use.

- Dosage effects should be restudied, taking into account the higher potency cannabis that is in current use. Further study is needed of the timing and depth of inhalation of cigarettes with standard doses of marijuana. More animal studies at varying doses are needed. In view of the long-term retention of marijuana in body tissues, further study is needed to see whether or not chronic users may have impairments of function even in the absence of an acute dose

#12

Book-up SB32

EXECUTIVE SUMMARY

PATTERNS OF DRUG USE: SCHOOL SURVEY



Bernard Segal, Ph.D.

Jill McKelvy, Ph.D.

Dani Bowman, Ph.D.

Theodore A. Mala, MD, MPH

Center for Alcohol and Addiction Studies
University of Alaska, Anchorage
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EXECUTIVE SUMMARY:
Highlights of the Study

A. Introduction

This report presents the findings from a study conducted by the Center for Alcohol and Addiction Studies (CAAS) of the University of Alaska, Anchorage. The research, sponsored by the State Office of Alcoholism and Drug Abuse (SOADA), surveyed students in grades 7-12 in school districts in eight locations in the state: Anchorage, Barrow, Bethel, Kotzebue, Fairbanks, Juneau, Nome and Sitka. The project was designed to obtain information on the use or nonuse of a broad spectrum of chemical substances, ranging from legal socially-sanctioned drugs for those of legal age, such as alcohol and tobacco, to illegal and unsanctioned drugs taken for nonmedical purposes, such as marijuana, cocaine, hallucinogens and stimulants, among others.

In recent years American society has experienced an increase in the frequency and intensity of substance use and abuse, particularly among college and secondary school age youth. In particular, the nonmedical use of illicit mood-altering drugs by youth of elementary, junior and senior high school age has become a problem of major concern. Although legal and social sanctions exist to preclude nonmedical use of psychoactive drugs for recreational or social purposes, they continue to be taken, and youngsters who take them are placing themselves at risk for potential legal, social, and health problems.

Recent research (c.f., Richards, 1981) has shown that the prevalence of drug use is generally fairly low among elementary school youth, but that the prevalence increases dramatically among junior and senior high school students. The

use of drugs among school age youth began to emerge slowly in the early 1960's, and increased dramatically during the mid to late 1970's. Although the prevalence of drug use is believed to be moderating (Miller, 1983; Johnston, Bachman, & O'Malley, 1982), the overall level of drug use by youth remains a significant concern.

Interest in learning about the nature and extent of drug use by school age youth has prompted a number of national surveys sponsored by the National Institute of Drug Abuse (NIDA), as well as a myriad of research studies directed at investigating adolescent drug use (c.f., Richards, 1981). Alaska has been isolated from participation in these studies, thereby leaving a void with respect to reliable information on the use and nonuse of drugs by Alaska's school age youth. Without this information state and local agencies are hampered in their planning for drug related services, education, and prevention programs.

The present research is directed at achieving information concerning experiences with mood-altering drugs by school age youth. It is the specific aim of the study to identify current trends and patterns of use by these youthful Alaskan residents, and to also obtain knowledge about students' perceptions and consequences of using drugs. In order to achieve these objectives, surveys were conducted in eight school districts (listed above) in diverse locations within the state. The major topics to be addressed from the results of the survey in this report are the current prevalence of drug use among the students and an analysis of some of the characteristics of those who have had experiences with psychoactive drugs. Also reported are data on use by grade, age of first use, intensity of drug use, and perceptions about taking drugs. Emphasis is also given to addressing the non-using student, and to explore why they did not experiment with chemical substances.

The results to be presented have been summarized in a series of tables, charts and graphs; a discussion of results follows the presentation of the tables. In the following section a glossary has been provided to help define terms and to provide a key to the interpretation of the graphic figures. When appropriate, comparisons of the Alaskan data have been made with comparable school age youth included in some of the national survey research.

It is envisioned that the findings of the drug survey will be useful to schools in their efforts to develop education programs designed to address the issue of drug-taking behavior. Additionally, the study is designed to assist SOADA with respect to its planning and policy development, as well as to be of value to local and state governments and governmental agencies in their efforts to understand and deal with the health, social and legal consequences of drug-taking behavior by school age youth.

In summary, the five sets of results share several critical characteristics which contribute to the integration of findings, and which also contribute to their utility to estimate drug use among the general population of school age youth in Alaska:

- data collection from students in grades 7-12, which consistently includes those in age from 12 to 18;
- adequate and consistent sampling methodology;
- comparability of drugs investigated;
- comparability of question formats; and
- accessibility of detailed tabular data.

Each of the five data sets are found in Chapter III, the section on results. Chapter IV contains a discussion of the results, followed by conclusions and recommendations (Chapter V).

B. Glossary

This section is provided to acquaint the reader with precise definitions of the terms and concepts used in this report. Included in this glossary are definitions of substances and frequently used terms, as well as information on reading tables, and clarification of the statistical terms used in the report. Phrases are listed in alphabetical order.

<u>Adults</u>	This category includes persons age 26 years and older. For other age groups see: Youth and Young Adults.
<u>Alcohol</u>	Alcoholic beverages - beer, wine, and whiskey, such as gin, and other hard liquors.
<u>Barbiturates</u>	See depressants.
<u>Cocaine</u> (see stimulants)	A behavioral stimulant drug taken to induce a "rush" which involves a feeling of intense euphoria and a sense of well-being.
<u>Confidence Level</u> (Interval)	A range of values within which the true statistic or value may be found, or where there is a probability of locating the true population value.
<u>Current Use</u>	Has used within past month.
<u>Depressants</u>	Chemical substances which act to exert a nonselective general depressant action upon the central nervous system, and which are taken to induce a mild state of euphoria similar to alcohol intoxication. Sedatives are divided into four subgroups: intermediate/long acting barbiturates, nonbarbiturate/nonbenzodiazepine sedatives, short acting barbiturates and Dalmane.
<u>Drug</u>	For purposes of the study, a drug is defined as any chemical substance that alters mood, perception, or consciousness.
<u>Frequency</u>	How often a drug was taken, e.g., once a week, weekly, etc.
<u>Ever Used</u>	Taking/trying a drug one or more times during one's lifetime.
<u>Hallucinogens</u>	Drugs classified as hallucinogens and/or psychedelics have the capacity to induce visual, auditory, and other hallucinatory experiences, and to separate the individual from reality. Such drugs as LSD, phencyclidine (PCP), mescaline, psyote, psilocybin, and DMT, among others, are included within general data on hallucinogens.
<u>Heroin</u>	A semisynthetic opiate produced by a chemical modification of morphine, taken to induce a subjective experience characterized by an extremely pleasant, euphoric state, feelings of warmth, well-being, peacefulness and contentment.

Inhalants

For the purpose of this report, substances currently being inhaled to alter subjective states are being defined as inhalants. Inhalants may be classified into three basic classes: commercial and related volatile solvents, aerosols, and anesthetics. The following substances have been defined as inhalants:

- 1) Gasoline or lighter fluids; 2) Spray paints;
- 3) Other aerosol sprays (PAM or deodorants);
- 4) Shoe shine, glue, or toluene; 5) Lacquer thinner, or other paint solvents; 6) Amyl nitrite, "poppers";
- 7) Halothane, ether, or other anesthetics; 8) Nitrous oxide, whippets; 9) Locker room odorizer; 10) Other substances used as inhalants.

Lifetime
Prevalence
(Ever Used)

Percent who ever used; i.e., has used the drug one or more times in lifetime.

Marijuana

A mixture of the crushed leaves, flowers, and small branches obtained from the hemp plant, and taken to induce feelings of well-being, relaxation, tranquility, and a heightened state of awareness.

Nonuse

A "No" answer to any of the questions which inquire whether one had ever taken a chemical substance.

Opiates

Any natural or synthetic drug that acts in the same way as morphine to relieve pain, such as codeine, demerol and other such drugs.

Past Month,
Past Year Use

See: Use in Past Month, Use in Past Year.

Percents/
Percentage

A given part or amount in every hundred, e.g., a 20% rate means 20 in every 100. Percents are shown to the nearest tenth for the data in this study.

Prevalence

The incident of drug taking, represented by the percent of respondents who tried a drug, such as 40% tried a drug 6 or more times.

Recency of
Use

The categories of recency are: past 30 days, past year, and lifetime use.

Relative
Percent

The amount or number of persons among those within a specific group, e.g., taking or not taking a specific drug, who have responded to questions which pertain only to use or non-use of the drug.

Rounding

The tables sometimes add to 99% or 101% when they should add to 100%. Similarly, tables shown to one decimal place sometimes add to 99.9% or 100.1% instead of 100%. These discrepancies are due to the rounding of percents.

Sedatives

See depressants.

Significance
(level of)

The reliability of finding or the dependability one can place on an obtained statistic as an indicator of the true population

value. Significance always refers to probability, or how much an obtained value can be explained as a chance occurrence. The significance value used in this research is $p = .05$, which means that we anticipate that 95 times out of 100 chances we have obtained reliable statistics.

Stimulants

Any drug that increases behavioral activity is defined as a stimulant drug. Stimulants are divided into amphetamines, nonamphetamine anorectics, Ritalin, and Cylert. These drugs are generally taken to feel more alert, to achieve a "rush," or to enhance the effects of other drugs.

Tranquilizers

Psychoactive drugs which are used principally to reduce anxiety, stress or tension and to treat neurotic disorders. The tranquilizers concerned in this survey are Librium, Valium, Equanil and other such types.

Use in Past
30 Days

Reports given which indicate have taken a drug one or more times during the past 30-day period.

Use in Past
Year

Respondent reports use one or more times during year prior to interview date.

Young Adults

This category includes persons age 18 to 25 years. For other age groups see: Youth and Older Adults.

Youth

This category includes persons who participated in Junior and Senior High School samples. Age of respondents will vary but will generally range from 12 to 18. For other groups see Adults and Young Adults.

Key to Graphs and Figures

MJ - Marijuana	ST - Stimulants
HL - Hallucinogens	DP - Depressants
CK - Cocaine	TQ - Tranquilizers
HR - Heroin	OP - Opiates
IH - Inhalants	TB - Tobacco
AL - Alcohol	

C. Major Findings

The major findings of the study are summarized in the tables, graphs and figures which follow, and in the summary statements listed below:

- Half the students sampled have reported experiences with one or more illicit mood-altering drugs. A substantial proportion of these experiences involved marijuana. The percentages of students who tried different illicit drugs is illustrated in Figure 1. After marijuana, the other drugs experienced reflect the following order of lifetime prevalence: stimulants, cocaine, inhalants, depressants, tranquilizers, hallucinogens and heroin.
- The level of lifetime experiences with psychoactive drugs among students is high. The extent to which drugs have been tried/taken among Alaska's students is illustrated vividly when the present findings are compared to results of a national survey of drug use among a sample of 12-17 year olds. Although the ages of the two samples are not exactly comparable, the national data nevertheless provides a "baseline" which helps to achieve a perspective on drug use by Alaska's youth. The comparison in Figure 2 shows clearly that Alaskan students are having more experiences with psychoactive drugs than their counterparts in the "lower 48."
- Although many students have tried drugs, the majority of such use has been chiefly experimental. Only a small percent of students have taken drugs with any consistency or regularity. Marijuana, however, is the exception, with about 4% of the sample using it once or more a day.

FIGURE 1

LIFETIME EXPERIENCES WITH PSYCHOACTIVE DRUGS
TOTAL SCHOOLS

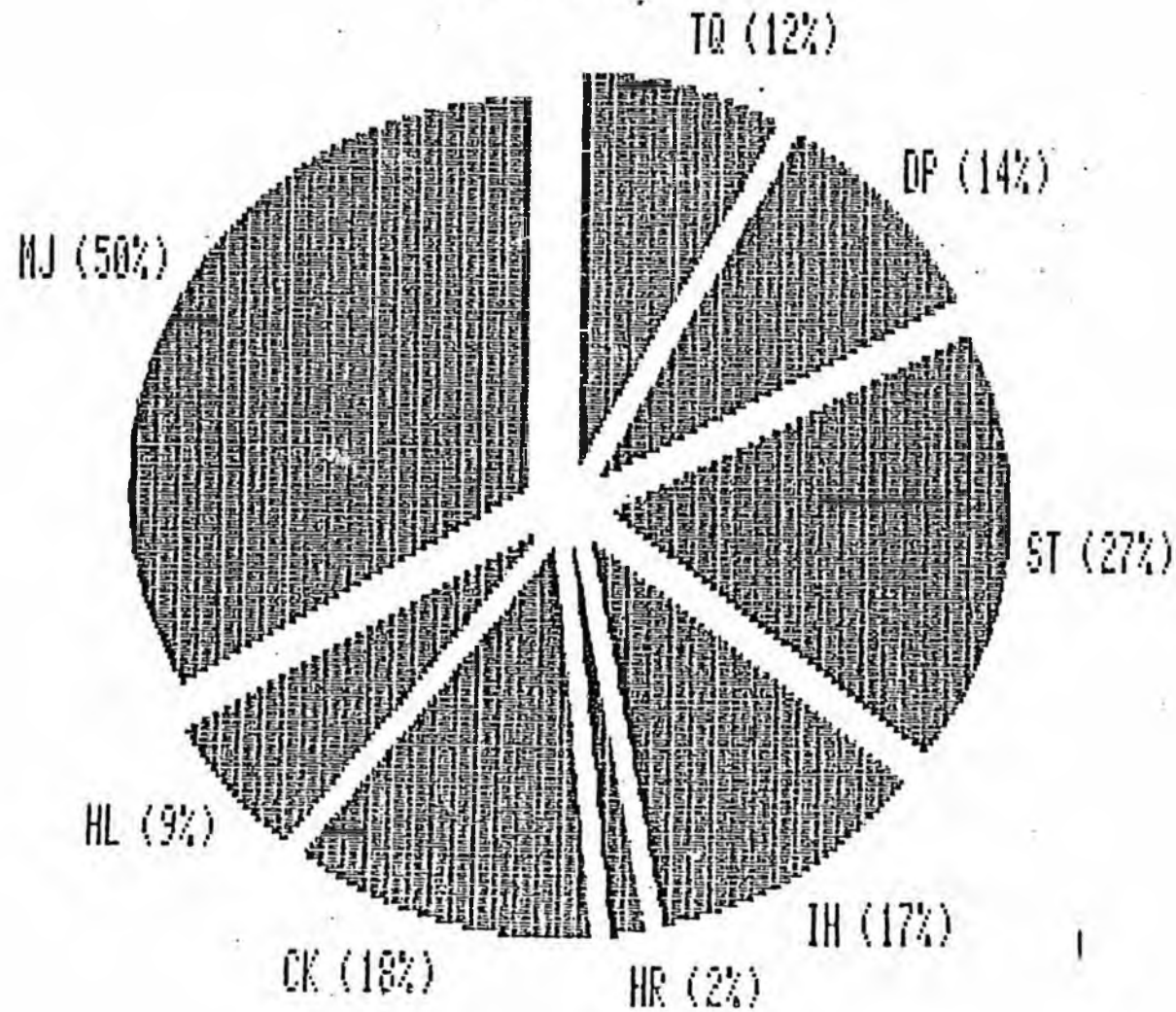
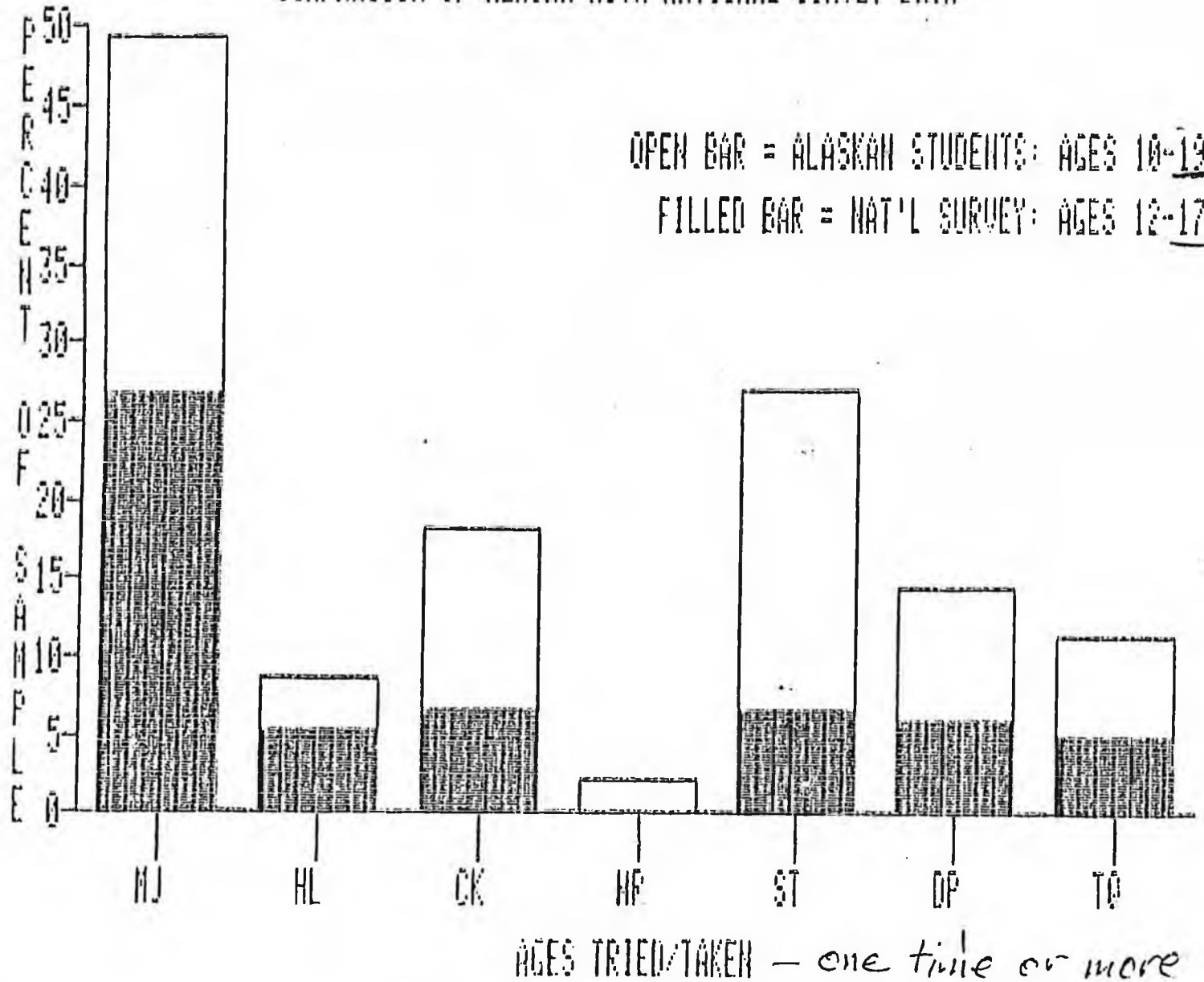


FIGURE 2

COMPARISON OF ALASKA WITH NATIONAL SURVEY DATA



OPEN BAR = ALASKAN STUDENTS: AGES 10-19

FILLED BAR = NAT'L SURVEY: AGES 12-17

- Slightly higher proportions of males than females are involved in taking/trying drugs.
- Distinct relationships exist between age, grade, and drug-taking behavior. These relationships are represented by the following results:

(1) Age and First Trying Psychoactive Drugs

As age increases, the proportion of students who try/take drugs increases correspondingly, but this relationship appears to be non-linear. That is, as age increases, the number of students who try different drugs varies at different age levels, thereby presenting distinct patterns for trying each drug. Figure 3 illustrates this process for the three most widely tried/taken drugs - marijuana, stimulants and cocaine - for all but the Anchorage school sample (where the question of age of first trying each drug was not asked).

(2) Grade and Drug-Taking Behavior

A direct, almost linear, relationship exists between grade level and the taking of drugs. As grade level increases, the percent of students who have tried/taken drugs increases correspondingly. The nature of this relationship is illustrated in Figure 4, for the three most tried drugs - marijuana, stimulants and cocaine.

(3) Junior-Senior High School Comparisons

The extent of drug-taking behavior differs significantly between junior high school (grades 7-9) and senior high school (grades 10-12) students. Senior high school students experiment with taking drugs more frequently than junior high school students.

- Most students who do not try drugs report that it is because of concern that drugs would "hurt" their minds, and because of fear that drugs would also cause physical harm.

FIGURE 3

AGE FIRST TRYING PSYCHOACTIVE DRUGS

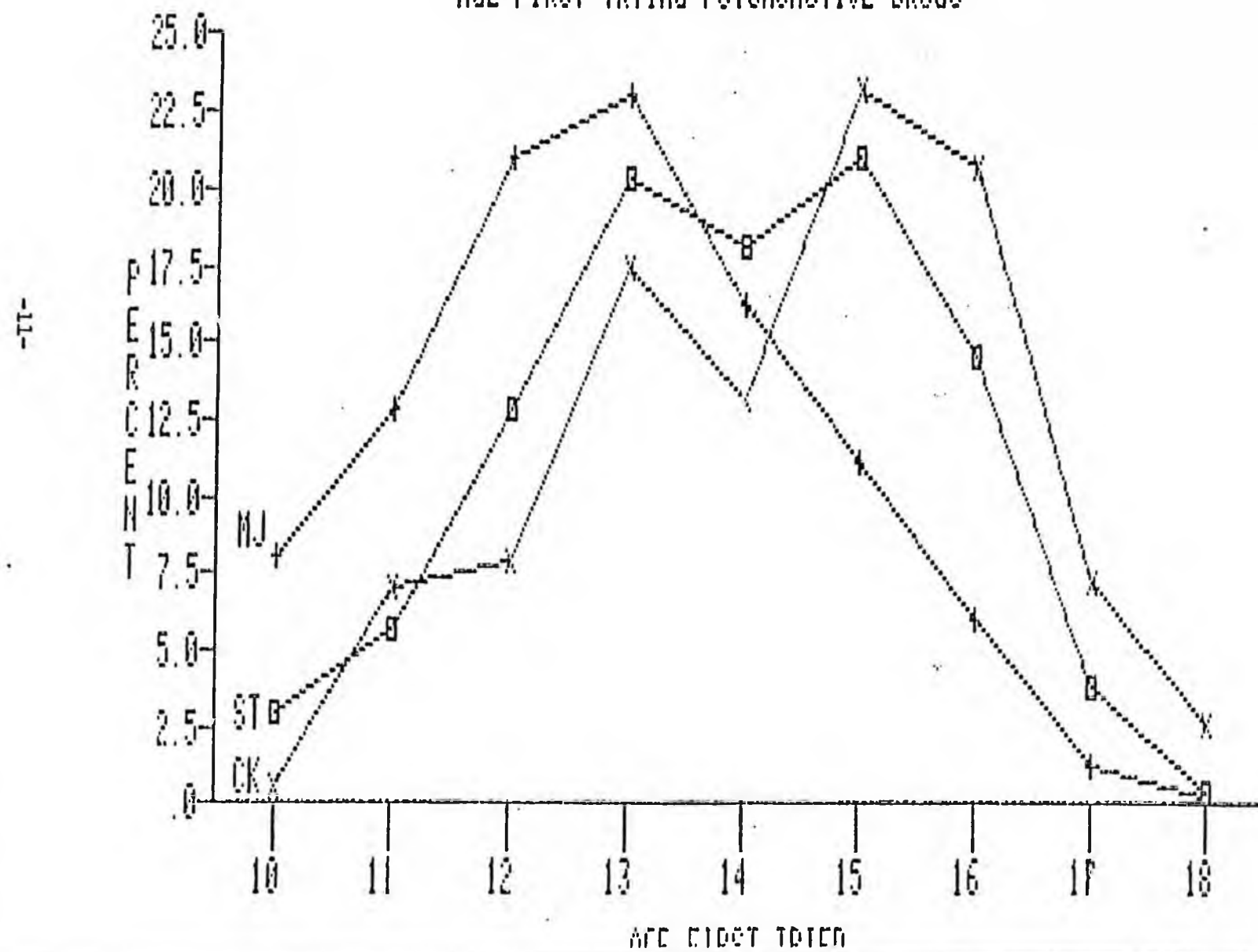
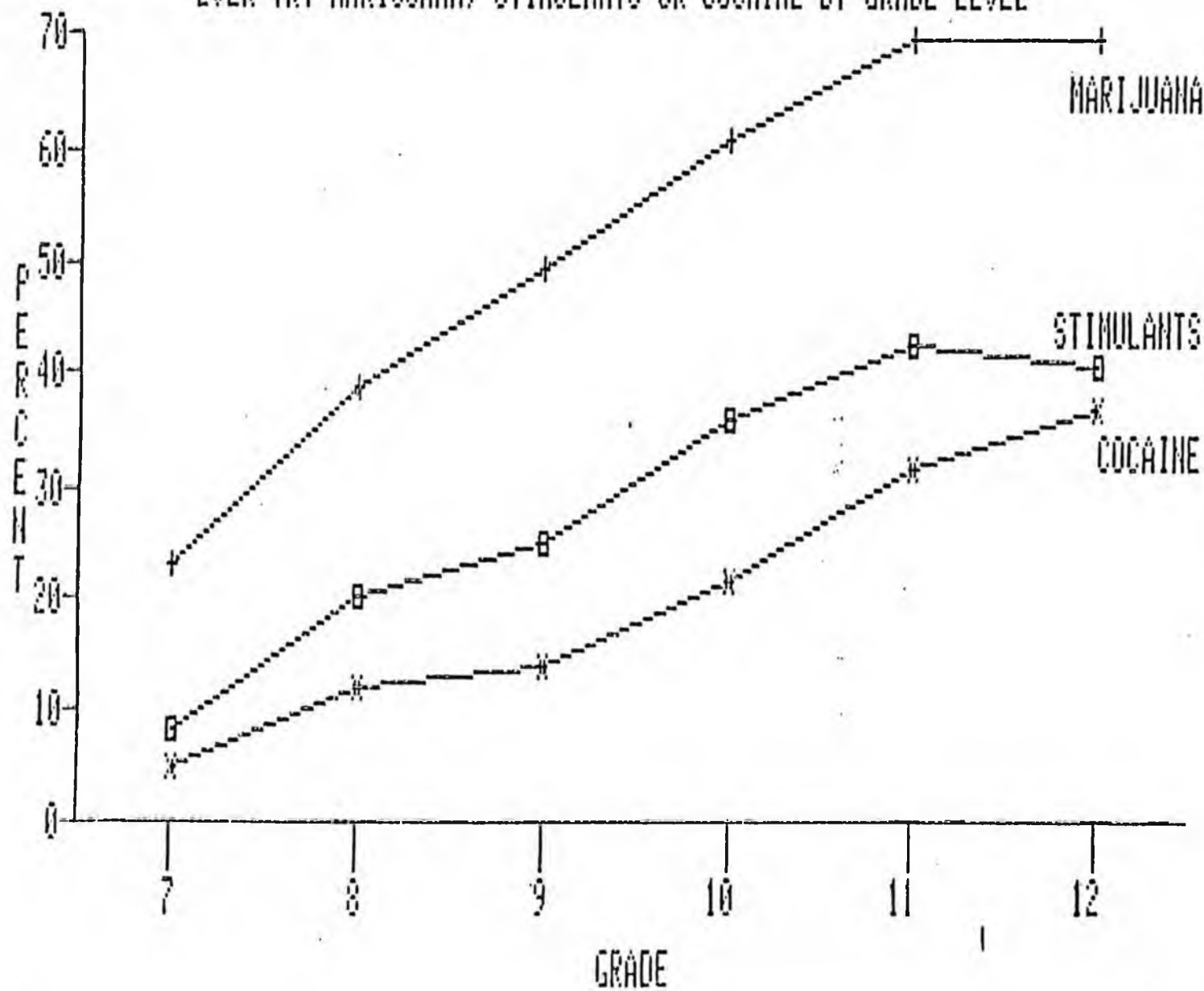


FIGURE 4

EVER TRY MARIJUANA, STIMULANTS OR COCAINE BY GRADE LEVEL



- Of those who have tried/taken drugs, the reasons for stopping are also mainly because of concern over psychological and physical harm.
- More students who have tried drugs express a need for drug education than those who did not try drugs.
- Corresponding to the relationship between grade level and drug-taking behavior, problems related to drug-use increase as grade level increases, but there is much variation within and between grade levels.

D. Abstraction of Summary and Conclusions

In reviewing the overall findings from the statewide study, it is readily apparent that the opportunities to try mood-altering drugs are very high, and that the rate of trying drugs is also correspondingly high. Although it is not known whether it is the "real thing" as opposed to a "look-a-like" or a substitute chemical that students are taking/trying, the important fact is that students report that they are involved in drug-taking behavior. A question which arises is, Why is the opportunity to try drugs so very high?

The most apparent answer is that the drugs are available for them to try. It is clear the these youth are reflecting what is alleged about drug use in general in Alaska, especially in the larger communities - that it is high. The drugs that are available - albeit illegally - find their way down to adolescents and early teenagers in the school system. Also, a large percent of students are willing to try certain illicit drugs such as marijuana, cocaine and stimulants among those available.

Another questions is, Why do so many students experiment with drugs? There are several possible answers to this question. One is that many of the illicit drugs such as marijuana, stimulants and cocaine have become incorporated into

the "lifestyle" of so many people that adolescents themselves experiment with them as part of their own "normative" behavior. That is, the wide scale prevalence of drug use in general makes it a phenomenon which adolescents may pursue in order to know what drug experiences are like. It thus appears that adolescent drug use may be related to the attitudes and behavior found in the larger adult society. Research by Segal (1983), which has shown that experimentation with drugs and even moderate drug taking by a significant percentage of youth is divorced from any particular pattern of deviant behavior or severe emotional distress, tends to support the above conclusion.

The implications from the study are clear. Efforts need to be directed toward reducing the high rate of experimentation with drugs by a large number of students, as well as reducing the on-going usage by the small percentage of students who are involved in such behavior. The data suggest that intervention strategies should be emphasized within grades 8 and 9, or at least prior to age 14, since experiences with drugs tend to peak by 14 years of age.

III

RESULTS

Overview

This section provides the report of the results of the school surveys with respect to nonmedical drug-taking behavior by students in eight different locations within the state in grades 7 through 12. Also included is data on alcohol consumption and cigarette smoking.

Information compiled from surveying over 3,000 students, utilizing a comprehensive questionnaire, can be very extensive. There are a multitude of different ways of reporting results, some may have either special or unique significance, and some may be too general to be of value. It was therefore necessary to place some limitations on the reporting of the survey findings with the aim of presenting data which would be best utilized by the schools, by the State Office of Alcoholism and Drug Abuse (SOADA), by health planners, and by governmental bodies. Thus, the primary emphasis of this section, in keeping with the study's research objectives, is to present information which describes the extent, type, patterns, frequency, and distribution of nonmedical drug use among a large sample of Alaska's junior and senior high school students. Additionally, the results also describe age and grade differences with respect to drug-taking behavior, as well as data on some of the motivations for trying or not trying drugs, and on some consequences of drug-taking.

The data to be reported are presented in tabular and graphic form. They illustrate the prevalence and frequency of drug use for eight major drug categories (marijuana, inhalants, hallucinogens, cocaine, heroin, stimulants, sedatives, and tranquilizers) listed by frequency of occurrence, by gender, and by

selected school-related characteristics such as grade and comparison of junior and senior high school. A table and graph illustrating the relationship between age and first experience with drugs is also included.

Contingency tables have been utilized to help describe the results. This procedure is a way of showing the relationship between two or more classificatory variables. The display of the distribution of cases by their positions on two or more variables is the chief component of contingency table analysis and is a commonly accepted and popular procedure used by social scientists. The joint frequency distributions can be systematically analyzed by certain tests of significance (e.g., the Chi Square statistic) to determine whether or not the variables are statistically independent; these distributions can also be summarized by a number of measures of association, such as the contingency coefficient, which describes the degree to which the values of one variable predict or vary with those of another.

Contingency tables or cross-tabulation tables also allow for a determination of whether the differences which occur with respect to selected variables (e.g., specific sample characteristics such as selected demographic variables) are significantly different.

Finally, the surveys from the eight school districts have been grouped together to form five sets of results. This procedure was followed for two basic reasons: (a) to account for the procedural differences which necessitated using revised forms of the school survey in different school districts, and (b) to facilitate regional comparisons. The classification of results is as follows:

1. Total Sample (Tables T-1 - T-14)

This section links together all similar items which were used in Anchorage, Barrow, Bethel, Fairbanks, Juneau, Kotzebue, Nome and Sitka. It provides a

comprehensive summary of the responses of 3,609 students, giving an extensive overview of the nature and pattern of drug use by students in grades 7-12. The remaining four sets of tables represent subsets of the total results and, except for items not in the total sample, they essentially mirror the total findings, with some minor fluctuations.

2. Total Less Anchorage (Tables A-1 - A-14)

This data set contains the aggregated results from all the communities less Anchorage. Thus, Barrow, Bethel, Fairbanks, Juneau, Kotzebue, Nome, and Sitka are represented. Since the Anchorage sample constitutes such a large percent of the total (44%), and since Anchorage is the state's largest school district it was decided to compare the aggregated data from all other locations with the Anchorage sample.

3. Anchorage, Barrow, Kotzebue, Nome, and Sitka (Tables A1-1 - A1-13)

The results were aggregated because they were obtained from a total school district or were obtained from a random survey of students representative of the district. These compiled results not only link the findings from different sections of the state, but they are also used to contrast with schools where nonrandom samples were obtained.

4. Bethel, Fairbanks, and Juneau (Tables A2-1 - A2-13)

This aggregation represents those school districts in which a nonrandom sample was obtained. These districts required parental permission and only students with such authorization were surveyed.

5. Barrow, Kotzebue, and Nome (Tables A3-1 - A3-13)

This aggregated unit links the three northern communities into a single data set, and also provides a means of maintaining the anonymity of each location.

In summary, the five sets of results share several critical characteristics which contribute to the integration of findings, and which also contribute to their utility to estimate drug use among the general population of school age youth in Alaska:

- Data collection from students in grades 7-12, which includes those in age from 12 to 18;
- Adequate and consistent sampling methodology;
- comparability of drugs investigated;
- comparability of question formats; and
- accessibility of detailed tabular data.

Each of the five data sets are found in the following pages. The next chapter contains a discussion of the results.

TABLE T-1

OPPORTUNITY TO TRY AND TRYING DRUGS
Lifetime Experiences

Total Schools
Students Grades 7-12
(N = 3609)

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
<u>Drug</u>	<u>Number of Students Having a Chance to Try a Drug</u>	<u>Percent of All Students Having a Chance to Try a Drug</u>	<u>Number of Students Reporting Having Tried a Drug</u>	<u>Percent of Students who Had a Chance to Try and Did Try a Drug</u>	<u>Percent of All Students Trying a Drug</u>
Marijuana	2384	66.1	1784	74.8	49.5
Hallucinogens	653	18.1	314	48.1	8.7
Cocaine	1046	29.0	662	63.3	18.3
Heroin	261	7.2	78	29.9	2.2
Inhalants	968	26.8	595	61.5	16.5
Stimulants	1288	35.7	982	76.2	27.2
Depressants	725	20.1	516	71.2	14.3
Tranquilizers	573	15.9	416	72.6	11.5

FIGURE T-1

ALL SCHOOLS: OPPORTUNITY TO TRY AND TRYING DRUGS

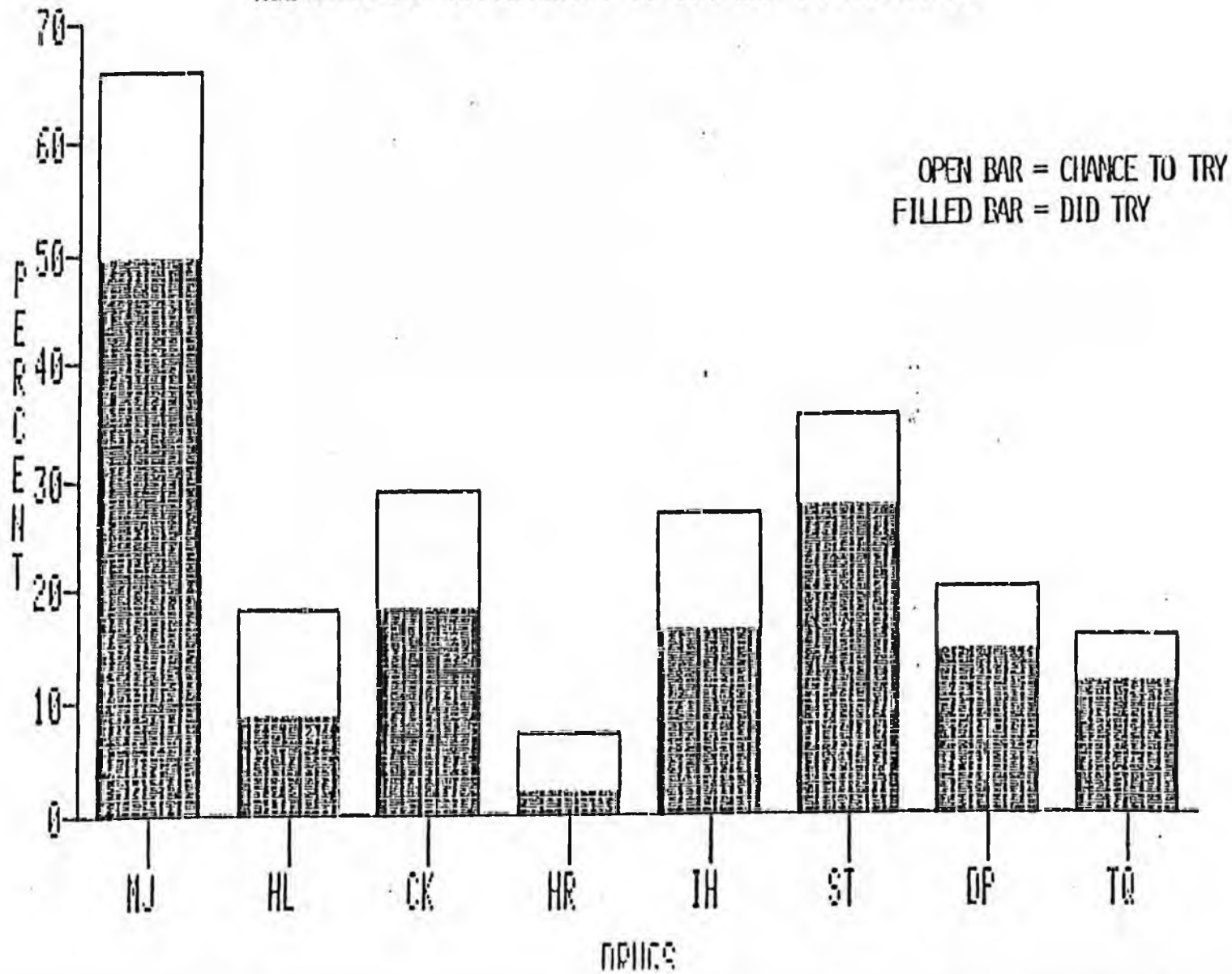


TABLE T-2

LIFETIME EXPERIENCES WITH PSYCHOACTIVE DRUGS

Total Schools
Students Grades 7-12
(N = 3609)

<u>Drug</u>	<u>Number of Students Reporting Trying</u>	<u>Lower* Limit</u>	<u>Percent of Sample who Ever Tried</u>	<u>Upper* Limit</u>	<u>Percent of Sample who Tried Within Past Year</u>
Marijuana	1784	47.2	<u>49.5</u>	51.6	42.6
Hallucinogens	314	7.5	<u>8.7</u>	10.0	7.1
Cocaine	662	18.3	<u>18.3</u>	16.6	15.6
Heroin	78	1.9	<u>2.2</u>	2.7	1.7
Inhalants	595	15.1	<u>16.5</u>	18.0	11.9
Stimulants	982	25.4	<u>27.2</u>	29.2	22.0
Depressants	516	12.5	<u>14.3</u>	16.2	11.8
Tranquilizers	416	10.2	<u>11.5</u>	11.6	11.4
Alcohol	2589	69.7	<u>71.7</u>	73.8	-
Tobacco	1986	3.3	<u>55.0</u>	57.2	56.9

*Confidence Limits

TABLE T-3

FREQUENCY OF DRUG-TAKING BEHAVIOR
Past Year Experiences

Percent of Students Who Have Tried/Taken a Drug

Total Schools
Students Grades 7-12
(N = 3609)

Drug	Percent of Sample Responding	Not Taken	Frequency*						Total Once or More
			Once a Month or Less	2-3 Times a Month	Once A Week	2-5 Times a Week	Daily	More Than Once a Day	
Marijuana	88.0	46.6	19.0	7.1	4.0	6.0	2.6	2.8	41.5
Hallucinogens	82.0	75.5	4.9	0.7	0.2	0.2	0.2	0.0	6.4
Cocaine	83.0	67.7	11.0	2.5	0.6	0.7	0.3	0.4	15.5
Heroin	81.9	79.4	1.7	0.2	0.1	0.1	0.1	0.3	2.5
Inhalants	82.6	72.2	7.4	1.4	0.5	0.4	0.4	0.4	10.5
Stimulants	83.1	62.1	112.2	4.0	1.7	1.3	0.8	0.9	20.9
Depressants	82.2	70.9	7.3	2.1	0.6	0.6	0.2	0.5	11.3
Tranquilizers	81.7	72.3	6.5	1.4	0.6	0.3	0.2	0.4	9.4

*Because of missing responses, those who report having tried a drug in the past year will not always correspond to the percent who reported ever trying a drug.

TABLE T-4

LIFETIME EXPERIENCES WITH PSYCHOACTIVE
DRUGS BY GENDER

Females and Males Who Reported
Ever Having Tried a Drug*

Total Schools
Students Grades 7-12
(N = 3609)

<u>Drugs</u>	<u>Males</u> (N=1770)			<u>Females</u> (N=1732)		
	<u>1</u> Number Having Tried	<u>2</u> Percent of Males who Tried a Drug	<u>3</u> Percent of All Students who Tried Drug	<u>1</u> Number Having Tried	<u>2</u> Percent of Females who Tried a Drug	<u>3</u> Percent of All Students who Tried Drug
Marijuana	904	51.1	51.9	837	48.3	48.1
Hallucinogens	185	10.5	60.5	121	87.0	39.5
Cocaine	351	19.8	54.4	294	17.0	45.6
Heroin	57	3.2	73.1	21	1.2	26.9
Inhalants	317	17.9	54.7	262	15.1	45.3
Stimulants	466	26.3	46.8	489	28.2	49.1
Depressants	272	15.4	53.5	236	13.6	46.5
Tranquilizers	219	12.4	53.8	188	10.9	46.2

*107 students did not report gender.

TABLE T-5

LIFETIME EXPERIENCES WITH PSYCHOACTIVE DRUGS
Junior-Senior High School ComparisonsTotal Schools
Students Grades 7-12
(N = 3609)*

Drugs	F***	Junior High School** Grades 7-9 (N=1950)			Senior High School** Grades 10-12 (N=1567)			
		<u>1</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>3</u>	
		Percent of Jr. H. S. Students who Ever Tried (N=479)	Percent of All Students who Have Tried each Drug	Percent of Total Sample (N=798)	Percent of Sr. H. S. Students who Ever Tried (N=291)	Percent of All Students who Have Tried each Drug	Percent of Total Sample (N=798)	
Marijuana	716	36.7	40.9	19.8	1033	65.9	59.1	28.6
Hallucinogens	105	5.4	34.1	2.9	203	13.0	65.9	5.6
Cocaine	199	10.2	30.7	5.5	450	28.7	69.3	12.5
Heroin	32	1.6	41.0	0.9	46	2.9	59.0	1.3
Inhalants	290	14.8	50.0	8.0	290	18.5	50.0	8.0
Stimulants	343	17.6	35.7	9.5	618	39.4	64.3	17.1
Depressants	207	10.6	40.5	5.7	304	19.4	59.5	8.4
Tranquilizers	151	7.7	37.1	4.2	256	16.3	62.9	7.1

*89 students did not report grade level.

**The differences in frequencies and percentages between junior and senior high students are statistically significant for each drug ($p < .01$).

***F=Frequency or number of students reported having tried each drug.

FIGURE T-5

PERCENT OF JR. AND SR. HIGH SCHOOL STUDENTS HAVING TRIED DRUGS

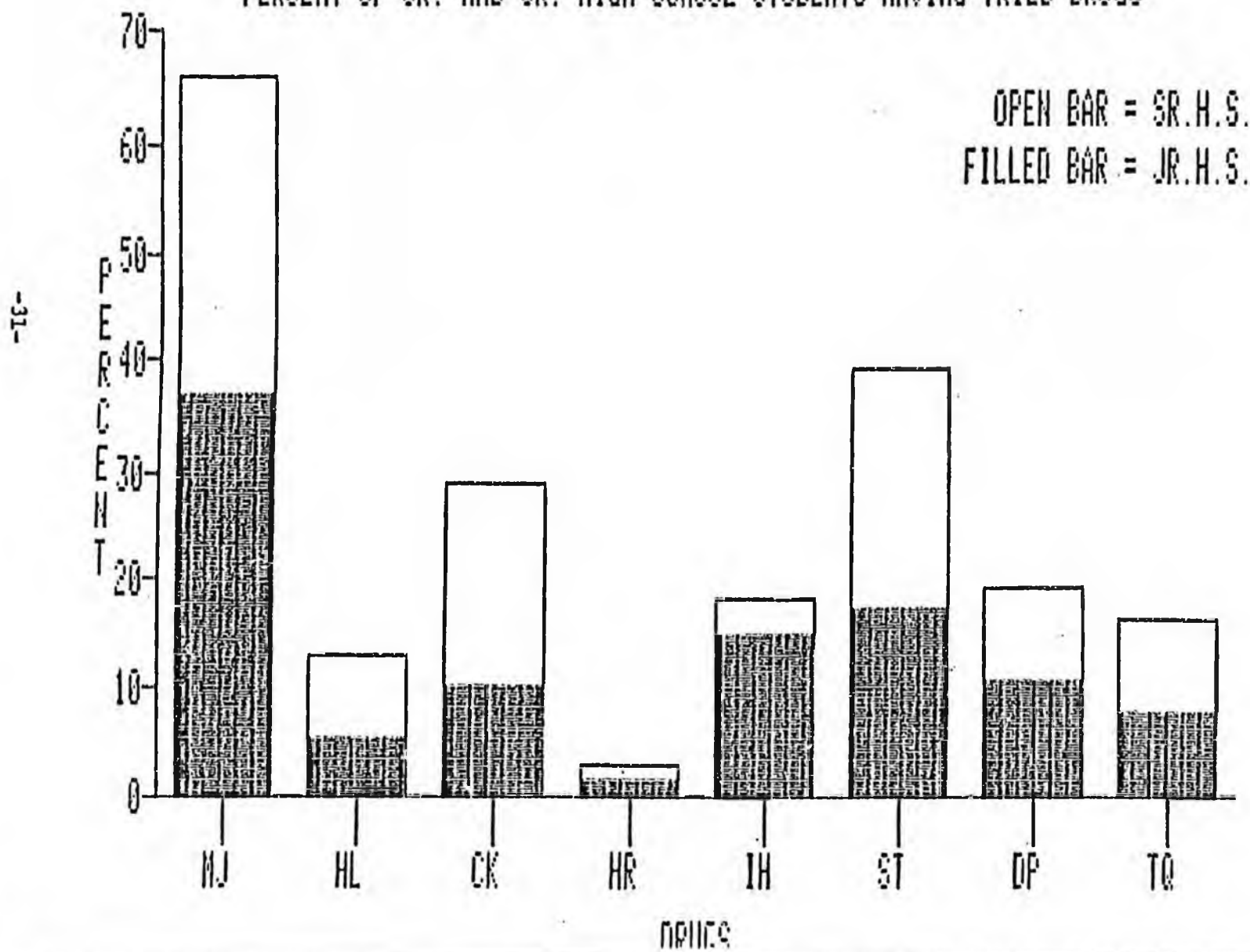


TABLE T-6A

FREQUENCY OF TAKING DRUGS:
Past Year Experiences

Total Schools
Junior H. S.*
(N = 1953)

Drug	Percent of Jr. H. S. Students Responding	Not Tried	Percent of Jr. H. S. Students who Have Tried Up to 3 Times a Month	Percent of Jr. H. S. Students who Have Taken Once a Week or More
Marijuana	86.4	63.6	24.5	11.9
Hallucinogens	80.9	94.8	4.5	0.7
Cocaine	81.9	88.0	10.6	1.4
Heroin	80.8	97.3	2.0	0.4
Inhalants	82.0	86.9	11.0	2.1
Stimulants	82.0	82.9	13.6	3.5
Depressants	81.4	89.3	8.9	1.8
Tranquilizers	80.5	91.7	6.9	1.4

*304 students did not report grade level.

TABLE T-6B

FREQUENCY OF TAKING DRUGS:
Past Year Experiences

Total Schools
Senior H. S.*
(N = 1567)

Drug	Percent of Sr. H. S. Students Responding	Not Tried	Percent of Sr. H. S. Students who Have Tried Up to 3 Times a Month	Percent of Sr. H. S. Students who Have Taken Once a Week or More
Marijuana	90.8	39.9	35.9	24.2
Hallucinogens	84.1	88.7	9.9	1.4
Cocaine	85.3	73.4	23.1	3.5
Heroin	83.9	96.6	2.3	1.1
Inhalants	84.1	88.2	9.9	1.8
Stimulants	85.3	64.7	26.8	8.5
Depressants	84.1	82.3	14.8	2.9
Tranquilizers	83.9	84.6	12.7	2.7

*304 students did not report grade level.

TABLE T-7

DRUG-TAKING BEHAVIOR BY GRADE

Percent Within Each Grade Who Reported
Trying/Taking a DrugTotal Schools
Students Grades 7-12
(N = 3609)

Drug	Grade*					
	<u>7</u> (N=665)	<u>8</u> (N=685)	<u>9</u> (N=603)	<u>10</u> (N=658)	<u>11</u> (N=564)	<u>12</u> (N=345)
Marijuana	23.3	38.7	49.1	60.6	69.9	59.6
Hallucinogens	2.9	5.5	8.0	10.9	13.8	15.4
Cocaine	4.8	12.1	13.9	21.9	31.6	37.1
Heroin	0.9	1.8	2.3	2.6	4.4	1.2
Inhalants	12.0	18.0	14.4	18.8	18.8	17.4
Stimulants	8.1	20.0	25.2	36.0	42.6	40.9
Depressants	6.2	12.4	13.4	18.7	21.1	18.0
Tranquilizers	3.8	9.6	10.0	15.7	18.3	14.5

*304 students did not report grade levels.

FIGURE T-7

EVER TRY MARIJUANA, STIMULANTS OR COCAINE BY GRADE LEVEL

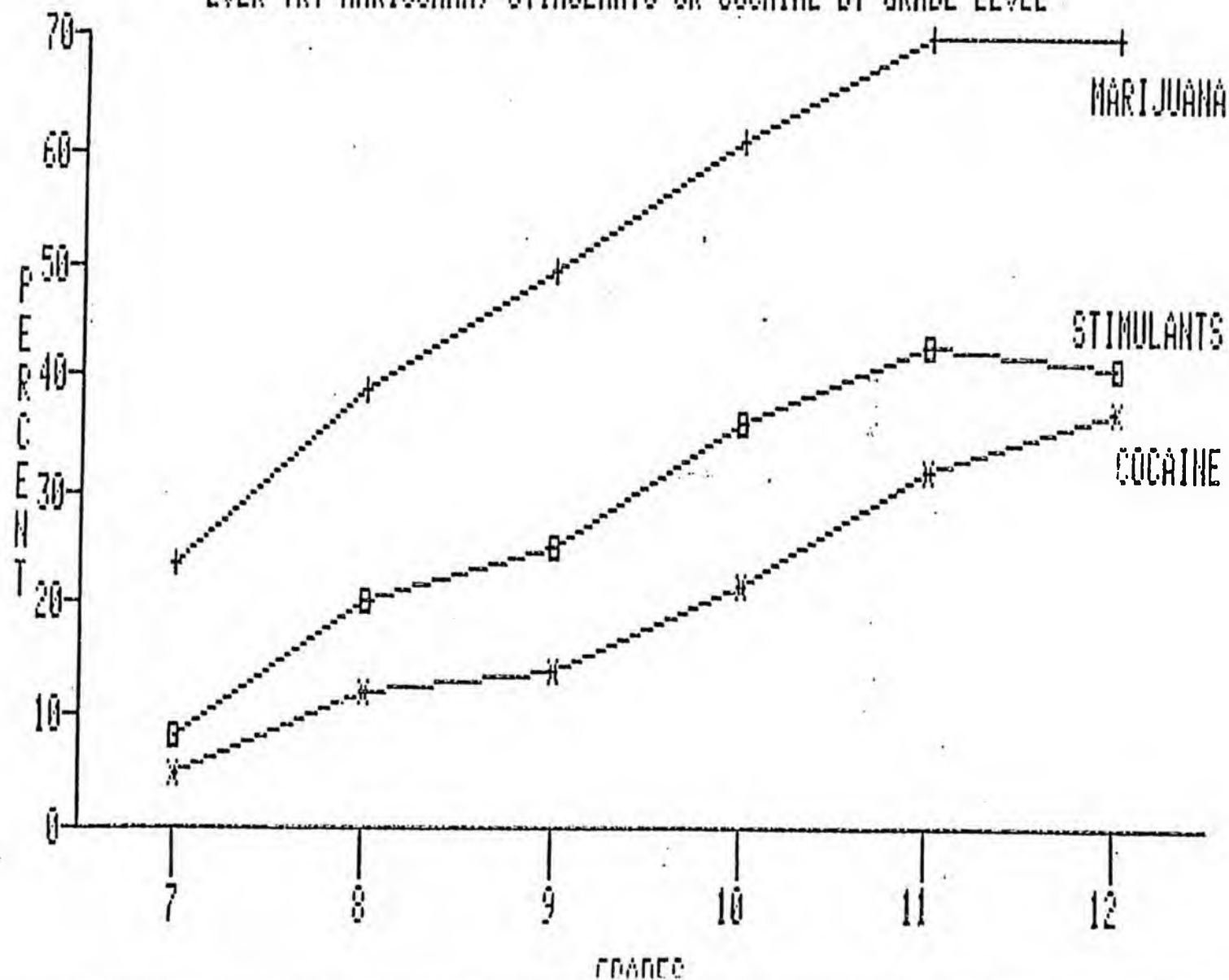


TABLE T-8

REASONS FOR NOT TRYING OR HAVING STOPPED
EXPERIMENTING WITH PSYCHOACTIVE DRUGS

Total Schools
Students Grades 7-12
(N = 3609)

<u>Reasons Given:</u>		<u>For Not Trying Drugs</u>	<u>For Having Stopped Experimenting with Drugs</u>
	<u>Total Number of Students Responding</u>	<u>Percent of Respondents Not Trying for each Reason</u>	<u>Percent of Respondents who Tried and Stopped for each Reason</u>
1. May hurt my body.	2779	18.3	41.9
2. May hurt my mind.	2780	15.8	44.6
3. May cause addiction.	2744	20.6	40.0
4. Friends disapprove.	1675	37.4	17.9

TABLE T-9

DRUG EDUCATION AND TRYING DRUGS

Percent of Students Responding

Total Schools
Students Grades 7-12
(N = 3609)

<u>Drug</u>	<u>Percent of Students Responding</u>	<u>Have Had Drug Education and Have Tried</u>	<u>Have Had Drug Education and Have Not Tried</u>	<u>Have Not Had Drug Education and Have Tried</u>	<u>Have Not Had Drug Education and Have Not Tried</u>
Marijuana	72.2	28.6	18.3	34.2	18.9
Hallucinogens	45.2	7.9	38.0	9.9	44.2
Cocaine	50.5	13.5	31.8	20.1	34.6
Heroin	37.7	2.1	42.5	3.0	52.4
Inhalants	47.7	15.4	31.5	16.2	36.9
Stimulants	54.5	20.5	26.0	25.1	28.4
Depressants	42.9	13.0	32.0	17.2	37.8
Tranquillizers	40.2	10.8	33.9	16.0	39.3

TABLE T-10

STUDENTS' PERCEPTIONS OF DRUG-TAKING BEHAVIOR

Total Schools
Students Grades 7-12
(N = 3080)

Percent of Students who*

Students who:	Expressed a need for drug education	Expressed no need for drug education	Total
Have Tried Drugs	43.2	12.8	56.0
Have Not Tried Drugs	37.1	6.9	44.0
Total	80.3	19.7	100.0

*The differences between classifications are not statistically significant:
 $\chi^2 = 14.1$, d.f. = 1, $p < .001$.

TABLE T-11

PERCENT OF STUDENTS RESPONDING "TRUE" TO VARIOUS STATEMENTS

Total Schools
By Grade Levels
(N = 3609)

Statement	Grades*						Total
	7	8	9	10	11	12	
1. I have missed school because of drug use.	2.1	5.8	8.2	11.7	14.8	17.3	9.2
2. I have had problems in school because of drug use.	4.3	5.6	8.5	11.1	11.4	12.9	8.6
3. I have had problems outside of school because of drug use.	6.3	10.0	11.6	16.0	15.8	15.0	12.1

*Each statistic represents the proportion of students within each grade who answered "yes" to each question. The total represents the percent of all students responding "yes" to each question.

TABLE T-12

COMPARISONS OF LIFETIME EXPERIENCES WITH PSYCHOACTIVE DRUGS

Surveys: Percent Who Ever Tried Each Drug

Total Schools
Students Grades 7-12

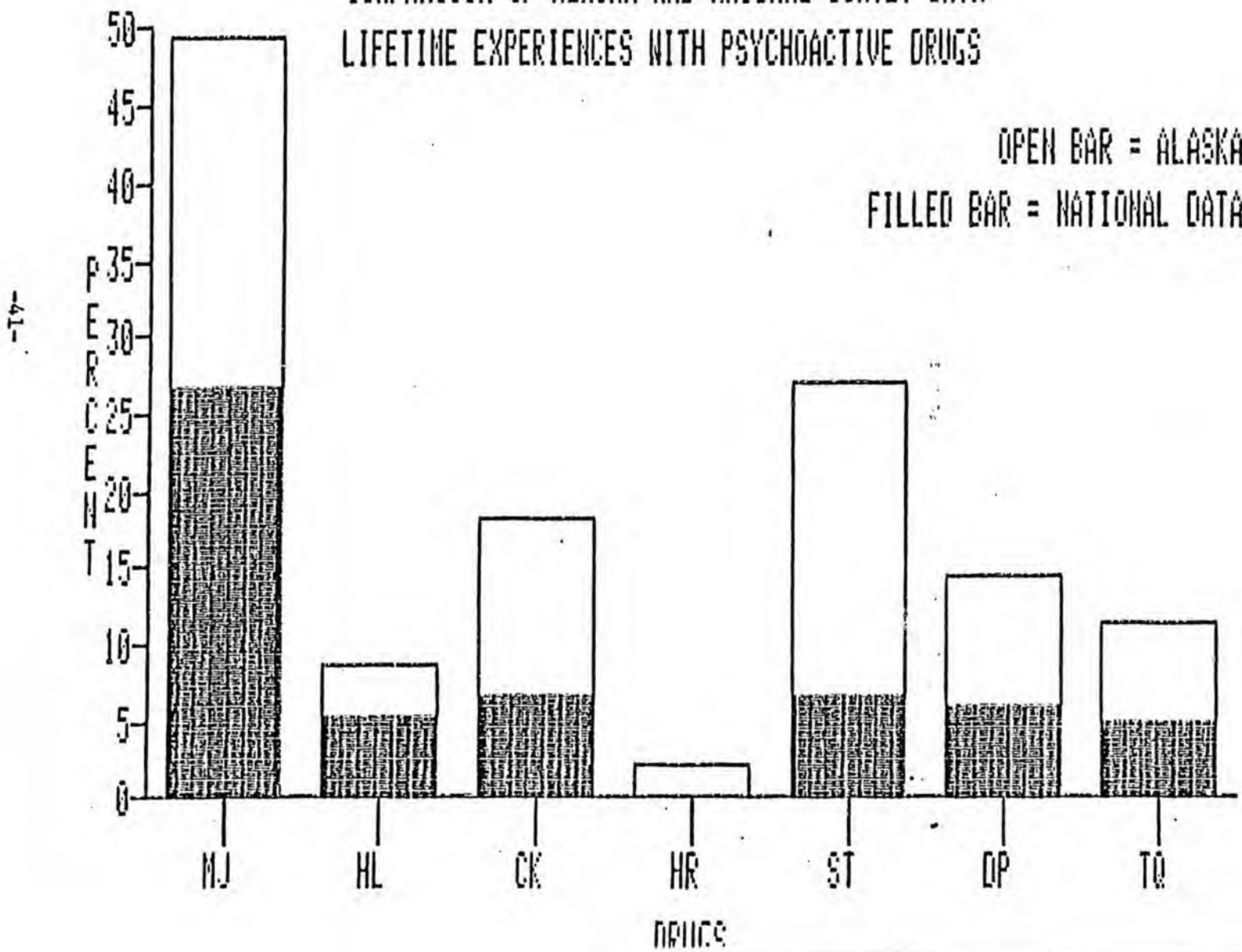
Drug	Total Sample (N=3609)	Anchorage Sitka Nome Barrow Kotzebue (N=2811)	Total Sample Les Anchorage (N=2021)	Bethel Juneau Fairbanks (N=798)	Barrow Kotzebue Nome (N=600)	Anchorage (N=1588)	1982* National Survey of 12-17 Yr. Olds (N=1581)
Marijuana	49.5	50.7	50.8	44.9	58.8	51.4	26.7
Hallucinogens	8.7	8.7	9.4	8.6	9.2	9.4	5.2
Cocaine	18.3	18.5	17.0	17.8	18.0	23.5	6.5
Heroin	2.2	2.1	1.8	2.3	2.2	3.2	<.1
Inhalants	16.5	15.5	17.3	20.1	15.0	18.4	-
Stimulants	27.2	26.9	28.6	28.2	25.8	29.6	6.7
Depressants	14.3	14.6	12.5	13.2	10.5	19.9	5.8
Tranquilizers	11.5	12.0	8.9	9.9	6.3	17.9	4.9
Alcohol	71.7	44.8	65.8	66.2	62.0	82.1	65.2
Tobacco	55.0	34.0	50.9	47.5	54.7	64.9	49.5

*Miller, 1983.

FIGURE T-12

COMPARISON OF ALASKA AND NATIONAL SURVEY DATA
LIFETIME EXPERIENCES WITH PSYCHOACTIVE DRUGS

OPEN BAR = ALASKA
FILLED BAR = NATIONAL DATA



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TABLE T-13

COMPARISONS OF LIFETIME EXPERIENCES WITH PSYCHOACTIVE DRUGS
ALASKAN SENIORS AND NATIONAL STUDENT SURVEY

High School Seniors Who Ever Tried Each Drug

Total Schools
Students Grades 7-12

Drug	Total Sample (N=345)	Anchorage Sitka Nome Barrow Kotzebue (N=277)	Total Sample Less Anchorage (N=215)	Bethel Juneau Fairbanks (N=68)	Barrow Kotzebue Nome (N=73)	Anchorage (N=123)	1982* National Survey of 12-17 Yr. Olds (N=17500)
Marijuana	69.6	77.2	77.2	72.1	78.9	60.2	58.7
Hallucinogens	15.4	17.7	17.7	14.7	9.4	12.2	12.5
Cocaine	37.1	40.0	40.0	42.6	39.7	34.1	16.0
Heroin	1.2	1.4	1.4	0.0	4.1	0.8	2.2
Inhalants	17.4	19.5	19.5	17.6	17.8	14.6	18.0
Stimulants	40.9	48.8	48.8	42.6	49.3	29.3	27.9
Depressants	18.0	17.7	17.7	17.6	13.7	19.5	15.2
Tranquilizers	14.5	12.6	12.6	11.8	8.2	18.7	14.0

*Johnston, Bachman, & O'Malley, 1982.

CONCLUSIONS AND RECOMMENDATIONS

The major objective of this project was to assess the extent, type of patterns, frequency and distribution of drug-taking behavior among school age youth in grades 7-12 in eight locations of the state: Anchorage, Barrow, Bethel, Fairbanks, Juneau, Kotzebue, Nome and Sitka. The results of this undertaking found generally high rates of lifetime experiences with mood-altering drugs among students surveyed. This high level of drug-taking behavior contrasts dramatically with reports from surveys conducted in the "lower 48," which indicate that "American young people are continuing to moderate their use of illicit drugs..." (Johnston et al., 1982, p. 9). Reports from two recent national surveys (Johnston et al., 1982; Miller, 1983) indicate that there have been declines in use of marijuana and in other drugs and a leveling off of cocaine use by youth. Although there is no previous survey data of Alaskan youth to compare trends, a comparison of current findings of Alaskan youth with their counterparts in the "lower 48" shows considerably higher levels of drug use, except for heroin, which is just slightly higher.

One factor which may contribute to the extensive differences found between the National Survey of 12-17 year olds and Alaskan youth may be related to differences in methodology. The National Survey conducted face-to-face interviews while our procedure involved anonymous responses to questionnaires. It may be that when youth are selected from a general population and interviewed, the reports of prevalence of drug use may be more guarded than when responding anonymously to a survey.

Prior to elaborating on these findings it should be restated that it is not known whether the students who report having tried a drug actually took the drug, that is, whether it is the "real thing" as opposed to a "look-a-like" or a substitute chemical. The important fact, however, is that students apparently believe that they took the reported drug. Also, students, whether taking real or substitute drugs, were involved in drug-taking behavior.

What is evident in the results is that when there is an opportunity to try a drug, particularly marijuana, large percentages of those students having the chance will try it. The question which arises is, Why is the opportunity to try drugs so very high among junior and senior high school students?

A factor which seemingly contributes to the high prevalence rates reported in our study is that drugs are generally available in the state, a phenomena which is supported by anecdotal evidence. The drugs which are available - albeit illegally - find their way down to adolescents and early teenagers who are willing to try them. Additionally, it also appears that these youngsters can afford to buy the available drugs.

Thus, with apparent opportunities to try, students are trying/taking drugs, and the number of students reporting such experiences is high. The pattern of drug use generally follows the pattern described for the "lower 48." Marijuana is the most frequently tried/taken drug, followed by experiences with stimulants and cocaine. While experiences with the other drugs vary, a consistency exists in that heroin is the least tried. In all, the findings indicate that at least half of all students are likely to try marijuana and/or some other drug by the time of high school graduation. More than 75% of students will have also have tried/consumed alcohol prior to their graduation from high school. Most of the "hard" drug use, however, will be experimental.

The important question is, Why do so many students experiment with and/or

take drugs? There are several possible answers to this question. One is that many of the illicit drugs such as marijuana, stimulants and cocaine, have become incorporated into the "lifestyle" of so many people that adolescents themselves experiment with them as part of their own "normative" behavior. That is, the wide scale prevalence of drug use in general makes it a phenomenon which adolescents may pursue in order to know what drug experiences are like. It appears that adolescent drug use may, to a large extent, be related to the attitudes and behaviors found in the larger adult society. Simply put, the "kids" do what the adults are doing!

Related to this "imitation" phenomena is what may be called a "curiosity" motive for trying drugs. This motive is discussed in greater detail in the Anchorage School District Report (see Appendix 2), in which an analysis of students' motives for trying/taking drugs was completed. Briefly, a common reason for many youngsters to try mood-altering drugs is curiosity -- just to see what it is like. Many students try a drug once, or several times, with no intention to continue use in the future. However, this motive may not be totally applicable to use of alcohol, cigarettes, marijuana and, to a lesser extent, stimulants and cocaine.

Another reason for the trying/taking of drugs, interrelated with the "curiosity" motive, is a willingness to seek new and different experiences. This motive was found to prevail within the Anchorage School sample and has been reported in other research (Segal, 1982; 1983, in press). Drugs do provide a new and different experience; some students seem to find it rewarding or gratifying whereas others do not find it pleasurable.

Some youngsters may use mood-altering drugs to gain the ability to cope with personal problems and/or stress. Drugs may not only temporarily help one to

escape from personal discomfort, but they also help to delay having to deal with conflict or stress. This motive for taking drugs has been found consistently in research investigating both adolescent and adult drug-taking behavior (Jessor & Jessor, 1977; Segal, Huba, & Singer, 1980). It is unlikely that the high level of drug use found in this study is attributable to this motive, but it is possible that a small percentage of students, particularly those who take a variety of drugs with some degree of frequency, may be using drugs to "feel better" as well as to feel "high."

An important finding in this study is that age, opportunity to try and first experiences with mood-altering drugs are significantly interrelated and also vary greatly for each drug. As experiences with some drugs, such as marijuana, begin to taper off, first experiences with other drugs, such as cocaine, tend to increase. The relationship between age and first experiences with drugs is revealing itself to be curvilinear, that is, a relationship which can change direction at any given age level for any given drug. The most frequent ages for trying drugs are 13 and 15, which are related to beginning junior and senior high school. It may be, as advocated within some recent research literature (Huba, Winegard and Bentler, 1979; Segal, 1983; Segal, Huba and Singer, 1980; Segal, Cromer, Hobfoll and Wasserman, 1982) that drug-taking behavior by adolescents is mainly experimental and is in large part "normative" and unrelated to any pattern of deviance or serious emotional distress.

Another interesting finding which characterizes the Alaskan findings (as discussed more fully in the Anchorage School District Report) is that peer pressure or influences do not appear to be as significant a factor as is reported in other studies (Jessor & Jessor, 1977; Kandell, Kessler, & Margulies,

1978). Why this is the case is not totally clear; it may be that drug-taking behavior has become so acceptable among all youth that the traditional schism between "users" and "nonusers" no longer exists, thereby making it unnecessary for those who take drugs to seek mutual support from others who take drugs. Additionally, the generally widespread use of drugs may offset any special status attributable to those who take drugs, thus reducing the peer influences to try or not try drugs.

In summary, it is evident that drug-taking behavior is attributable to many interrelated factors, some exerting greater influences than others at different points during one's secondary school career. Further research is needed to focus more specifically on students' perceptions of why they take drugs and the particular expectations that they have of what drugs will do for them.

The results of the present study have a number of implications concerning drug education/prevention programs. One important consideration is that the students perceive a need for such programs, particularly the ones who have had experiences with psychoactive drugs. This finding suggests that the students may be inferring that if other students are "educated," or if they themselves learned more about "drugs," the risks of taking drugs may be reduced. It is presumed that presentation of information regarding the "dangers" and risks of taking drugs, especially in light of the findings that most students fear the harmful psychological and physical effects of taking drugs, can help to lessen the curiosity to experience the anticipated sensations which drugs can engender. The issue becomes one of how to develop and implement an effective drug education/prevention program. This question is one which educators and researchers have been struggling with for over a decade. While the evidence supports the continued need for educational efforts (Wepner, 1979), it is apparent that such programs generally tend to restrain young persons who were

not inclined to try drugs in the first place. The major problem is how to identify those who are at greater risk of trying drugs. A variety of drug education/prevention programs have been implemented over the country, each to a large extent providing a uniform curriculum across age and grade level.

An important implication concerning drug education from the foregoing analysis of age/grade trends is that different prevention goals should be devised for different points in the incidence and prevalence curves. The most logical starting point is that age in the curve at which positive acceleration begins in the prevalence curve. Prior to this point prevention efforts should focus on delaying or preventing the onset of nonmedical taking of mood-altering drugs, and/or extrafamilial alcohol consumption. After this point intensive prevention efforts should concentrate on the reduction of prevalence, giving special emphasis to multiple substance use, frequency of drinking, regular use of marijuana, and on reducing the trying/taking of stimulants and cocaine. Emphasis should also be given to other types of mood-altering drugs, capitalizing on the apparent self-moderating factors that appear to already be "at work" with students to avoid taking drugs perceived as particularly harmful. What is needed is the involvement of a rational program of drug education/prevention - a program derived from an informational base which provides data on the prevalence and developmental trends of drug-taking behavior and on some of the psychosocial aspects related to use and nonuse of mood-altering drugs. This data base can serve as a conceptual basis for prevention strategies designed to prevent and reduce drug-taking behavior by school age youth.

Another important implication of the findings concerns the issue of availability of mood-altering drugs. It should be noted that if a reduction of experimentation with and continued use of drugs is to be achieved, the availabi-

lity of drugs needs to be reduced. There is, however, no easy solution to achieving such a reduction.

The recent history of attempts to address drug use in the United States has tended to deal with the problem through strong legislation aimed at reducing "drugs on the street" by increasing penalties for possession and use of drugs. Such an approach has led to a preoccupation with and elaboration of penalties associated with drug use which has not generally resulted in an overall reduction of "drug problems." Rather than focusing only on the elimination of drugs by legislation, efforts also have to be directed toward focusing on people and the circumstances which contribute to their use of drugs. It has been shown that the "legal" approach to drug misuse puts an unfair and sometimes overwhelming burden on the justice system, leading to the unrealistic expectation that this system will eliminate the problem.

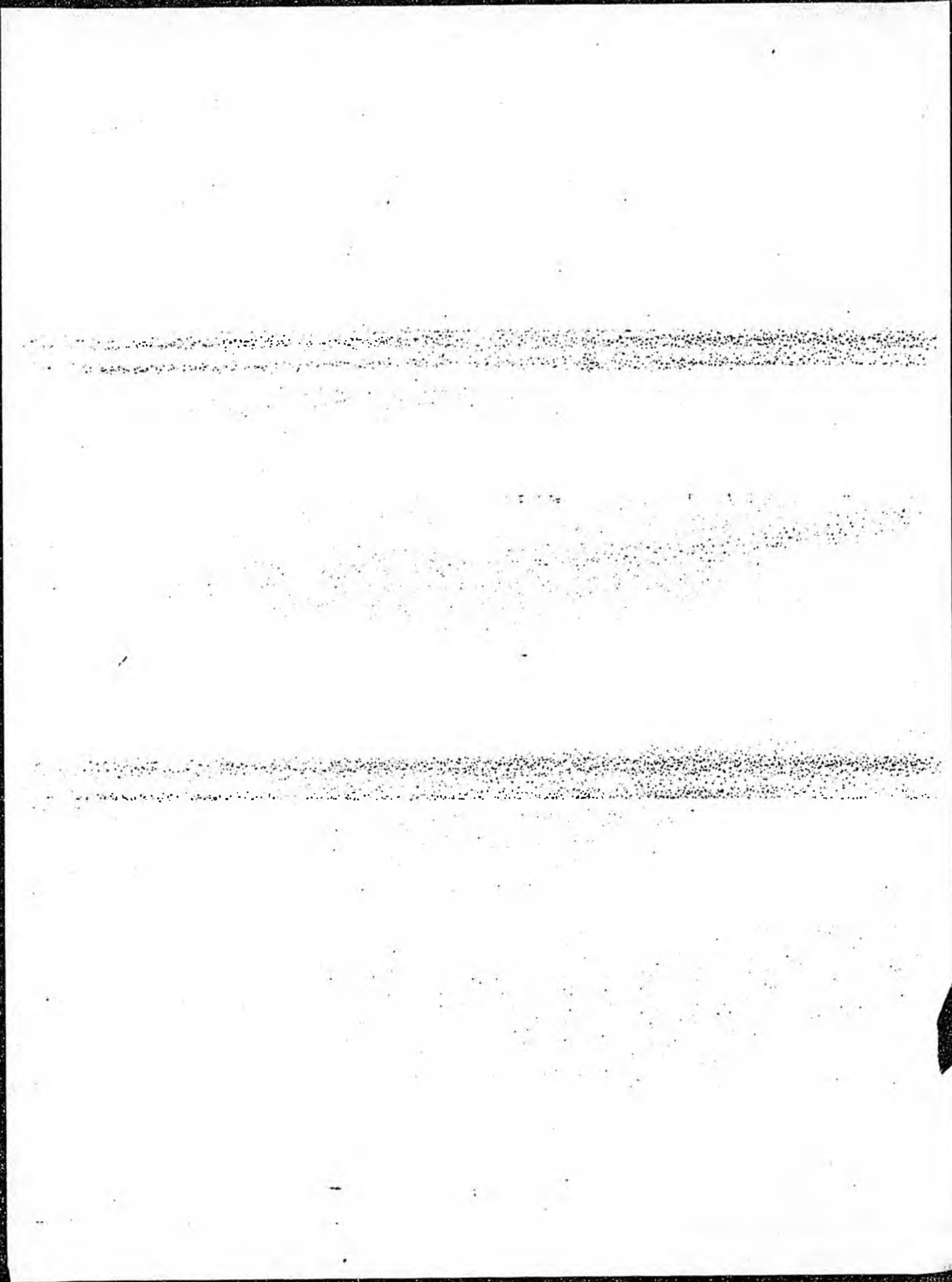
Legal measures can only be effective if society perceives them to be reasonable and realistic. The experience of decades of having to confront drug use in this country makes it clear that without a comprehensive approach the likelihood of reducing drug use is low. This comprehensive approach, requires the joining together of legal, social, education and legislative bodies to pool resources, experiences and knowledge to develop an integrated, comprehensive and relevant approach to address problems of drug use in the community, as well as focusing on the drug-taking behavior of school age youth.

The accomplishment of the above goal requires that a price be paid. This price lies in the implications for policy decisions made by local and state governmental bodies regarding drug use. With respect to youth, in order to prevent the taking of drugs prior to the age at which most of the experimentation with and continued use of drugs occurs, and in order to reduce the incidence and prevalence thereafter, governmental bodies will have to appropriate program

funds. The level of funds will have to be sufficient to allow systematic research and comprehensive program development to be initiated, implemented, and evaluated over a period of time. Legislators and other governmental officials will also need to realize that the efforts of prevention programs are difficult to assess, especially since the effects may not be immediate. Efforts directed at fourth graders, for example, may not be realized until students reach junior high school, where exposure to drugs becomes more widespread and where influences to try drugs exert themselves. Additionally, the importance of drug education/prevention efforts directed at those students in the peak years of drug experimentation may not be fully realized until they reach young adulthood. What is important is the understanding that an investment in a rational educational/prevention program subject to ongoing evaluation, while costly at the point of initial undertaking, can save costs associated with health, social and legal consequences. Only through the acceptance and commitment to alter the attitudes and behaviors of the next generation can a reversal in the trend to take drugs be achieved.

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1 IN THE SENATE

BY FISCHER AND FAIKS

2

SENATE BILL NO. 32

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to marijuana; and providing for an
7 effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. FINDINGS. (a) The legislature finds that

10 (1) THC, the mind altering ingredient in marijuana, is not
11 soluble in water, but goes into the fatty tissues of the brain, testicles,
12 ovaries, and other internal organs, and takes 30 days to be eliminated from
13 the body;

14 (2) the buildup of THC in the body causes the user to smoke more
15 marijuana to achieve the desired high and may result in loss of sleep,
16 appetite, and initiative, as well as moodiness and depression;

17 (3) it is possible for a human being to overdose from the use of
18 marijuana, especially if it is used in conjunction with alcohol, because it
19 increases the effects of alcohol;

20 (4) the THC content of a marijuana cigarette 10 years ago was
21 one percent, but is as high as 10 percent per cigarette today;

22 (5) marijuana causes schizophrenia, illusions, and hallucina-
23 tions, including a dulling of the senses, creating the possibility that the
24 user is unable to respond to body signals, such as pain;

25 (6) although it may take a heavy cigarette smoker as long as 20
26 years to develop lung cancer, one marijuana cigarette a day may cause lung
27 cancer in three years;

28 (7) THC affects eggs, sperm, sexual hormones, and the develop-
29 ment of a fetus, and marijuana use may result in deformed or undersized

1 offspring;

2 (8) other physical reactions to marijuana include irreversible
3 changes in the brain, sinusitis, pharyngitis, bronchitis, emphysema, in-
4 creased heart rate, and decreased blood circulation;

5 (9) other psychological reactions to marijuana include loss of
6 memory; impairment in thinking, reading comprehension, and verbal and
7 arithmetic problem solving; impairment of perception of distance and time;
8 and anxiety, panic, paranoia, psychosis, and psychological dependence; and

9 (10) the use of even small amounts of marijuana by adults in the
10 home subjects children present to a substantial health hazard.

11 (b) The legislature further finds there is a legitimate and com-
12 pelling governmental interest, based on testimonial evidence, that the
13 public health and welfare will suffer if personal use of marijuana even in
14 small amounts is allowed.

15 * Sec. 2. AS 11.71.060(a) is amended to read:

16 (a) Except as authorized in AS 17.30, a person commits the crime
17 of misconduct involving a controlled substance in the sixth degree if
18 the person

19 (1) uses or displays any amount of a schedule VIA con-
20 trolled substance or possesses one or more preparations, compounds,
21 mixtures, or substances of an aggregate weight of less than one-half
22 pound [ONE OUNCE OR MORE] containing a schedule VIA controlled sub-
23 stance [ON A PUBLIC STREET OR SIDEWALK OR ON THE PREMISES OF A PUBLIC
24 CARRIER OR BUSINESS ESTABLISHMENT OR IN ANY OTHER PUBLIC PLACE]; or

25 [(2) KNOWINGLY POSSESSES ANY AMOUNT OF A SCHEDULE VIA
26 CONTROLLED SUBSTANCE WITHIN THE IMMEDIATE CONTROL OF THAT PERSON WHILE
27 OPERATING A PROPELLED VEHICLE;

28 (3) BEING UNDER 19 YEARS OF AGE, POSSESSES ONE OR MORE
29 PREPARATIONS, COMPOUNDS, MIXTURES, OR SUBSTANCES OF AN AGGREGATE

1 WEIGHT OF LESS THAN FOUR OUNCES CONTAINING A SCHEDULE VIA CONTROLLED
2 SUBSTANCE;

3 (4) POSSESSES ONE OR MORE PREPARATIONS, COMPOUNDS, MIX-
4 TURES, OR SUBSTANCES OF AN AGGREGATE WEIGHT OF FOUR OUNCES OR MORE
5 CONTAINING A SCHEDULE VIA CONTROLLED SUBSTANCE; OR]

6 (2) [(5)] refuses entry into a premises for an inspection
7 authorized under AS 17.30.

8 * Sec. 3. AS 11.71.070 is repealed.

9 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

SB 32, ORIGINAL BILL

CS SB 32 (HESS)

SECTIONAL ANALYSIS

FISCAL NOTES

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SYNOPSIS OF S. HESS
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EVIDENCE & STUDIES
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1 offspring;

2 (8) other physical reactions to marijuana include irreversible
3 changes in the brain, sinusitis, pharyngitis, bronchitis, emphysema, in-
4 creased heart rate, and decreased blood circulation;

5 (9) other psychological reactions to marijuana include loss of
6 memory; impairment in thinking, reading comprehension, and verbal and
7 arithmetic problem solving; impairment of perception of distance and time;
8 and anxiety, panic, paranoia, psychosis, and psychological dependence; and

9 (10) the use of even small amounts of marijuana by adults in the
10 home subjects children present to a substantial health hazard.

11 (b) The legislature further finds there is a legitimate and com-
12 pelling governmental interest, based on testimonial evidence, that the
13 public health and welfare will suffer if personal use of marijuana even in
14 small amounts is allowed.

15 * Sec. 2. AS 11.71.060(a) is amended to read:

16 (a) Except as authorized in AS 17.30, a person commits the crime
17 of misconduct involving a controlled substance in the sixth degree if
18 the person

19 (1) uses or displays any amount of a schedule VIA con-
20 trolled substance or possesses one or more preparations, compounds,
21 mixtures, or substances of an aggregate weight of less than one-half
22 pound [ONE OUNCE OR MORE] containing a schedule VIA controlled sub-
23 stance [ON A PUBLIC STREET OR SIDEWALK OR ON THE PREMISES OF A PUBLIC
24 CARRIER OR BUSINESS ESTABLISHMENT OR IN ANY OTHER PUBLIC PLACE]; or

25 [(2) KNOWINGLY POSSESSES ANY AMOUNT OF A SCHEDULE VIA
26 CONTROLLED SUBSTANCE WITHIN THE IMMEDIATE CONTROL OF THAT PERSON WHILE
27 OPERATING A PROPELLED VEHICLE;

28 (3) BEING UNDER 19 YEARS OF AGE, POSSESSES ONE OR MORE
29 PREPARATIONS, COMPOUNDS, MIXTURES, OR SUBSTANCES OF AN AGGREGATE

1 WEIGHT OF LESS THAN FOUR OUNCES CONTAINING A SCHEDULE VIA CONTROLLED
2 SUBSTANCE;

3 (4) POSSESSES ONE OR MORE PREPARATIONS, COMPOUNDS, MIX-
4 TURES, OR SUBSTANCES OF AN AGGREGATE WEIGHT OF FOUR OUNCES OR MORE
5 CONTAINING A SCHEDULE VIA CONTROLLED SUBSTANCE; OR]

6 (2) [(5)] refuses entry into a premises for an inspection
7 authorized under AS 17.30.

8 * Sec. 3. AS 11.71.070 is repealed.

9 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

Original sponsors: Fischer and Faiks

1 IN THE SENATE
2 CS FOR SENATE BILL NO. 32 (HESS)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to marijuana; and providing for an
7 effective date."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. FINDINGS. (a) The legislature finds that marijuana use
10 is a serious health problem for the following reasons, each of which con-
11 stitutes a legitimate and compelling state interest:
12 (1) marijuana and other cannabis preparations may contain over
13 420 different compounds;
14 (2) tetrahydrocannabinol (THC), one of the pharmacologically
15 active compounds in marijuana, is not soluble in water, but goes into the
16 fatty tissues of the brain, testicles, ovaries, and other internal organs,
17 and takes as long as 30 days to be eliminated from the body;
18 (3) the buildup of THC in the system means that repeated
19 administration of even small doses may lead to an accumulation of the drug
20 higher than levels reached at any time after a single dose;
21 (4) the buildup of THC in the body causes the user to smoke more
22 marijuana to achieve the desired high and may result in loss of sleep,
23 appetite, and initiative, as well as moodiness and depression;
24 (5) it is possible for a human being to overdose from the use of
25 marijuana, especially if it is used in conjunction with alcohol, because it
26 increases the effects of alcohol;
27 (6) the THC content of commonly obtainable marijuana has in-
28 creased from less than one percent 10 years ago to as high as 10 percent
29 today;

1 (7) marijuana with THC content higher than one percent is
2 generally available in the state, through both importation and local
3 cultivation;

4 (8) marijuana may cause schizophrenia, illusions, and hallucina-
5 tions, including a dulling of the senses, creating the possibility that the
6 user is unable to respond to body signals such as pain;

7 (9) although it may take a heavy cigarette smoker as long as 20
8 years to develop lung cancer, one marijuana cigarette a day may cause lung
9 cancer in three years;

10 (10) THC affects eggs, sperm, sexual hormones, and the develop-
11 ment of a fetus and marijuana use may result in deformed or undersized
12 offspring;

13 (11) other physical reactions to marijuana include irreversible
14 changes in the brain, sinusitis, pharyngitis, bronchitis, emphysema, in-
15 creased heart rate, and decreased blood circulation;

16 (12) other psychological reactions to marijuana include loss of
17 memory, anxiety, panic, paranoia, psychosis, psychological dependence, and
18 impairment in thinking, reading comprehension, verbal and arithmetic prob-
19 lem solving, and perception of distance and time;

20 (13) the use of even small amounts of marijuana by adults in the
21 home subjects children present to a substantial health hazard; and

22 (14) marijuana and tetrahydrocannabinols have been found by the
23 United States Congress to possess a high potential for abuse.

24 (b) The legislature further finds that

25 (1) patterns of marijuana use in the state have changed over the
26 past decade;

27 (2) the daily use of marijuana in the state has increased to as
28 high as four percent among the general population and as high as six
29 percent among secondary school students;

1 (3) marijuana use in the state within both the general popula-
2 tion and among adolescents is significantly higher than in the nation as a
3 whole;

4 (4) there is a direct relationship between the use of marijuana
5 at home by adults and the percentage of secondary school students who
6 experience disciplinary and academic problems in public schools; over the
7 last three years in the Anchorage School District, of the 230 students who
8 have been suspended from school for possession or use of marijuana, 29
9 percent have indicated that marijuana is used by adults in their living
10 environment;

11 (5) the changing patterns of marijuana use and the relationship
12 between marijuana use by adults and adolescents have significantly com-
13 promised the state's legitimate efforts to prevent the spread of marijuana
14 use to adolescents and protect the health of adolescents; and

15 (6) these efforts constitute a legitimate and compelling state
16 interest.

17 (c) The legislature further finds there is a legitimate and com-
18 pelling governmental interest, based on testimonial and scientific evi-
19 dence, that the public health and welfare will suffer if personal use of
20 marijuana even in small amounts is allowed.

21 * Sec. 2. AS 11.71.060(a) is amended to read:

22 (a) Except as authorized in AS 17.30, a person commits the crime
23 of misconduct involving a controlled substance in the sixth degree if
24 the person

25 (1) uses or displays any amount of a schedule VIA con-
26 trolled substance or possesses one or more preparations, compounds,
27 mixtures, or substances of an aggregate weight of less than one-half
28 pound [ONE OUNCE OR MORE] containing a schedule VIA controlled sub-
29 stance [ON A PUBLIC STREET OR SIDEWALK OR ON THE PREMISES OF A PUBLIC

1 CARRIER OR BUSINESS ESTABLISHMENT OR IN ANY OTHER PUBLIC PLACE]; or
2 [(2) KNOWINGLY POSSESSING ANY AMOUNT OF A SCHEDULE VIA
3 CONTROLLED SUBSTANCE WITHIN THE IMMEDIATE CONTROL OF THAT PERSON WHILE
4 OPERATING A PROPELLED VEHICLE;
5 (3) BEING UNDER 19 YEARS OF AGE, POSSESSES ONE OR MORE
6 PREPARATIONS, COMPOUNDS, MIXTURES, OR SUBSTANCES OF AN AGGREGATE
7 WEIGHT OF LESS THAN FOUR OUNCES CONTAINING A SCHEDULE VIA CONTROLLED
8 SUBSTANCE;
9 (4) POSSESSES ONE OR MORE PREPARATIONS, COMPOUNDS, MIX-
10 TURES, OR SUBSTANCES OF AN AGGREGATE WEIGHT OF FOUR OUNCES OR MORE
11 CONTAINING A SCHEDULE VIA CONTROLLED SUBSTANCE; OR]

12 (2) [(5)] refuses entry into a premises for an inspection
13 authorized under AS 17.30.

14 * Sec. 3. AS 11.71.070 is repealed.

15 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 3, 1987

SUBJECT: Sectional analysis of CSSB 32(HESS),
relating to marijuana

TO: Senator Paul Fischer
Chairman, HESS Committee

FROM: Keith B. Levy *KBL*
Legislative Counsel

You have requested a sectional analysis of CSSB 32(HESS). As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 sets out legislative findings related to marijuana, including the finding that the state has a compelling interest in regulating even small amounts of marijuana.

Section 2 amends existing law to make the possession of up to one-half pound of a "schedule VIA controlled substance," i.e., marijuana, a class B misdemeanor (AS 11.71.060(a)).

Section 3 repeals AS 11.71.070, because that section applies to amounts of marijuana that would be covered by AS 11.71.060, as amended by section 2 of the bill.

Under current law, it is already a class B misdemeanor:

(1) to use or display any amount of marijuana in public (AS 11.71.060(a)(1));

(2) to possess any amount of marijuana in a propelled vehicle (AS 11.71.060(a)(2));

(3) for a person under 19 years of age to possess less than four ounces of marijuana (AS 11.71.060(a)(3)); or

Senator Fischer
Page 2
April 3, 1987

(4) for anyone to possess four ounces of marijuana or more anywhere (AS 11.71.060(a)(4)).

It is a class A misdemeanor under current law to manufacture or deliver one-half ounce or more of marijuana (AS 11.71.050(a)(1)) or to possess a half-pound or more of marijuana (AS 11.71.050(a)(3)). It is a class C felony under current law to manufacture or deliver one ounce or more of marijuana (AS 11.71.040(a)(2)) or to possess any amount of marijuana on school grounds if the person is 18 years of age or older (AS 11.71.040(a)(4)). And it is a class B felony to deliver any amount of marijuana to a person under 19 years of age if the person is at least three years younger than the person delivering the marijuana. Thus, the use, possession, or sale of marijuana is already a crime under existing law except for the possession of under four ounces of marijuana by an adult in the home. The bill adds this narrow area to the criminal law. As discussed in the memorandum dated October 29, 1986, it is this narrow area of marijuana possession that presents constitutional problems under the ruling of the Alaska Supreme Court in Ravin v. State, 537 P.2d 494 (Alaska 1975).

If I may be of further assistance, please advise.

KBL:mkr
m10/100

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: Senate Bill 32

Publish Date: _____

Revision Date: _____

Title: "An act relating to marijuana"

Agency Affected: Department of Corrections

BRU: _____

Sponsor: Senator Paul Fischer

Requestor: Senator Paul Fischer

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
----------------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
----------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Susie Riley, Budget Analyst

Phone: 465-3376

Division: Administrative Services

Date: 01/26/87

Approved by Commissioner: William W. Ladwig

Date: 01/26/87

Agency: Department of Corrections

Distribution (by preparer):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

Senate Secretary

BILL NO: SB 32

DATE: 1/21/87

TITLE: "An Act relating to marijuana; CONTACT: Maj. Walter J. Gilmour
and providing for an effective Acting Director
date.

The Division of Alaska State Troopers is neutral on this legislation.

Many individuals and groups in Alaska feel that the use of marijuana is harmful to public health and welfare. The purpose of this legislation is to recriminalize the possession of any amount of marijuana.

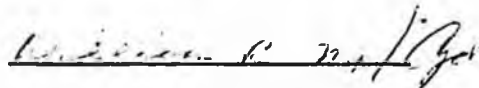
Presently the state law allows up to four ounces of marijuana for personal use. This is in direct conflict with the existing Federal law. This in effect encourages the violation of Federal law.

The existing conflict of Federal and State law is confusing in the mind of the public. The public expects consistency rather than diversity in the law. Such diversity tends to breed disrespect for the law in general, especially upon the impressionable minds of our youth.

Alaska's lenient attitude toward marijuana in effect creates a legal market for a substance that is illegally grown in other states.

Alaska's legalization of small amounts of marijuana directly contravenes the terms of the Single Narcotics Convention, the international treaty which outlaws marijuana and other controlled substances. The United States is one of numerous countries which are signators to the convention.

Recriminalizing marijuana would not, as some fear, result in wholesale arrest of individuals possessing small amounts of marijuana. The present drug enforcement philosophy of source interdiction recognizes the far greater cost-effectiveness of striking against high-level distributors, and sadly, there is no lack of high-level drug dealers in Alaska to occupy the enforcement efforts of narcotics officers.



William R. Nix
Acting Commissioner

DEPARTMENT OF
PUBLIC SAFETY

ALASKA STATE TROOPERS

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 32
Publish Date: _____

REQUEST
Revision Date: _____
Title: "An Act relating to marijuana;
and providing for an effective date."
Sponsor: Sen. Fischer
Requestor: Senate HESS
Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Detachments & C.I.B.
Narcotics

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No additional enforcement activities are anticipated and thus no fiscal impact is anticipated.

Prepared by: Francis C. Allan *F.C.A.*
Division: Alaska State Troopers

Phone: 269-5691
Date: 1/21/87

Approved by Commissioner: [Signature]
Agency: Public Safety

Date: 1/26/87

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

POSITION PAPER
SB 32

For an Act entitled: "An Act Relating to Marijuana;
providing for an effective date."

The Department of Health and Social Services is neutral regarding this legislation. The department, through the State Office of Drug and Alcohol Abuse, discourages the use of drugs of all kinds, including marijuana, and promotes this position through its support of community education and treatment of individuals who use drugs or alcohol. The criminalization of the use of marijuana by adults will not affect these programs.

The use of marijuana by youth is already a violation of law. These laws are enforced by local law enforcement agencies with the support of the Division of Family and Youth Services through its juvenile intake functions and delinquency programs. Discouraging the use of drugs and alcohol by youth is accomplished, again, through the work of the Division of Family and Youth Services in its direct contact with youth who may be using drugs or alcohol, and through the community education and treatment programs sponsored through the State Office of Drug and Alcohol Abuse.

Myra M. Munson

Myra M. Munson, Commissioner
Department of Health
and Social Services

DATE:

March 4, 1987

POSITION PAPER

SB 32

The Alaska Public Defender Agency and the Office of Public Advocacy are totally reactive agencies which provide representation to indigent persons when appointed by the court. These agencies do not make policy nor do they initiate litigation. Only proposed legislation with fiscal or program ramifications for these agencies can be said to have a direct agency impact. Thus, the Public Defender Agency and Office of Public Advocacy submit position papers for legislation which will affect these agencies fiscally or programatically or will require these agencies to litigate constitutional issues raised by the legislation.

Fiscal impact: None See attached fiscal note X

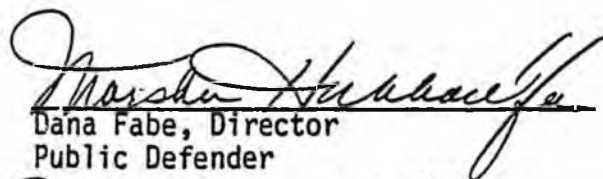
Program impact: None See analysis below X

Constitutional impact: None See analysis below X

This bill recriminalizes the use of marijuana in the home.

This bill appears to be violative of the Alaska Supreme Court's holding in Ravin v. State and will certainly lead to extensive trial and appellate court hearings on the issue of its constitutionality.

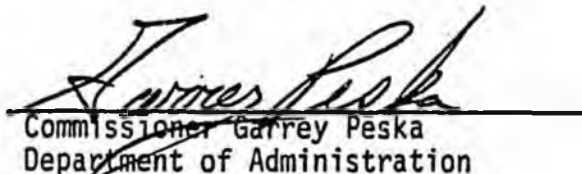
Furthermore, in a time of declining revenues, this bill may divert costly law enforcement, prosecution, defense and court resources from more serious cases.


Dana Fabe, Director
Public Defender

3/5/87
Date


Brant McGee, Director
Office of Public Advocacy

3/5/87
Date


Commissioner Garrey Peska
Department of Administration

3/6/87
Date

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**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: SB 32
Publish Date: _____

Revision Date: _____
Title: "An Act relating to
marijuana..."
Sponsor: Fischer, Faiks
Requestor: Senate Judiciary

Agency Affected: Administration
BRU: Office of Public Advocacy
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	-0-	93.4	97.1	101.0	105.0	109.2
TRAVEL		0	0	0	0	0
CONTRACTUAL		60.0	62.4	64.9	67.5	70.2
SUPPLIES		2.0	2.1	2.2	2.3	2.4
EQUIPMENT		9.3	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	164.7	161.6	168.1	174.8	181.8

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	164.7	161.6	168.1	174.8	181.8
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	164.7	161.6	168.1	174.8	181.8

POSITIONS:

FULL-TIME		2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Brant McGee, Public Advocate
Division: Office of Public Advocacy

Phone: 274-1684
Date: 2/23/87

Approved by Commissioner: Garrey Peska
Agency: Department of Administration

Date: 3/6/87

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

RECEIVED
MAR 09 1987

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB32

This bill will recriminalize the use or possession of marijuana at any location and would result in a significant increase in the number of prosecutions for such offenses.

The Department of Law has requested 2.5 attorney in Anchorage and Fairbanks in order to enforce this statute. The constitutionality of the statute, which appears to directly conflict with the Supreme Court's 1975 holding in Raven v. State, will undoubtedly be tested in extensive trial and appellate court proceedings.

The Office of Public Advocacy requests one new Attorney III position for Anchorage -- where the greatest number of prosecutions is likely to arise -- and \$60,000 in contractual funds to pay for representation in other areas and for expert witness fees necessary for trial proceedings.

Personal Services

Anchorage

Attorney III		
Salary & Benefits	= 63,198	63.2
Legal Secretary I		
Salary & Benefits	= 30,184	<u>30.2</u>
Subtotal Personal Services		93.4

Contractual

Contract attorneys in rural areas and expert witnesses	= 60,000	60.0
---	----------	------

Supplies

Stationary & library supplies for two new positions at 1,000 per position	=	2.0
---	---	-----

Equipment

Office furniture & equipment for one professional position at 2,429 and one secretary at 6,838		<u>9.3</u>
--	--	------------

Total: 164.7

Position Title Attorney III		No. of Positions 1	Range/Step 22/A	Barg. Unit X
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8
Justification				
The Anchorage OPA office presently has 3 attorney positions devoted to criminal defense. These attorneys are also handling several major cases outside the Anchorage area as staff coverage and travel is more cost effective than contracting major cases to private attorneys in rural areas. Current caseloads indicate that these three attorneys cannot absorb the additional cases which would result from this legislation. It is necessary that an additional attorney be added to the Anchorage staff to cover the resultant increased caseload.				
Type of Expenditure		Amount		
1	2	3		
Salary	49,140			
Benefits	14,058			
Premium Pay				
Other				
Total Personal Services		63,198		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		63,198		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	63,198		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Administration
 DRU Office of Public Advocacy
 Component _____

Page 3 of 4
 Revised Date _____

FY 88

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10/A	Barg. Unit G
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8
Justification				
The Anchorage OPA office presently has 3 legal secretary positions providing clerical support to 12 professional positions, 2 vista volunteers, and the VGAL program. The addition of an attorney with a full caseload necessitates the addition of a legal secretary. The present ratio of 4 professionals to each secretary is the maximum that each secretary can handle. The additional workload created by an additional attorney carrying a full caseload cannot be absorbed by the present secretarial staff.				
Type of Expenditure		Amount		
1	2	3		
Salary	22,020			
Benefits	8,164			
Premium Pay				
Other				
Total Personal Services		30,184		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		30,184		
Funding Source for Total Cost				
Federal Receipts	1002			
G. P. Match	1003			
General Fund	1004	30,184		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Administration
 DRU Office of Public Advocacy
 Component _____

Page 4 of 4
 Revised Date _____

FY 88

Alaska State Legislature

SENATOR PAUL FISCHER, Chairman
SENATOR JOE JOSEPHSON, Vice Chairman
SENATOR LLOYD JONES
SENATOR JAY KERTULLA
SENATOR RICK HALFORD



P. O. BOX V
ROOM 508
STATE CAPITOL
(907) 465-3762

Senate Committee on Health, Education and Social Services

Date: April 9, 1987
To: Members Senate Judiciary & Finance Committees
From: Senator Paul Fischer
Subject: Resolutions Supporting SB 32, Recriminalizing Marijuana

Following please find resolutions of support for SB 32 from:

Anchorage Municipal Assembly
Anchorage Crime Commission
Anchorage Police Department
Kiwanis Club of Anchorage
Anchorage School District
Alaska Association of Chiefs of Police
FBI National Academy Associates
Alaska ASSociations of School Governments
Alaskans for Drug-Free Youth
Cook Inlet Council on Alchol & Drug Abuse
Galena Police Department
Galena City School District
Valdez Rotary Club
City of Valdez
Juneau Police Department
Central Council of Tlingit & Haida Indian Tribes
City & Borough of Sitka
City & Borough of Sitka Police Department
Kenai Peninsula Borough School District
City of Wrangell
Wrangell Police Department
Petersburg General Hospital
City of Ketchikan
Ketchikan Gateway Borough School District
City of Saxman
Boys & Girls Clubs of Alaska

AMENDED AND APPROVED

Date 12-9-86

Submitted by: Assemblyman
Brad Bradley

Prepared by: Assemblyman
Brad Bradley

For Reading: November 25, 1986

AR No. 86-284

A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE SUPPORTING REPEAL
OF AS 11.71.070 AND AMENDMENT OF AS 11.71.060(a) TO MAKE
MARIJUANA ILLEGAL

WHEREAS, Alaska is the only state in the union with a permissive statute for personal possession of marijuana, and

WHEREAS, findings of local, state and federal authorities conclude that marijuana is detrimental to the health, welfare and public safety of all people, and

WHEREAS, the Supreme Courts of other states and the U.S. Supreme Court have upheld state statutes prohibiting the use and possession of marijuana, and

WHEREAS, current Alaska state statutes are not in conformity with federal drug enforcement laws controlling drug abuse, and

WHEREAS, the conflict between federal and state law pertaining to marijuana causes unnecessary barriers for local police and Alaska State Troopers in protecting the public from drug abusers, and

WHEREAS, the Anchorage Crime Commission has for the past three years concluded that Alaska's permissive laws on marijuana should be repealed, and

WHEREAS, representatives of 60 Alaskan high schools at the Alaska Association of School Governments' Annual Fall Conference on October 18 of this year unanimously passed a resolution to repeal the current marijuana law and make the drug in all its forms illegal in Alaska.

NOW THEREFORE, the Anchorage Assembly resolves:

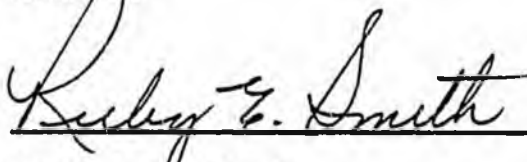
That the Governor of the State of Alaska, the Alaska State Legislature and the Alaska Supreme Court ^{are} ~~is~~ petitioned to take immediate steps to repeal / ~~AS 11.71.070~~ ^{statutory and constitutional protections} ~~and~~ ^{for the} ~~amend~~ ~~AS 11.71.060~~ ^{in order} ~~to make use and possession of marijuana illegal~~ in the State of Alaska/to promote the general health, welfare and public safety of the citizens of Anchorage and the State of Alaska.

PASSED AND APPROVED by the Anchorage Assembly this
9th day of December, 1986.



Chairman

ATTEST:



Municipal Clerk

Anchorage Chamber of Commerce

Crime Commission

February 25, 1987



Representative Terry Martin
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Terry:

The Anchorage Crime Commission has endorsed the recriminalization of marijuana as one of its 1987 goals. The Commission enthusiastically supports your previously stated position on this issue.

The Commission's Public Opinion survey, conducted in the Anchorage area, indicated that there was a strong desire by the general public to change the present law.

This correspondence is to reiterate our strong support of this issue and request your continued support and endorsement of HB 55. We believe the passage of this legislation will be beneficial to Alaska and its citizenry.

We further request your support in enlisting other members of the State Legislature to help assure passage of this bill into law.

If the Anchorage Crime Commission can be of further assistance in this matter please contact me.

Thank you for your support.

Sincerely,

Harold C. Heinze
Harold C. Heinze
Chairman

A Committee of the
Anchorage Chamber
of Commerce

415 F Street
Anchorage AK 99501
(907) 272-2401



TONY KNOWLES
MAYOR

ANCHORAGE POLICE DEPARTMENT

4501 SOUTH BRAGAW STREET • ANCHORAGE, ALASKA 99507-1599
TELEPHONE (907) 786-8500



RONALD L. OTTE
CHIEF

March 13, 1987

MAR 18 1987

Senator Paul Fischer
Chairman, H.E.S.S. Committee
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Fischer,

The purpose of this letter is to inform you of our support for Senate Bill 32 addressing the recriminalization of marijuana.

We believe that recent research may indicate that marijuana is more of a health hazard than originally thought. We believe that the legislature of the State of Alaska should take a serious look at recriminalization and hold hearings regarding its potential medical effects upon the populace. In addition, we believe that the youth of Alaska receive a mixed signal regarding the appropriateness of drug usage when marijuana is essentially legal in this state. In addition to that, we feel that the populace develops a scoff law attitude when the possession of marijuana is legal, but the purchase of and transportation of is illegal.

We urge that the recriminalization of marijuana be brought from the committee and addressed on the floor of the State Legislature.

If we can be of any further assistance regarding this issue or any other law enforcement related issue that you wish to call upon us for, feel free to do so.

Sincerely,

Del Smith

Del Smith
Deputy Chief of Operations

DS:d1



KIWANIS CLUB OF ANCHORAGE
P.O. BOX 101404
ANCHORAGE, ALASKA 99510



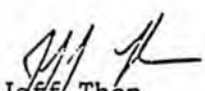
Anchorage Assembly

Whereas, it is a major emphasis of Kiwanis International to enrich the lives of our youth, and

Whereas, the Kiwanis Club Of Anchorage is currently participating in a nationally promoted activity of drug abuse prevention and education through the Just Say No Foundation, and

Whereas, the current laws in Alaska do not consider it a crime to possess certain combinations of controlled substances in certain amounts, which is counterproductive to our efforts in the Just Say No [to drugs] Program,

Now therefore, be it resolved that the Kiwanis Club of Anchorage hereby encourages the Anchorage Municipal Assembly to adopt a resolution in support of changing our statutes to make possession of a controlled substance, other than by prescription, a crime.


Jeff Thon
President

KIWANIS RESOLUTION



ANCHORAGE
SCHOOL DISTRICT

4600 DeBarr Avenue - Anchorage, Alaska

99504

AREA CODE 907-333-9561

2508 Blueberry Phone #276-1992

October 23, 1986

Ms. Alyce Hanley
Representative
1024 E. 6th Ave., Suite 200 A
Anchorage, Ak 99501

Dear Rep. Hanley:

I have enclosed for your information the names of the schools that were in attendance at the Alaska Association of School Governments fall conference held at Dimond High school. The list also contains the name of the student that was designated by their school to serve as the spokesperson on business items.

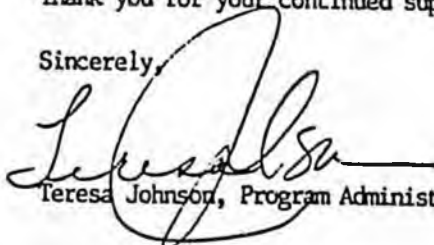
The students did finish the just say no flag and have made arrangements for the flag to be sent to Juneau and presented to the governor. The students also passed a resolution during their business meeting to support the establishment of Just say No clubs in schools, support for additional Drug Education Programs and unanimous support for repealing the current marijuana statute for the state of Alaska. I have taken the liberty of enclosing a copy of the resolution for you. I think it would be wonderful if you would present this resolution to the house for the students. Likewise, if you could recommend a senator, perhaps Jan Faiks, that would like to do the same in the senate, I would be interested in your recommendation.

Please let me know if it is possible for you to present the resolution on behalf of the students. If I can be of any further assistance to you, please let me know.

Also for your information, the Alaska Association of Secondary School Principals passed a resolution for repeal of the marijuana statute. Larry Graham would be the contact person for information about that resolution.

Thank you for your continued support of students & education.

Sincerely,



Teresa Johnson, Program Administrator

TJ:svr

cc: Dermis Johnson
St. Dir. AASG

ANCHORAGE SCHOOL DISTRICT

Alaska Association Chiefs of Police

625 C Street • Anchorage, Alaska 99501



March 26, 1985

Mr. George N. Nelson
Anchorage Crime Commission
415 F Street
Anchorage, Alaska 99501

Dear Mr. Nelson,

Our Association conducted its annual meeting on March 22, 1985 in Anchorage.

Legislation pending before the Alaska State Legislature was extensively discussed. The Association has identified several pieces of legislation that it feels merit support. Among those bills we will be commenting on to the Governor and individual legislators are four that we understand have been identified as priority legislation by your Commission.

These bills are as follows:

HB 178	Conspiracy
HB 179	Hearsay
HB 205	Juvenile Waiver
SB 165 32	Recriminalization of Marijuana

As stated previously, these bills were thoroughly discussed by the Association membership. The consensus was a directive to relay our strong support for passage of the legislation.

I understand that members of your Commission will be going to Juneau shortly to meet with legislators. Please feel free to make those legislators aware of our support for your legislative priorities.

If we can be of any additional assistance please do not hesitate to contact us.

Sincerely,

Del Smith

Del Smith
Secretary-Treasurer, ACOP

625 C Street
Anchorage, Alaska 99501

FBI National Academy Associates
Alaska Chapter



FEB 12 1987

February 9, 1987

Representative Terry Martin
Alaska State Legislature
P.O. Box V, State Capitol
Juneau, AK 99811

Dear Terry:

I received your letter of February 5, 1987, concerning the teleconference hearing on Senator Paul Fischer's bill to recriminalize marijuana and to be held on February 18, 1987.

Unfortunately, I will be out of the state, attending an Energy Security Conference and will be unable to personally testify. I have been very interested in this particular subject for a number of years and, as you are aware, I served as Vice Chairman of the Anchorage Crime Commission in 1984-85. This subject was one of our priorities then and it is still a current priority of the present Crime Commission members.

In 1985, we prepared an extensive review of information developed since 1976, when the existing law was passed. I was rather taken back that the Director of the State Office of Drug and Alcohol Abuse stated that there had been no new scientific information gathered since 1976 which would support the changing of the law. Obviously, this particular individual has not done the research that I have and I'm confident that there is substantial scientific evidence to support the health problem created by the use of marijuana.

One of the major arguments used to state that the law should remain the same is the amount of manpower and commitment that would be necessary in order to enforce any changes in the law. In my opinion, this is not an issue—the issue is the health problem created by the continuous use of marijuana and, equally important if not more so, the illusion it gives to our young people that marijuana in Alaska is legal and, therefore, its usage must not be harmful.

FBINA
1986 Officers
Executive Board

Pat Wellington, 75th. President

President
1835 South Bragaw Street, MS 540 S
Anchorage, Alaska 99512

Secretary
PO Box 53
Willow, Alaska 99688
(907) 495-6413

Dean Bivins, 90th. Vice President, South Central
Dale Florian, 98th. Vice President, Northern
Ben Neff, 94th. Vice President, Southeast
Turk Mayfield, 4th. Secretary-Treasurer



Alaska Association of School Governments

RESOLUTION: ALASKA ASSOCIATION OF SCHOOL GOVERNMENTS
FALL CONFERENCE
DIMOND HIGH SCHOOL
October 18, 1986

Whereas the student leaders of Alaska recognize that there is a severe Drug and Alcohol problem in Alaska,

Whereas the student leaders of Alaska recognize this problem exists in the Alaskan elementary, junior and senior high schools,

Whereas the students believe it is necessary for them to take a united stand against Drugs and Alcohol,

Therefore, be it resolved that the students representing the Alaska Association of School Governments (AASG), endorse the nationally known "Just Say No" Drug Prevention Program

Be it further resolved the AASG students will present a flag to Governor Sheffield to be flown over the capitol building that states: "Alaska Students/Just Say No" and

Be it further resolved the AASG students request the Governor and the Alaska Legislature to repeal the current marijuana law and make marijuana illegal in this state.

Resolution passed unanimously by 60 alaskan high schools in attendance at the AASG fall conference.



Alaskans for Drug-Free Youth

7765 Glenview Highway

Juneau, AK 99801

February 18, 1987

Dear Members of the Juneau Board of Education:

Alaska is the only state in the U.S.A. that allows a person to possess 4 ounces of marijuana. At the time the Alaska law was changed to allow this, marijuana was not considered harmful. Since then research has shown that it has many adverse effects. These effects are very detrimental to youth and their development and growth.

Some of the effects that are now known are:

1. Marijuana affects sexual development, fertility and sexual functioning.
2. Marijuana affects the immune system, causing increased susceptibility to infection.
3. It impairs memory, concentration, coordination and results in symptoms called amotivational syndrome.
4. It is psychologically addicting as well as physically addicting, builds tolerance and results in the need to continue to use.

We are very concerned about the social acceptability of marijuana and its prevalent use in Alaska by adults and school age children. We ask that you pass the following resolution urging our public officials to make the possession of any amount of marijuana illegal - by all appropriate and lawful means.

Thank you most sincerely,

Bobi Irani, Chairperson
Safe Homes/ Parents Against Drug

Marijuana Resolution

Whereas- We, the citizens of the state of Alaska are concerned about the prevalent use and abuse of the drug Marijuana.

Whereas- Adults may now possess 4 oz. of Marijuana for their own personal use in their home, even though in these homes may reside children.

Whereas- Research has demonstrated that Marijuana usage is occurring more frequently in earlier age groups.

Whereas- Marijuana has been found to be harmful both mentally and physically, to be addictive, to build tolerance and may be 10 times more potent than 10 years ago, significantly increasing health risks.

Whereas- Marijuana has been found to impair motor skills, making it dangerous to operate any mechanical equipment.

Whereas Marijuana remains in the body up to 30 days, being stored in the body's fat cells.

Whereas- Marijuana is considered a "gateway drug" the use of it introduces the "high" experience and may lead to users seeking stronger drugs.

Whereas- The state of Alaska statutes pertaining to Marijuana are not in conformity with National and International laws.

Whereas- The Supreme Court of Alaska has stated that "no one has the right to do things in their own home which will affect others adversely." *

Whereas- The Supreme Court of Alaska further stated "when there is a substantial doubt as to the safety of a substance or situation of Public Health, controls to obviate the danger will usually be upheld." *

Therefore be it resolved that We the citizens of Alaska respectfully urge our public officials in the State Government including the legislature to make the possession of any amount of Marijuana illegal- by all appropriate and lawful means.

* Reference- Raven Case 1974

Cook Inlet Council On Alcohol And Drug Abuse

"A PRIVATE NON-PROFIT CORPORATION"

MAIN OFFICE

255 Willow Street, Rm. 203
KENAI PROFESSIONAL BUILDING

P.O. Box 882
Kenai, Alaska 99611

PHONE:
283-3858

LAKE STREET CENTER

P.O. Box 2352
Homer, Alaska 99603

PHONE:
235-8001

MAR 24 1987

A RESOLUTION OF THE COOK INLET COUNCIL ON ALCOHOL AND DRUG ABUSE OF KENAI, ALASKA, URGING THE ALASKA LEGISLATURE TO REPEAL LAWS ALLOWING FOR THE PERSONAL POSSESSION AND USE OF MARIJUANA.

WHEREAS, the Cook Inlet Council on Alcohol and Drug Abuse is committed to the education, the prevention and treatment of drug abuse; and

WHEREAS, we believe countless lives are distorted through the availability and use of drugs, most particularly the lives of our young people; and

WHEREAS, socially responsible states are recognizing the need for limited access to dangerous drugs; and

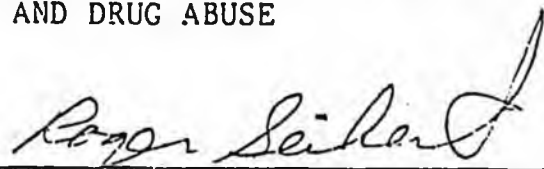
WHEREAS, Federal law mandates criminal penalties for possession and use of marijuana; and

WHEREAS, current Alaska statutes threaten the State of Alaska's eligibility for federal funds for control of narcotics:

BE IT THEREFORE RESOLVED that laws shall be enacted in the State of Alaska to establish criminal penalties for the use and possession of marijuana.


DATED at Kenai, Alaska, this sixteenth day of March, 1987.

COOK INLET COUNCIL ON ALCOHOL
AND DRUG ABUSE



Roger Seibert, President
Board of Directors

ATTEST:



Kay Mayes, Secretary
Board of Directors



Galena Police Department

P.O. Box 208 • Galena, Alaska 99741 • Telephone (907) 656-1303

February 24, 1987

The Honorable Terry Martin
Hess Committee
Pouch V
Juneau, Alaska 99811

Re: Recriminalization of Marijuana, Senate Bill 32

Dear Mr. Martin:

I am writing this letter to formally advise you that this Department thoroughly supports the above-captioned Senate bill pertaining to the recriminalization of marijuana; and to also solicit your support of the same, for the following reasons:

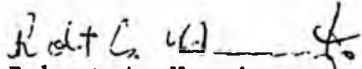
First, let me begin by stating that proper drug abuse education is probably one of our most effective overall means of combating the abuse of controlled substances. Our Youth and others are being taught that marijuana is a controlled substance which can produce harmful effects. To confuse this issue, the State of Alaska, first defines marijuana as a controlled substance, pursuant to Title 11 of the Alaska Statutes (Criminal Code); and then, within the same breath of the law, condones the possession of up to four (4) ounces of marijuana by a person within their own residence for their own consumption. How are our youth and others suppose to respond to what they are being taught, when they see others using marijuana in what is supposedly a lawful manner. This is not only contradictive, but also counterproductive.

Secondly, Law Enforcement has a difficult enough job attempting to deal with controlled substance abuse which involves those drugs that are strictly illicit. To interject a decriminalization law into the Controlled Substance Act, only serves to make their work that much more difficult and confusing. After attempting to deal with the same, certain Law Enforcement factions may begin to develop a disinterested attitude toward the enforcement of marijuana abuse, thinking if the State of Alaska doesn't care, why should we. Additionally, State Prosecutors are justifiably less than enthusiastic about prosecuting cases involving marijuana.

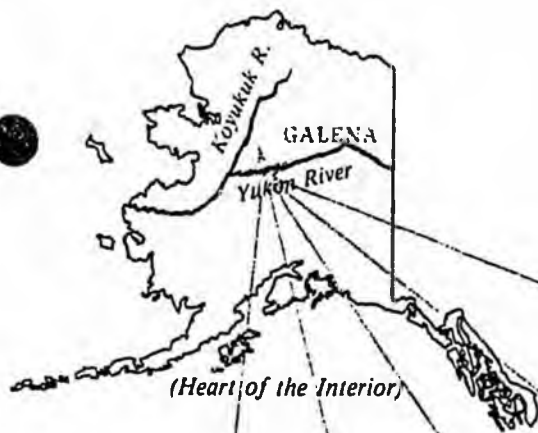
Finally, the State of Alaska has been receiving nationwide recognition through television talk shows where marijuana is the topic of discussion. On one such show, a guest emphasized several times that marijuana has been "LEGALIZED" in Alaska. The word: "DECRIMINALIZATION" was never mentioned. That little advertisement should give our tourist industry quite a boost.

In closing, this Department will appreciate any effort you may put forth in guiding Senate Bill 32 out of committee and to the floor of both the Senate and House for a vote.

Respectfully Submitted,


Robert A. Harrington
Chief of Police

san/RAH



GALENA CITY SCHOOL DISTRICT

GALENA, ALASKA 99741
PHONE (907) 658-1205

SUPERINTENDENT'S
OFFICE

January 7, 1987

Representative Terry Martin
P.O. Box V
Mail Stop 3100
Juneau, Alaska 99811

Dear Representative Martin:

The Board of Education for the Galena City School District is appalled at the free uncontrolled flowing use of controlled drugs including marijuana.

We are aware of the detrimental effect that drugs have on the education of students who use drugs and that schools are held accountable for the learning that should take place. Therefore, it is very important that those negative effects on learning be eliminated.

One of the big reasons that larger and larger numbers of students are failing in school is the use of drugs and marijuana.

Our School Board strongly encourages you to support stricter laws on possession, sale and use. Further, we would ask for your support laws that will facilitate the arrest and conviction of dealers.

We appreciate your positive attitude and support.

Sincerely,

Carole C. Huntington, President
Board of Education

CCH/elb
069/87

cc: School Board Members
Galena City School District

GALENA SCHOOL DIST

ROTARY CLUB



MAR 9 1987

February 26, 1987

Senator Paul Fisher
Pouch V (Mail Stop 3100)
Juneau, AK 99811

Dear Senator Fisher:

The Rotary Club of Valdez supports the City of Valdez Resolution No.8711 which urges the repeal of laws allowing for the personal use of marijuana.

Sincerely,

A handwritten signature in cursive script that reads "Patrick M. Shely".

Patrick M. Shely
President
P.O. Box 307
Valdez, AK 99686

CITY OF VALDEZ, ALAKSA

RESOLUTION NO. 8711

A RESOLUTION OF THE CITY OF VALDEZ URGING THE ALASKA LEGISLATURE TO REPEAL LAWS ALLOWING FOR THE PERSONAL USE OF MARIJUANA.

WHEREAS, the State of Alaska is eligible for certain Federal grants for control of narcotics; and

WHEREAS, the dangerous and grievous use of unlawful narcotics threatens the lives and well-being of many citizens of Alaska, especially, our young people; and

WHEREAS, the Alaska State Statutes allow for personal possession and use of amounts of contraband and dangerous substances that would otherwise be illegal under Federal and State laws; and

WHEREAS, these peculiar provisions of State law threaten the State of Alaska's eligibility for Federal funds for control of narcotics; and

WHEREAS, these provisions serve no useful purpose in a society that is outraged at the suffering and expense caused by drug abuse; and

WHEREAS, the right to privacy in the home in Alaska is a constitutional protection and that right can be protected by allowing the exception to be a lawfully obtained search warrant,

NOW, THEREFORE, BE IT RESOLVED that the Valdez City Council urges the Legislature of the State of Alaska to repeal those sections of the Alaska Statutes which allow personal possession and use of marijuana and support the recriminalization of marijuana.

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF VALDEZ, ALASKA this 17th day of February, 1987.

CITY OF VALDEZ, ALASKA

BY: John Devens
John Devens, Mayor

ATTEST:

BY: John Thorp
John Thorp
Acting City Manager

BILL NO: HB 55
TITLE: "An Act relating to marijuana; and providing for
an effective date"
DATE: 3/4/87

The Juneau Police Department is supportive of this legislation.

The purpose of HB 55 is to recriminalize the possession of any amount of marijuana. By achieving this end a number of purposes will be served.

Increasingly it has been shown that the long term consumption of marijuana poses a health hazard of serious consequence. A number of medical studies substantiate this fact. It is necessary to reflect that the possession of any amount of marijuana will not be tolerated so as to reinforce the concept that health hazards do exist when marijuana is used. Marijuana has been targeted as the single best predicator of other future illegal drug use.

The present conflict that exists between current state and federal law tends to create confusion in the mind of the public. This conflict creates apathy on the part of the public and flies in the face of the need for consistency in the law. Disregard and apathy are most readily apparent in the minds of the young people of the community. This conflict also creates impediments in the discharge of local police responsibilities in addressing the problem of drug traffickers.

The relaxed attitude toward marijuana in Alaska creates in the minds of people that this is a state that condones this and other types of drug usage. It creates a marked placed for a substance that is legal here but illegal in all other states.

The recriminalization of marijuana would not, as some sources are concerned, create a large scale impact on the criminal justice system. The primary focus is and will continue to be on interception, interdiction and prosecution of drug sources. This is a demonstrated philosophy that provides cost effective results for resources expended.

Michael S. Gelston
Chief of Police
Juneau Police Department

MSG/ps6



CENTRAL COUNCIL
Tlingit and Haida Indian Tribes of Alaska
320 West Willoughby Avenue • Suite 300
Juneau, Alaska 99801

February 23, 1987

Senator Paul Fisher
Chairman, Hess Committee
Pouch V - M/S 3100
Juneau, Alaska 99811

FEB 24 1987

Dear Senator Fisher:

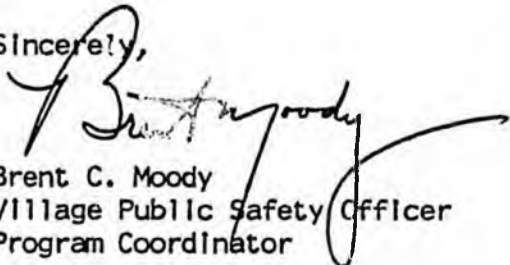
I am writing this letter in support of Senate Bill Number 32 on the recriminalization of marijuana.

I believe this Bill will help stop some of the hypocrisy involved around the issues of substance/controlled substance use, whether it be in or out of a person's residence.

With all the problems our society suffers with the legal and socially accepted use of alcohol I cannot in any way accept or support the use of any other mind altering substance. Your support for passage of Senate Bill 32 is needed and will be greatly appreciated.

If there is anything I can personally do to assist the Hess Committee on this matter please do not hesitate to contact me.

Sincerely,


Brent C. Moody
Village Public Safety Officer
Program Coordinator

cc: Evelyn E. Myers, Executive Director
Representative Terry Martin

BCM:wb



City and Borough of Sitka

304 LAKE STREET. SITKA, ALASKA. 99835

March 26, 1987

Senator Paul Fischer, Chairman
Health, Education, & Social Services Comm.
Box V
Juneau, Alaska 99811

Dear Senator Fischer:

Enclosed is our Resolution No. 87-341 which urges the enactment of Senate Bill 32. Thank you for considering our comments on this very important legislation.

Sincerely yours,

Richard Anderson
Administrator

enclosure

cc: Senator Lloyd Jones/encl.

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 87-341

A RESOLUTION OF THE ASSEMBLY OF THE
CITY AND BOROUGH OF SITKA
URGING THE ALASKA LEGISLATURE
TO ENACT SENATE BILL 32

WHEREAS, the use of marijuana is damaging to the human mind and body; and

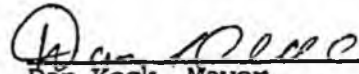
WHEREAS, marijuana represents a special danger to our children, our most important asset; and

WHEREAS, our society needs to express its abhorrence for the possession and use of this drug; and

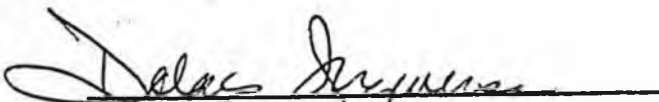
WHEREAS, our authorities need the means to combat the possession and use of marijuana,

NOW, THEREFORE, BE IT RESOLVED by the Assembly of the City and Borough of Sitka that the Legislature of the State of Alaska is urged to enact Senate Bill 32.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 24th day of MARCH, 1987.


Dan Keck, Mayor

ATTEST:


Dolores Ingwersen,
Municipal Clerk

KENAI PENINSULA BOROUGH SCHOOL DISTRICT

RESOLUTION 86-87-9

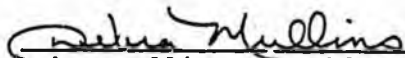
WHEREAS, the physiological, psychological and sociological effects of marijuana use are well documented; and

WHEREAS, the use of this substance by some elements of the school age population continues to be a disruptive force; and

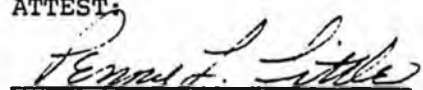
WHEREAS, current state statute permits possession of marijuana for private use which makes this substance more accessible to the school age population;

NOW THEREFORE BE IT RESOLVED, that the Kenai Peninsula Borough School District Board of Education supports the recriminalization of marijuana and the provisions for enforcement as set forth in Senate Bill 32.

ADOPTED THIS 16th DAY OF MARCH, 1987.


Debra Mullins, President
Kenai Peninsula Borough School Dist.
Board of Education

ATTEST:


Penny Little
Notary Public



ADOPTED AUGUST 1872

CITY of WRANGELL, ALASKA

INCORPORATED JUNE 15, 1903

BOX 531, 99829 (907) 874-2381

February 11, 1987

The Honorable Steve Cowper
Governor of Alaska
Pouch A
Juneau, Alaska 99801

Dear Governor Cowper:

Attached hereto is a copy of the City of Wrangell Resolution No. 02-87-263 urging the Alaska Legislature to criminalize the act of possession of marijuana in any amount.

The Wrangell City Council respectfully request your support in this matter.

Sincerely,

Joyce Rasler
City Manager

Attachment:

cc: Representative Taylor
Representative Sund
Senator Jones

CITY OF WRANGELL, ALASKA

RESOLUTION NO. 02-87-263

A RESOLUTION OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, URGING THE ALASKA LEGISLATURE TO CRIMINALIZE THE ACT OF POSSESSION OF MARIJUANA IN ANY AMOUNT.

WHEREAS, THC is the ingredient in marijuana that goes into the fatty tissues of the brain and other internal organs and takes thirty days to be eliminated from the body; and

WHEREAS, THC is reported to cause effects to a person that may result in the birth of deformed or undersized offspring; and

WHEREAS, the THC content of a marijuana cigarette is as high as ten percent today as compared to one percent ten years ago; and

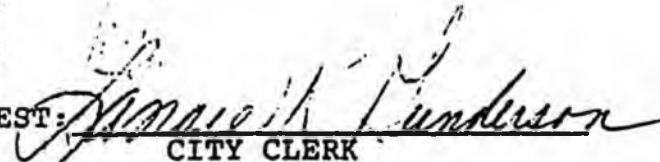
WHEREAS, numerous psychological and physical reactions result from the use of marijuana which impair the health and well being of the public; and

WHEREAS, Alaska's law which allows the possession of certain amounts of marijuana is contrary to the Federal Government's laws and the "war on drugs" being waged across the nation by Cities and States.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, that the Alaska Legislature is urged to amend the law to criminalize the act of possession of marijuana in any amount in the best interests of the public, except as authorized in AS 17.301. Be it further resolved that copies of this Resolution be forwarded to Governor Steve Cowper, Senator Lloyd Jones, Representative Robin Taylor and Representative John Sund.

PASSED AND APPROVED February 10, 1987


MAYOR

ATTEST: 
CITY CLERK



WRANGELL POLICE DEPARTMENT



WILLIAM G. KLEIN
CHIEF OF POLICE
106TH SESSION

CITY OF WRANGELL, ALASKA
POST OFFICE BOX 531 • WRANGELL, ALASKA 99929
(907) 874-3304

March 4, 1987

MAR 5 1987

Senator Paul Fisher
Hess Committee Chairman
P.O. Box V
Juneau, Alaska 99811 (Mail Stop 3100)

Dear Senator Fisher:

On behalf of this department and the concerned members of this community, I sincerely urge that all possible efforts and support be afforded to Senate Bill 32, Recriminalization of Marijuana, in order that said bill be brought to the floor of the Senate and House for a vote.

As an Alaska law enforcement officer for the past 21 years I can state without reservation that one of the greatest errors consummated by a legislative body was the decriminalization of marijuana. Not only is it in violation of Federal Law, its usage among the youth of this state has escalated like a malignant growth.

In all frankness, I must state that the time is long overdue for positive action on behalf of our elected officials to combat and control this statewide problem. Give law enforcement in the State of Alaska the weapons, in the form of realistic and effective laws, and we will do our part.

Respectfully submitted,

William G. Klein
Chief of Police

WGK:rrk

cc: Representative Terry Martin
Senator Lloyd Jones
Representative Robin Taylor
Representative John Sund

PETERSBURG GENERAL HOSPITAL

and Long Term Care Facility

Phone: (907) 772-4291

P.O. Box 589

Petersburg, Alaska 99833

MAR 11 1987

March 5, 1987

Representative John Sund
Representative Robin Taylor
Senator Lloyd Jones
State of Alaska
Pouch V
Juneau, Alaska 99811

Gentlemen:

I appreciated the opportunity of sharing dinner with you and your spouses and talking about various legislative matters.

However, I did not feel inclined that evening to fully express myself on SB 32 "Recriminalization of Marijuana" but wish to do so at this time.

To me, this issue goes beyond right to privacy vs. harm to society. I look at it as a health issue also. For this reason I support Senate Bill #32. I listened to two hours of testimony on the matter on February 25, 1987.

I add some points that were not made in those hearings. First, people do have a right to privacy in their own homes, to a point. However, we cannot do certain things there such as child abuse or assault of our spouse or criminal acts such as murder, rape, incest, and other moral crimes without being arrested. I put marijuana in that category.

Second, I have a hard time seeing marijuana allowed in Alaska if there are federal laws on the books making it a violation to possess marijuana in any form in the United States. Along with this, how can an Alaskan citizen have marijuana in their homes without first breaking a State law in getting it into the home and that includes seeds to grow the plants? Marijuana in any form has to first pass thru the streets, highways, or airways of the State, which is against the law.

Third, you might want to talk to some newborn care nurses in hospitals such as Ketchikan or Juneau who will tell you that babies whose mothers have been smoking marijuana are more restless, cry more, and have drug withdrawal symptoms to varying degrees. On the other hand, they will testify that any mother who does not drink alcohol, smoke cigarettes, do drugs, or smoke marijuana have the most healthy and best behaved babies.

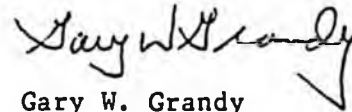
Representative John Sund, Robin Taylor
Senator Lloyd Jones
Juneau, Alaska

Page 2.

I believe these innocent newborns have a God-given right to start life without being in subjection to problems created by their mother's marijuana habits.

I will not repeat the many comments made in the hearings but I did hear a majority of testimony in favor of SB #32. I also believe that the majority of citizens in Petersburg and Alaska support SB #32. You will receive or the Hess Committee will receive a petition from people in Petersburg who support SB #32. Therefore, I solicit your vote in favor of SB #32 when it reaches the floor of the legislature.

Sincerely,



Gary W. Grandy
Administrator

cc: Hess Committee - Recriminilization of Marijuana
Ben Grussendorf, Senator
Ed Malewski - Sitka Community Hospital
Frank Sutton - Mt. Edgecume Hospital

Incidentally, I have just learned that Senator Ben Grussendorf may attempt to retain SB #32 in Committee. Bluntly, that stinks and I resent any important legislation being retained in Committee. Politically, those actions can hurt legislators as the majority of people in a democratic society want those issues debated and voted upon.

CITY OF KETCHIKAN

RESOLUTION NO. 87-1498

A RESOLUTION OF THE CITY OF KETCHIKAN, ALASKA, SUPPORTING REPEAL OF A.S. 11.71.070 AND AMENDMENT OF A.S. 11.71.060(a) TO MAKE MARIJUANA ILLEGAL AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Alaska is the only state in the union with a permissive statute for personal possession of marijuana, and

WHEREAS, findings of local, state and federal authorities conclude that marijuana is detrimental to the health, welfare and public safety of all people and of all ages, and

WHEREAS, the Supreme Courts of other states and the U.S. Supreme Court have upheld state statutes prohibiting the use and possession of marijuana, and

WHEREAS, current Alaska state statutes are not in conformity with federal drug enforcement laws controlling drug abuse, and

WHEREAS, the conflict between federal and state law pertaining to marijuana causes unnecessary barriers for local police and Alaska State Troopers in protecting the public from drug abusers, and

WHEREAS, Ketchikan Youth Services, Families in Action and other concerned local citizens have expressed concern over the drug abuse problem in the community, and

WHEREAS, representatives of sixty (60) Alaskan high schools at the Alaska Association of School Governments' Annual Fall Conference held on October 18, 1986, unanimously passed a resolution to repeal the current marijuana law and make the drug in all its forms illegal in Alaska.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA as follows:

Section 1. The City Council of the City of Ketchikan, Alaska hereby petitions the Governor of the State of Alaska, the Alaska State Legislature and the Alaska Supreme Court to take immediate steps to repeal statutory and constitutional protections for use and possession of marijuana in the State of Alaska in order to promote the general health, welfare and public safety of the citizens of Ketchikan and the State of Alaska.

Section 2. The City Clerk is hereby directed to send copies of this resolution to Governor Cowper, Senator Jones, Representative Taylor, Representative Sund, the Attorney General and the Alaska Municipal League.

Section 3. This resolution shall become effective immediately upon passage.

PASSED AND APPROVED this _____ day of _____, 1987.

ATTEST:

Ted Ferry, Mayor

Karen Miles, CMC
City Clerk



KETCHIKAN GATEWAY BOROUGH SCHOOL DISTRICT

Darroll Hargraves
SUPERINTENDENT

Resolution No. 210 Ketchikan Gateway Borough School District

A REQUEST FOR CHANGING THE STATE STATUTES TO MAKE THE POSSESSION AND USE OF MARIJUANA ILLEGAL

WHEREAS, the State of Alaska allows legal private possession and use of marijuana,

WHEREAS, Alaska's present statutes regarding possession and use of marijuana appear to be in conflict with the laws of the United States, and

WHEREAS, the problem of drug and alcohol abuse in our schools and our society appears to be on the rise, and

WHEREAS, the President of the United States initiated a national crusade to counter the current drug problem, and

WHEREAS, many students find easy access to illegal drugs, particularly marijuana, and

WHEREAS, Alaska statutes present a mixed message by currently allowing the use and possession of marijuana in the home, and

WHEREAS, current research and medical opinion concerning marijuana indicates that marijuana is harmful and does present a serious health problem, and

WHEREAS, the utilization of marijuana possession in Alaska sends the message to outside suppliers that Alaska is an open state which condones the "personal use" of marijuana, and

WHEREAS, a show of community resolve against the legal possession and use of marijuana sends a message to the state legislature and the governor's office,

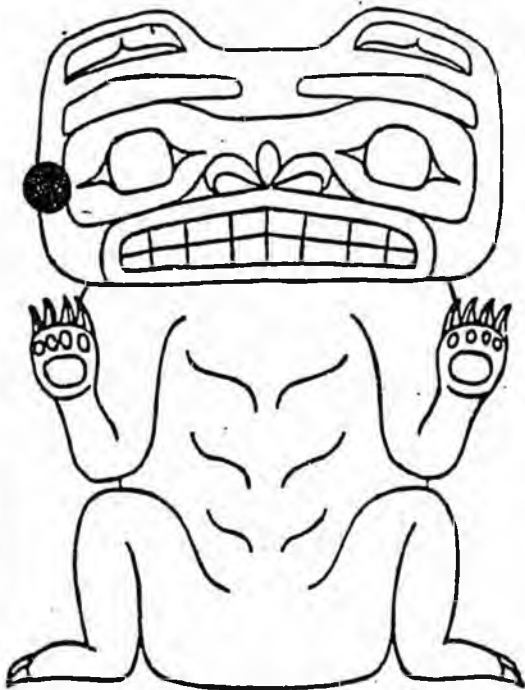
THEREFORE BE IT RESOLVED by the Ketchikan Gateway Borough School District that:

1. The School District encourages and supports the reenactment of statutes which will recriminalize the possession of marijuana.
2. The School District makes this position one of public record so that all in the community, in other school districts, and across the state will understand our position that the present statutes in Alaska governing marijuana are not in the best interest of its citizens.
3. The School District requests our legislators, locally and across the state, to give the recriminalization of marijuana immediate attention during the 1st session of the 15th legislature so that effective July 1, 1987 the possession and use of marijuana will be illegal and carry consequences.

PASSED, APPROVED, AND ADOPTED BY THE BOARD OF EDUCATION OF THE KETCHIKAN GATEWAY BOROUGH SCHOOL DISTRICT OF KETCHIKAN, ALASKA THIS _____ DAY OF _____, 1987.

President of the Board

Clerk-Treasurer of the Board



City of Saxman

Rt. 2, Box 1
Saxman, Alaska 99901
907-225-4166

CITY OF SAXMAN

RESOLUTION NO. 87-01-030

A RESOLUTION OF THE CITY OF SAXMAN, ALASKA, SUPPORTING REPEAL OF A.S. 11.71.070 AND AMENDMENT OF A.S. 11.71.060(a) TO MAKE MARIJUANA ILLEGAL AND ESTABLISHING AN EFFECTIVE DATE.

- WHEREAS, Alaska is the only state in the union with a permissive statute for personal possession of marijuana; and
- WHEREAS, findings of local, state and federal authorities conclude that marijuana is detrimental to the health, welfare and public safety of all people and of all ages; and
- WHEREAS, the Supreme Courts of other states and the U.S. Supreme Court have upheld state statutes prohibiting the use and possession of marijuana; and
- WHEREAS, current Alaska state statutes are not in conformity with federal drug enforcement laws controlling drug abuse; and
- WHEREAS, the conflict between federal and state law pertaining to marijuana causes unnecessary barriers for local police and Alaska State Troopers in protecting the public from drug abusers; and
- WHEREAS, Ketchikan Youth Service, Families in Action and other concerned local citizens have expressed concern over the drug abuse problem in the community; and
- WHEREAS, representatives of sixty (60) Alaska high schools at the Alaska Association of School Governments' Annual Fall Conference held on October 18, 1986, unanimously passed a resolution to repeal the current marijuana law and make the drug in all its forms illegal in Alaska.



**BOYS & GIRLS CLUBS
OF ALASKA**

Administrative Offices
2300 W. 38th Avenue
Anchorage, Alaska 99517
(907) 248-0086

Officers
David G. Kolesky
President

Caroline Dowling
President-Elect

Michael P. Chudecke
V.P. - Property Management

Mary Bath Finley
V.P. - Programs

Bill Woodland
V.P. - Athletics

Cynthia Miles
Treasurer

Lajuana Strelli
Secretary

March 27, 1987

Representative Terry Martin
P.O. Box V
Juneau, AK 99811

Dear Terry:

On behalf of Boys & Girls Clubs of Alaska and its Board of Directors, I urge your continued support for House Bill 55. As you are aware, substance abuse among Alaska's young continues to prevail in alarming numbers. The recriminalization of marijuana is an important step the State must take to bring those numbers down.

Boys & Girls Clubs have addressed the drug and alcohol problem with today's youth and are developing programs aimed at education and service of needs related to substance abuse. The State of Alaska's recriminalization of marijuana will not only boost our efforts, but also the work of many other agencies, schools and private businesses throughout Alaska. Your participation is appreciated.

Sincerely,

David Choquette P.H.

David Choquette
Board Member

cc: David G. Kolesky, President

Board of Directors

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Elaine Andrews	Hans Kruger
Bob Baer	Dave Kuta
Dave Baumeister	Fritz Ledbetter
Karen L. Beck	Eline Lorange
Tom Behan	Ken Lythgoe
*Carl Brady, Jr.	Jay Dee Martin
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Bobbi Enloe	Murphy O'Brien
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Jack Good	*Don Patterson
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Anchorage Daily News

Executive Director
Richard L. Hanlin

*Past Presidents



Alaska State Legislature

Senator Paul A. Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269 H



While in Juneau
Pouch V
Juneau, Alaska 99811
(907) 465-3791

State Senate

STUDIES & MATERIALS AVAILABLE IN SENATOR FISCHER'S OFFICE

<u>Study/Article/Publicatio</u>	<u>Date</u>	<u>Author</u>
1) Gateway Drugs	1984	Robert L. DuPont Jr. M.D.
2) Presidential Newsconference Transcripts	Aug, '86	Ronald Reagan
3) Ravin Decision	1975	Judge Rabinowitz
4) Marijuana & Health	1982	New England Journal of Medicine
5) Clinical Toxicology of Cannabis	1983	Forest S. Tennant M.D.
6) Clinical Syndrome of Marijuana Dependence	Apr, '86	Forest S. Tennant M.D.
7) Attorney General Opinion State of Pennsylvania	Nov, '86	Roy Zimmerman
8) Legislator's Survey on Recriminalization	Oct, '86	Anchorage Times
9) ACLU Position Paper	Feb, '87	Alaska Chapter ACLU
10) Marijuana Study compilation of 19 different studies	nov, '85	Anchorage Crime Commission
10a) Aircraft Accident Report	Apr, '85	National Transportation Safety Board
b) Marijuana; A Headmaster's Perspective	Jun, '80	Various Canadian School Principals
c) A Whole New Ball Game	Mar, '82	Robert Dupont, M.D.
d) Death On the Highways	1981	Peggy Mann, from the Saturday Evening Post
e) Health Consequences of Marijuana	Mar, '80	William Pollin, M.D.

<u>Study/Article/Publication</u>	<u>Date</u>	<u>Author</u>
Anchorage Crime Commision Report cont.		
f) Retarding Reproduction	Feb., '83	Dr. Carol Smith An interview
g) Biological Effects of Marijuana	Mar, '84	Connie & Otto Moulton Drug Abuse Newsletter
h) Why I changed My Mind About Marijuna	?	Robert DuPont, M.D. Listen magazine
i) Marijuana Reconsidered	Feb, '84	Helen C. Jones
j) Our Most Dangerous Drug	1980 ?	Dr. Harvey Powelson
k) FDA's Marijuana Recommendations	Jun, '82	Food & Drug Admistration Docket # 82N-0182
l) Cannabis: Adverse Effects on Health	Jan, '80	John B. McDonald Addiction Research Foundatio Toronto, Canada
m) Respiratory Status of 74 Habitual Marijuana Smokers	Nov, '80	Donald Tashkin, M.D. & Bertrand J. Shapiro, M.D.
n) Narcotic Information Bulletin #1-80	1980	Many
o) Marijuana & the Brain	1980+	Robert J. Heath, M.D.
p) Marijuana & Reproduction	1982	Smith & Asch, Ph.D. & M.D. The American Council On Marijuana
q) The Marijuana Controversy	1981	Carlton E. Turner, Ph.D. The American Council On Marijuana
r) Marijuana: The Myth of Harmlessness Goes up in Smoke	?	Peggy Mann, Saturday Evening Post
11) Drug Report	Mar, '85	Ak. Dept of Public Safety
12) 10 Startling Facts About Marijuana & Brain Damage	1983	David Goodman, Ph.D.
13) Marijuana Update	Mar, '87	Donna J. Hymes, R.N.
14) Minutes of Anchorage Municipal Assembly on Marijuana Resolution	Dec.9, '86	Municipal Clerk

<u>Study/Article/Publication</u>	<u>Date</u>	<u>Author</u>
15) Accomplishments of the National Campaign Against Drug Abuse	Sept, '84	The White House
16) Bibliography of Adverse Effects of Marijuana, over 100 articles	Apr, '85	Alaskanet/Dialog Computer Search, File= "Medline"
17) Marijuana & Health, 8th Annual Report to Congress	1980	National Institute on Drug Abuse
18) The Purpose of Pleasure	1983	Robert A. Hawley
19) Marijuana Alert	1985	Peggy Mann
20) Marijuana & Public Health An Analysis of 4 Major	Dec, '82	Sidney Cohen, M.D. Drug Abuse Newsletter
21) Various Marijuana Articles	1980+	Peggy Mann, Saturday Evening Post & Readers Digest
22) Marijuana: A Crude Drug with a Spectrum of Under-appreciated Toxicity	Apr, '84	Richard H. Schwartz
23) PharmAlert - Marijuana Effects on Sper \bar{m} and Testosterone	1982	University of Maryland School of Pharmacy
24) Levels of Processing and Acute Effects of Marijuana on Memory	1980	Susan M. Bellmore Lorren L. Miller
25) Health Questions about Marijuana	1983	U.S. House Select Committee Narcotics Abuse and Control
26) Mariuana Warnings: New Evidence Against the Soft Drug	Sept, '80	Milan Korcok Canadian Medical Association
27) Miscellaneous Copies of Various Drug Abuse Newsletters and phamplets.		

Alaska State Legislature

SENATOR PAUL FISCHER, Chairman
SENATOR JOE JOSEPHSON, Vice Chairman
SENATOR LLOYD JONES
SENATOR JAY KERTULLA
SENATOR RICK HALFORD



P. O. BOX V
ROOM 508
STATE CAPITOL
(907) 465-3762

Senate Committee on Health, Education and Social Services

April 9, 1987

To: Senator Jay Kerttula, Chairman &
Members of Senate Judiciary Committee

From: Senator Paul Fischer

Subject: SB 32, Recriminalizing Marijuana

The Senate Health Education and Social Services Committee has held extensive hearings on the marijuana issue. The Committee held 4 public hearings including 2 statewide teleconferences. A total of 85 people testified of which 50 testified for recriminalization and 29 against. Six people gave us their undecided philosophical reflections. The written testimony and POMs have been overwhelming in favor of recriminalization.

Throughout the course of our hearings, it became apparent that the first section of the bill, "Legislative Findings", was going to be the emphasis and heart of the bill. We must draft a law that is capable of persuading the Courts that the detrimental effects of marijuana override the Constitutional questions to the right to privacy laid out in the *Ravin* decision. We do not have a right to privacy with respect to cocaine, LSD, or heroin for obvious reasons. The Senate HESS Committee found, that some of these same reasons now apply to marijuana based upon new scientific evidence that was not previously available during the *Ravin* decision. The conclusions of this new evidence is listed in the first section of the bill entitled "Legislative Findings". Further information substantiating these findings can be found in an accompanying memo and reference materials in my office.

The CS offered by the Senate HESS Committee incorporates these new findings in a convincing and compelling format that will both aid in the bill's passage and State's defense in court if the new law should be challenged.

Attached please find the minutes of our Committee hearings.

SENATE HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE

February 18, 1987

7:10 p.m.

MEMBERS PRESENT

Senator Paul Fischer, Chairman
Senator Joe Josephson, Vice Chairman
Senator Lloyd Jones

MEMBERS ABSENT

Senator Jay Kerttula
Senator Rick Halford

COMMITTEE CALENDAR

SB 32: "An Act relating to marijuana; and providing for an effective date."

WITNESS REGISTER

Nancy Kennedy, P.O. Box 621, Delta Junction 99737
(895-4408)
Dennis Hochstetler, P.O. Box 705, Delta Junction 99737
(895-5252)
Karl Burggraf, 1837 Yankovich, Fairbanks 99708 (479-2734)
Bill Campbell, 609 Third Street, Fairbanks 99701
(457-5965)
Michael Graf, 215 Ina, Fairbanks 99701 (456-3367)
Lynda Adams, Box 7171, Ketchikan (225-6227)
Kati Murray, Box 870523, Wasilla 99687 (376-5063)
Bill Luttrell, Box 873172, Wasilla 99687 (376-3228)
Cheryl Hulin, SRB 2899-A, Wasilla 99687 (376-0756)
Brother Isaya, Homer
Eugene Harnett, 733 W. 4th, #670, Chugiak (694-1545)
Janice Lienhart, 3100 Mountain View Dr., Anchorage
(337-5201)
Agnes Lovell, 7041 Debarr Road, Anchorage
Amanda Spencer, 9565 Canton Loop, Anchorage (333-7699)
Cheyenne Roberts, 2001 Churchill, Anchorage (272-4541)
Dan Rodey, Anchorage
Maureen Carl, 11000 Ridgecrest, Anchorage (346-1060)
Judith Rich, 9021 Granite, Anchorage (344-7720)
Dennis Miller, 389 Diane Lane, Soldotna (262-5183)
Peter Cannava, Box 502, Soldotna (262-4340)
Sherry Innes-Bennett, 39410 Strawberry Road, Kenai
(283-7985)
Bob Brottmiller, Box 1501, Petersburg 99833
Chris Hamre, 15851 Clarks, Anchorage 99516 (345-1840)

Ron Rau, Box 3038, Sitka 99835
Roderick Ryll, Box 185, Wrangell (874-3676)
Carl Becker, Box 1185, Cordova 99574 (424-7466)
Patrick Shely, Box 307, Valdez 99686 (835-4560)

PREVIOUS ACTION

See HESS minutes of 3:38 p.m. on this same date.

ACTION NARRATIVE TAPE ONE, SIDE ONE Number 000

Senator Fischer called the meeting to order at 7:10 p.m. He noted that Senator Josephson, and Jones, and Representatives Ellis, Hanley, and Martin were present.

Number 034

Nancy Kennedy, Delta Junction, testified against SB 32. She said that the findings are incorrect, and the law would make more criminals. If the legislature wishes to remove the dangers of drug abuse in society, focus should be put on educating citizens on the dangers of any drug abuse.

Number 124

Representative Martin said that the findings are based on scientific evidence. Ms. Kennedy said that marijuana is here to stay, and people who use it should not be criminals.

Number 159

Karl Burggraf, Fairbanks, testified against SB 32. It would be better to educate adults and children on substance abuse through the community.

Number 207

Representative Martin asked if people are allowed to put anything in their bodies that they want, then is the government responsible for helping if they become addicted. Mr. Burggraf said it is the government's responsibility to make people aware of substance abuse.

Number 230

Lynda Adams, Ketchikan, testified in support of the bill. She is a member of Ketchikan Families in Action and of the National Federation of Parents for Drug Free Youth. She referenced excerpts from the Raven case and gave reasons for changing the law. She also shared a letter from Dr. Jacobson, Associate Clinical Professor of Pediatrics at the USC School of Medicine.

Number 393

Ms. Adams said marijuana is a gateway drug. She read a Pennsylvania attorney general's opinion.

Number 404

Senator Josephson asked if there would be other gateway drugs used if marijuana were criminalized.

Ms. Adams said that it is a gateway drug because people use it then go on to obtain their high from something else. Because of the liberal Alaskan laws, marijuana is readily accessible to youth.

Number 424

Senator Josephson asked if a jail term is necessary or would a monetary fine suffice. Ms. Adams replied that a fine, community service, or treatment program would be better.

Number 443

Kati Murray, a Wasilla senior in high school and ex-addict, gave an emotional testimony supporting recriminalization of marijuana.

Number 484

Brother Isaya, Homer, testified against the bill because he feels there are better ways to deal with substance abuse.

Number 574

Dan Rodey, Anchorage, spoke in support of the bill. He is a teacher for the REACH program for alcohol and drugs in the Anchorage School District.

Number 603

Representative Martin said that parents are role models for children. Mr. Rodey said that parents shouldn't say one thing and do another.

Number 618

Janice Lienhart, with Victims for Justice in Anchorage, spoke in support of the bill. She said that they cannot get federal funding because marijuana is legal here. She said that drug users are attracted to Alaska.

TAPE ONE, SIDE TWO

Number 670

Representative Martin said that there is a fiscal note from the Department of Law.

Number 683

Dennis Miller, Soldotna, spoke against the bill. He said that the present law keeps drugs out of schools and doesn't turn the common man into a criminal.

Number 762

Bob Brottmiller, Petersburg, spoke against the bill. He said that making marijuana illegal will not reduce the number of people using it just as prohibition didn't reduce the number of people drinking alcohol.

Number 805

Ron Rau, Sitka, testified against the bill. He read a letter published in the Sitka Sentinel. He said that the big drug problem in Alaska is alcohol, not marijuana.

Number 878

Peter Cannava, a physician on the Kenai peninsula, said he would like to see the bill become law because it is a statement to children that there are things that are correct to use safely and that there are other things that should not be used at all. He said that SB 32 clearly enumerates the adverse affects of marijuana. Jail terms are not appropriate but suggested counseling or community service instead.

Number 908

Cheyenne Roberts, freshman at West Anchorage High School, spoke in support of the bill. She said that marijuana is readily and easily available in the high schools.

Amanda Spencer, junior at Dimond High School, spoke for the bill. She was confronted with marijuana when she was ten years old by a nine year old drug addict who had been taught to use marijuana by her family. A strong government should take a stand against this issue.

Roderick Ryll, senior at Wrangell High School, testified in support of the bill. He said that students who use marijuana don't care about their attendance records or their grades.

Number 958

Senator Josephson said it is difficult to say that a student is indifferent because he uses marijuana or vice versa. If there wasn't marijuana, there might still be a certain portion of the student body that would be indifferent.

Number 993

Carl Becker, Cordova, said that instead of recriminalizing marijuana, the legislature should decriminalize all drugs for consenting adults. There should be tougher penalties for distributing alcohol, tobacco, or drugs to minors and increased funding of educational programs.

Number 1029

Senator Fischer said there are zero fiscal notes from the Departments of Corrections and Public Safety.

Number 1042

Eugene Harnett, Anchorage, testified in support of the bill. He said that a relaxed law creates potential for more availability and a market for drug dealers. He said that use of marijuana estranges a child from the family.

Number 1092

Bill Luttrell, Wasilla, said that making marijuana illegal only serves to make the drug more alluring. He spoke on the THC content.

Number 1104

Patrick Shely, Valdez, President of the Alaska Chiefs of Police, spoke in support of the bill. His concern is that the bill will get stuck in committee and urged that the bill get to the floor for a vote. He said personal rights and freedoms should not be at the expense of the majority such as when there have to be more government programs to take care of the addicts.

Number 1147

Representative Martin said that there have been many resolutions from local groups urging the legislature to repeal the current marijuana law.

Number 1164

Senator Fischer said that SB 32 will not die in the Senate HESS committee.

Number 1168

Bill Campbell, sophomore student at Lathrop High School in Fairbanks and vice president of the Alaska Association of School Governments (AASG), read the "Just Say No" resolution passed by AASG last October. He said that at the October conference there were 450 plus students with 52 high schools represented.

Number 1192

Judy Rich, Anchorage, testified for the recriminalization of marijuana for the Alaska Drug and Endangered Child Strike Force. She said that marijuana use costs the state thousands of dollars while children are in McLaughlin and tie up the police, the courts, and probation officers.

Number 1128

Cheryl Hulin, Wasilla, spoke in support of the bill.

Number 1232

Dennis Hochstetler, Delta Junction, spoke against the bill. He listed the fiscal costs of recriminalizing marijuana.

TAPE TWO, SIDE ONE

Number 1325

Sherry Innes-Bennett, President of the Parent Advisory Committee at the Kenai Junior High School, said that this group is in complete accord with the bill. She said that laws do not make people criminals; laws define criminal behavior.

Number 1385

Chris Hamre, Petersburg, spoke against the bill. He said that the findings of the bill are erroneous and made comments on each. He noted that Skagway rejected a resolution to recriminalize marijuana so there is not a clear mandate that this is still a controversial issue. He said that laws to prosecute pushers are already in place.

Number 1478

Maureen Carl, representative of the Anchorage Tough Love Group, said that the group is in total support of SB 32. The group members are parents of teenagers who have tremendous accessibility to marijuana.

Number 509

Michael Graf, a clinical psychologist in Fairbanks, spoke on AIDS and teenage drug abuse. He said that criminalization doesn't help reduce drug abuse and that some of the legislative findings are inaccurate.

Number 1572

Agnes Lovell, Anchorage, urged the passage of strict laws against marijuana because of personal experiences she had at Providence Hospital and with her family.

Number 1665

Senator Fischer adjourned the meeting at 9:05 p.m.

HEALTH, EDUCATION, & SOCIAL SERVICES COMMITTEE
February 18, 1987
3:38 p.m.

MEMBERS PRESENT

Senator Paul Fischer, Chairman
Senator Joe Josephson, Vice Chairman
Senator Lloyd Jones

MEMBERS ABSENT

Senator Jay Kerttula
Senator Rick Halford

COMMITTEE CALENDAR

SB 32: "An Act relating to marijuana; and providing for an effective date."

WITNESS REGISTER

Paul Grant; ACLU; 217 Second Avenue, #204; Juneau, Alaska
99801; 586-2701

Jim and Miriam Sumner; Alaska Foster Parent Association;
SRB 7026; Palmer, Alaska; 745-7797

David Crosby; 44140 Blackerby; Juneau, Alaska; 780-4274

Bob Trani; Alaskans for Drug Free Youth/Safe Homes; 7760
Glacier Highway; Juneau, Alaska 99801; 789-2586

Holly Gray; Juneau-Douglas High School Senior

PREVIOUS ACTION

There is no previous action on this bill.

ACTION NARRATIVE

Number 000

Senator Fischer called the meeting to order at 3:38 p.m.
and invited Representatives Ellis, Hanley, and Phillips to
sit at the table.

Number 041

Paul Grant, Alaska Civil Liberties Union (ACLU), spoke in opposition to SB 32. He said that the primary issue is the Alaska right to privacy as was defined by the Raven case in 1975. It is ACLU's position that the medical evidence which formed the grounding for this decision has not changed significantly. He spoke on the substantial cost of recriminalization of marijuana.

Number 103

Senator Fischer said that there is a zero fiscal note. Mr. Grant replied that there will be fiscal notes coming in from the Public Defender's Agency and the Office of Public Advocacy.

Number 121

Senator Fischer asked if use of marijuana in the home is illegal under federal law. Mr. Grant responded affirmatively.

Number 143

Senator Josephson said that there is a zero fiscal note because of a statement of intent that the program would not be vigorously enforced as to personal users.

Number 165

Mr. Grant said that the ACLU objects to the philosophy of making something a criminal offense without enforcement. He then went through the legislative findings. He said that Finding #1 is medically insignificant. Scientific evidence is to the contrary of Finding #2.

Number 248

Senator Josephson asked if there is new scientific evidence to suggest reconsideration of the Raven decision by the court. Mr. Grant said that the Raven decision was grounded extensively on medical evidence. He said there will be a heavy burden on any new legislation to overcome the fact finding that was done on the Raven case.

Number 277

Senator Josephson asked if it is true that the THC content of marijuana has increased. Mr. Grant said it may be. He said that the effects of marijuana are self-regulative because they are felt immediately.

Number 308

Representative Phillips asked if the committee has medical evidence proving its Findings.

Senator Fischer noted that in 1975, the court held that marijuana had a THC content of less than one percent. It also held that if there were a significant shift to the more potent substance, then its use, even privately in the home, could be outlawed by the legislature.

Number 347

Mr. Grant said that the Nixon Commission in 1973 and the National Science Foundation in 1982 reached the same conclusions on marijuana.

Number 362

Representative Hanley said that nine states have right to privacy in their constitutions. In two states, that right to privacy was challenged with marijuana as the subject. It was not upheld in either.

Mr. Grant continued through the Findings: There is no scientific evidence that marijuana causes mental illness, that there is more of a propensity for marijuana to cause lung cancer than cigarettes, or that THC causes deformed or undersized babies. He encouraged the committee to seek out scientific evidence.

Number 437

Senator Fischer asked if his position is the same regardless of the scientific evidence because of the right to privacy. Mr. Grant replied that government has no business telling adults what to put into their own bodies. However, he noted a decision where the Supreme Court said that the state could prohibit private use of cocaine in the home. Medical evidence of extremely harmful effects would constitutionally permit regulation of private use.

Number 466

Senator Fischer asked if ACLU condones suicide. Mr. Grant replied that an attempt at suicide should not be a criminal offense; however, they do not object to state intervention to prevent suicide.

Number 481

Jim Sumner, Alaska Foster Parents Association, read a statement in support of the recriminalization of marijuana.

Number 528

Senator Fischer asked how many people in the state are foster parents. Mr. Sumner replied there are 150 foster parents with about 1000 kids in foster care.

Number 540

David Crosby, Juneau attorney, member of Juneau-Douglas School Board, and parent of two teenagers, urged the committee to recriminalize marijuana. He is not concerned about adult use but about the message given to teenagers. He noted a study by the University of Alaska that indicated that the use of marijuana by high school students in this state is roughly twice as high as it is nationally.

Number 592

Mr. Crosby said that drug use arrests the emotional development of a child.

Number 609

Mr. Crosby said that the Anchorage Assembly and the Ketchikan Board of Education have called for the recriminalization of marijuana. He said that the committee should ask all people who testify if they have children.

Number 618

Representative Phillips said that the committee must have medical documents to support the bill.

TAPE ONE, SIDE TWO

Number 000

Mr. Crosby said that courts are political institutions and change their minds.

Number 010

Senator Josephson asked if the legislature should build a factual record before enacting the bill. Mr. Crosby responded that the medical community would give them all the needed facts. He also believes that the bill should be acted on this year because it is an issue now.

Number 066

Senator Josephson said that the problem could be addressed under the present law with greater enforcement.

Number 074

Representative Hanley said that it is necessary to change the message given to children. She said that it is the legislature's responsibility to disagree with the court when people all over the state want recriminalization.

Number 128

Senator Fischer said that it is not the legislature's responsibility to weigh the evidence. He noted that representatives from sixty Alaskan high schools met and voted unanimously to recriminalize marijuana. Legislators must represent these people too.

Number 153

Senator Josephson said that the record needs to be filled with medical testimony. He wants to see legislative laws upheld in court.

Number 194

Senator Fischer noted that he has medical backup and wishes to have medical doctors testify.

Number 259

Bob Trani, Alaskans for Drug Free Youth and a substance abuse counselor in the Juneau School District, supported

everything said by Mr. David Crosby. Because marijuana is legal in homes, kids have access to it at an early age. Kids are using it during school hours. SRA scores show regression when students use marijuana regularly. There are a lot of 19 year old high school seniors who can legally use marijuana.

There was discussion of doctors who would give testimony to the committee.

Number 382

Holly Gray, a senior at Juneau-Douglas High School, spoke on school programs against the use of marijuana. She mentioned the Chemical People program with Nancy Reagan. She said that if marijuana is bad for kids, it is also bad for adults.

Senator Fischer noted that the federal government says possession of any amount of marijuana is illegal.

Number 426

Miriam Sumner, Alaska Foster Parents Association, spoke in support of the bill. She described how children act under the influence of marijuana and said there is free access to marijuana. Federal money is becoming available to help with drug programs, but it would be hard for Alaskans to ask for federal money when marijuana is legal here.

Number 468

Senator Fischer adjourned the meeting.

SENATE HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE
February 25, 1987
7:07 p.m.

MEMBERS PRESENT

Senator Paul Fischer, Chair
Senator Lloyd Jones

MEMBERS ABSENT

Senator Joe Josephson
Senator Jay Kerttula
Senator Rick Halford

COMMITTEE CALENDAR

SB 32: "An Act relating to marijuana; and providing for an effective date."

WITNESS REGISTER

Loree Wiltze, Anchorage, 276-1394
Tom McKeowen, Anchorage, 265-6253
Chris Hamre, 15851 Clarks Rd, Anchorage, 345-1840
Mickey Bezak, 15851 Clarks Rd, Anchorage, 345-1840
Sam Arrowood, 3605 Arctic, Anchorage, 376-4062
Stuart Bigler, 2526 Arlington Dr, Anchorage, 277-5835
Loy Bolt, 3206 Peterkin, Anchorage, 274-8280
David Massie, 2303 E. 38th, Anchorage, 563-3029
Jim Wood, 4179 Lunar, Anchorage, 333-2539
Roy Gruver, 211 South Bunn, Anchorage, 333-0905
Jackie Brauner, 4710 Mars Dr., Anchorage, 346-3649
William Gallanger, Anchorage
Dave Erlick, 2308 W. 47th, Anchorage, 243-7768
Bob Sutter, Box 111573, Anchorage, 99511, 344-8750
Doug Schmedlen, 3321 E. 41st, Anchorage, 99508, 563-3554
Medo Fernandez, Box 2142, Fairbanks, 99707
Doris Pfalmer, Box 55655, North Pole, 99705, 488-1823
Keith Clark, 2482 Chena Hot Springs, Fairbanks, 99712,
488-2254
Ralph Chamblin, 2597 Lee Lane, North Pole, 99705, 488-3214
Ray Luther, 411 "B" Street, Fairbanks, 99701, 456-7150
Joanna Sanders, Box 337, Delta Junction, 99737, 895-5252
Greg Whiteside, Box 845, Delta Junction, 895-4572
Jeff Freeman, Gen. Del., Delta Junction
North Star Willoughby, Box 76, Delta Junction, 895-5118
Jon Norton, Box 1882, Valdez, 99686, 835-5020
Matthew Kinney, Box 1502, Valdez, 835-4817

Barb Koenigs, Families in Action, Box 674, Petersburg,
772-4757

Karen Hofstad, Box 203, Petersburg, 772-4770

Dick Hindman, Box 1431, Petersburg, 772-3552

Bob Altman, 801 Lincoln, Sitka

Lloyd Hames, Box 397, Sitka

Michael Mayo, Box 3027, Sitka

Kathleen Boehm, Box 1042, Cordova, 99574

John Mehelick, Box 965, Cordova

Cherie Leblanc, Box 1026, Cordova

John Shue, Box 1026, Cordova

Marie Middleton, Box 870862, Wasilla, 99687, 376-3367

Betty Barker, SRD 9076, Palmer, 99645, 745-0691

Jim Rogan, 380 N. Eklutna, Palmer

Carol Palmer, SRA Box 6862, Palmer, 376-4177

Aaron Belzer, Wasilla

George Dodge, Box 520427, Big Lake, 99652, 892-6333

John Holst, Rt. 2, Box 104, Ketchikan, 225-9815

Betty Wilson, 659 Main, Ketchikan, 225-5231

Robb Watson, Box 8162, Ketchikan, 225-2193

Marcia Hilley, Box 7483, Ketchikan, 225-5775

Delores Churchill, Box 5091, Ketchikan, 225-5416

Katherine McGee, 429 Edmond, Ketchikan, 225-5516

Martin Jackson, Box 692, Ward Cove, 99928, 225-9726

Frances Young, 537 Tower, Ketchikan 225-3528

Ken Lanfield, Box 2013, Homer, 99603, 235-7663

Jack Polster, 1506 Ocean Dr., Homer

Jack Helgens, General Delivery, Homer

PREVIOUS ACTION

See HESS committee minutes of 2/18/87 - 3:38 and 7:10 p.m.

ACTION NARRATIVE

TAPE ONE, SIDE ONE

Number 000

Senator Fischer called the meeting to order.

Number 013

John Holst, principal of the high school in Ketchikan, spoke in support of the bill. He is concerned that the wrong message is being sent to teenagers.

Number 088

Betty Wilson spoke in support of the bill. She said that apathy is a frequent symptom of marijuana use and gave documentation.

Number 179

Doris Pfallmer, North Pole, spoke against the bill because adults should be able to smoke marijuana in their own home.

She suggested extremely harsh penalties for selling drugs and alcohol to minors.

Senator Fischer said that use of marijuana in the home is illegal according to federal law.

Number 278

Marie Middleton, Mat-Su, testified in support of SB 32. She said that marijuana is a gateway drug and spoke about her five sons who use drugs.

Number 309

Betty Barker, Palmer, supported the bill. She spoke on research findings of the harmful effects of marijuana.

Number 376

Jim Rogan, Palmer, spoke against the bill as he has been smoking it since 1975. He said that more education is needed in the schools.

Number 432

Senator Fischer said that schools teach the importance of laws. It is difficult to teach this when the state is in defiance of federal law. This is a double standard.

Number 444

Bud Altman, Sitka, supported of the bill because marijuana is a detrimental drug, more addictive than smoking.

Number 464

Lloyd Hames, Sitka, spoke in support of the bill. He said that according to the University of Mississippi Research Institute of Pharmaceutical Sciences, smoking one marijuana cigarette today is like smoking seven, ten years ago.

Number 517

Loree Wiltze, Anchorage, supported the bill because of the affects marijuana smoke had on her when it filtered up to her apartment from the one beneath hers.

Number 592

Tom McKeowen, Anchorage Crime Commission, spoke in support of the bill. He said that a survey was conducted in 1986 that showed that the Anchorage public wanted recriminalization of marijuana by a margin of two to one.

Number 614

Chris Hamre, Anchorage, spoke against the bill.

TAPE ONE, SIDE TWO

Number 631

Mr. Hamre noted that public sentiment has been evenly split during the teleconferences.

Number 741

Sam Arrowood, Anchorage, opposed the bill because adults should be able to use marijuana in their own homes.

Number 860

Stuart Bigler, Anchorage, spoke in support of the bill and talked about crime problems associated with marijuana.

Number 905

Dick Hindman, Director of the Petersburg Council on Alcoholism, spoke in support of the bill. He said that marijuana is usually the gateway drug; no one intends to become addicted to it.

Number 924

Barbara Koenigs, Families in Action, Petersburg, spoke in support of the bill. She said that the present law sends a confused message to the young.

Number 960

Karen Hofstad, Petersburg, supported the bill because of the children who become involved with drugs.

Number 972

Kathleen Boehm, Cordova, opposed the bill because of loss of personal freedom.

Number 1016

Joanna Sanders, Delta Junction high school student, opposes the use of marijuana by students but feels it should be up to adults to choose for themselves.

Number 1048

Greg Whiteside, Delta Junction, supported the bill because what adults do in the home affects what children do.

Number 1072

Ken Lanfield, Homer, spoke against the bill which he said will not stop people from smoking marijuana just as prohibition did not stop people from drinking alcohol. Marijuana should be decriminalized and regulated.

Number 1109

Jack Polster, Homer, testified against the bill even though he does not use marijuana.

Number 1161

Jon Norton, Valdez high school student, supported recriminalization of marijuana because: (1) of the negative effect it is having on the youth of Alaska, (2) it has been a gateway drug, and (3) federal law prohibits its use.

Number 1185

Robb Watson, Ketchikan Youth to Youth group, spoke for the bill because he was dependent on chemicals from age 13 to 26. He said that marijuana is definitely a gateway drug.

Number 1211

Marsha Hilley, Ketchikan, supported recriminalization of marijuana because people who are the decision makers are often using the drug.

Number 1256

Delores Churchill, Ketchikan, said that the use of marijuana affects all of society. She said that consenting adults do their smoking regardless of whether there are children present or not.

Number 1277

Medo Fernandez, Fairbanks, spoke on breaking federal law.

Number 1282

Keith Clark, Fairbanks, opposed the bill because of the right to privacy.

TAPE TWO, SIDE ONE

Number 1318

Carol Palmer, Palmer, supported the bill. It should be against the law for adults to smoke marijuana in front of children.

Number 1345

Aaron Belzer, Wasilla, spoke against the bill because it is not possible to legislate general, human conditions.

Number 1396

Jack Helgens, Homer, supported the bill but said that cigarettes and alcohol are also gateway drugs.

Number 1424

Loy Bolt, Anchorage, supported the bill. Because of his work in the Department of Corrections, he has spoken with hundreds of drug users and every one acknowledged that the first drug used was marijuana.

Number 1453

David Massie, Anchorage, testified against the bill. He agrees with the present law.

Number 1500

Jim Wood, Anchorage, said that the individual users make a good case, but many of them will lead youngsters astray. He urged passage of SB 32.

Number 1582

Michael Mayo, Sitka, said that kids smoke because they see other people doing it, but kids should not be lied to.

Number 1631

Roy Gruver, Anchorage, testified against the bill because of the right to privacy in the home.

Number 1701

Matthew Kinney, Valdez, opposed SB 32. Six members of his family smoked marijuana, got college degrees, and have had no ill effects. He said that he was discharged from the Coast Guard when THC was found in his urine.

Number 1746

Senator Fischer noted that a previous speaker indicated that there is no conflict between federal and state law because state law supersedes federal law. He asked if Mr. Kinney brought this up when he was discharged from the Coast Guard. Mr. Kinney said that he let the issue drop with his discharge. He could have taken the issue to court martial but didn't because if he had been found guilty, it would have been placed into his record as a felony, and the information would have been public.

Number 1766

Katherine McGee, Ketchikan high school student, said that drug use in the school starts out with marijuana and alcohol causing students to drop, run away, and commit suicide. Marijuana should be recriminalized.

Number 1769

Martin Jackson, Ketchikan, a recovering drug addict, spoke in support of the bill. He knows that marijuana is addictive because he fights it daily. The government should send a message to our youth that marijuana smoking is not OK.

Number 1814

Frances Young, the mother of Martin Jackson, spoke in support of the bill because of the effects that marijuana has had on her son.

Number 1835

John Shue, Cordova, opposed the bill because of the right to privacy.

Number 1846

Cherie LeBlanc, Cordova, said that she has a petition signed by over 20 people opposing the bill because of the right to privacy and because it would strain the judicial system.

Number 1855

John Mehelick, Cordova, opposed the bill. He said that pot smokers are generally mellow. It is the alcohol abusers who are violent.

Number 1872

Senator Fischer said that the findings of the bill were taken from medical journals printed since 1975.

Mr. Mehelick noted that you can find prominent doctors on both sides of the issue.

Number 1889

Ralph Chamblin, Fairbanks, urged the legislature to pass the bill. He was once a marijuana smoker but now wants it to be illegal.

Number 1905

Ray Luther, Fairbanks, supported the bill because society condoned alcohol use, and now, society is high in alcohol abuse. The state should not condone the use of marijuana in the home. He said that 90% of the people in prison will tell you that their crimes were committed while under the influence of alcohol or drugs.

Number 1921

North Star Willoughby, Delta Junction, said that legislators must listen to the will of the people.

TAPE TWO, SIDE TWO

Number 1928

Ms. Willoughby suggested the body of the bill be reworked to be an objective statement of fact and that marijuana plants should be registered with the state so they could be taxed.

Number 2057

Jeff Freeman, Delta Junction, said that if marijuana is made more illegal, the profit margin for dealers will go up. He spoke on the findings, cigarette smoking, and taxation.

Number 2159

Jackie Brauner, Anchorage Tough Love Group, supported the bill. She said that teenagers use marijuana because they say it must be OK to use since there is no law against adults using it. The double standard has to be addressed.

Number 2190

William Gallanger, Anchorage, spoke against the bill calling it a scare tactic, political tool, and the financial bread and butter of the state's narcotic enforcement agency.

Number 2225

Dave Erlick, chairman of the Spenard Action Committee, said the committee should not be fooled by the personal freedom issue. If something is wrong, it should be wrong both in the home as well as outside it.

Number 2243

Bob Sutter, Anchorage, supported the bill because adults have not been able to keep marijuana from children. He also suggested that capital punishment should be considered for any adult that gives chemicals, alcohol, or cigarettes to youth.

Number 2260

Doug Schmedlen, Anchorage, testified in support of the bill. Government should not allow people to continue to use substances that are harmful to themselves or to others.

Number 2268

Senator Fischer said that SB 32 will be passed out of the Senate HESS committee.

Number 2277

Mickey Bezak, Anchorage, spoke against the bill because there are responsible users in the state.

Number 2298

George Dodge, a Vietnam veteran from Big Lake, was adamantly opposed to the bill. He said that the sponsor of the bill just put in certain issues to make the bill look good to him.

Senator Fischer said that when a bill is written, the sponsor will try to put the best case forward to get the bill passed. The hearings are to listen to other people's concerns about the bill.

Number 2321

Francis Young, Ketchikan, said she has been interested in the issue for a long time. She said that since 1982, she has sent brochures and pamphlets to the legislature and asked if those are still available.

Senator Fischer said that the problem is that not everyone believes the research that has been done. You can't make people believe. He said that he has plenty of medical evidence.

Senator Fischer adjourned the meeting at 9:50 p.m.

SENATE HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE
February 27, 1987
3:30 p.m.

MEMBERS PRESENT

Senator Paul Fischer, Chair
Senator Joe Josephson
Senator Jay Kerttula

MEMBERS ABSENT

Senator Lloyd Jones
Senator Rick Halford

COMMITTEE CALENDAR

SB 122: "An Act relating to the term of office of the student member of the Board of Regents of the University of Alaska; and providing for an effective date."

SB 66: "An Act relating to student loans; creating the Alaska Student Loan Corporation; and providing for an effective date."

SR 10: "Establishing a Senate Special Committee on AIDS Prevention."

SB 32: "An Act relating to marijuana; and providing for an effective date."

WITNESS REGISTER

Senator Jim Duncan, Box V, Juneau, 99811
Lance Bowsley, Student Regent, Juneau
Representative Terry Martin, Box V, Juneau, 99811

PREVIOUS ACTION

SB 66: See committee minutes of February 25, 1987.

SR 10: See committee minutes of February 25, 1987.

SB 32: See committee minutes of February 18 and 25, 1987.

ACTION NARRATIVE
TAPE ONE, SIDE ONE
Number 000

Senator Fischer called the meeting to order and opened the public hearing on SB 122.

Number 011

Senator Duncan, sponsor of SB 122, said that the bill clarifies the term of the student regent. At present, the term begins in February which does not coincide with the semester school schedule which begins in January. The bill amends the term to match the student's schedule.

Number 059

Senator Kerttula said that by the time the student regent gets used to the job, the term is over. Senator Duncan agreed that two years is not long enough.

Number 078

Lance Bowsley, Juneau student regent, said that with this bill, there would be one or two months of overlap so that the incoming and outgoing student regents would have time to work together. The Student Leadership Conference was also in favor of the bill.

Number 108

Senator Fischer closed the public hearing on SB 122.

Senator Kerttula moved that SB 122 be passed out of committee with individual recommendations. It was so moved.

Number 117

Senator Fischer brought SR 10 before the committee.

Senator Josephson moved that SR 10 be passed out of committee with individual recommendations. It was so moved.

Number 129

Senator Fischer brought SB 66 before the committee.

Senator Kerttula: You have the exact amendment on your desk, but I would move on page 14, line 23, to remove that default position. Do we have the exact structure? The 150%, we wish removed.

Senator Josephson: I just came from the Post Secondary Commission today and this was discussed. The House Finance Committee had the same language which was deleted because it is not workable. It has the effect of making community colleges ineligible.

Senator Kerttula: Mr. Chairman, it would just be to remove all of the lines 21, 22, and 23, and the period, all item 4. I'd make that motion.

Senator Fischer: Any discussion?

Senator Josephson: There would have to be a period on line 20 after study.

Senator Fischer: We have the bill before us as amended.

Senator Josephson: Move the bill.

Senator Fischer: Any objections? So be it.

There was a discussion of the next week's bills

Number 204

Senator Fischer said that Representative Martin would read documents on marijuana into the record.

Number 249

Representative Martin said that he felt it would be proper to read documentation into the record on marijuana and the effects that it has that are different from 1975. He said that one of the most important ones is: "Marijuana and Health" by the Institute of Medicine, Division of Health Sciences Policy dated 1982.¹ It documents problems discovered since 1975.

Senator Kerttula asked if different varieties have been developed that provide more of this chemical substance or are the methods of growing different now. He was told by a horticulturist that there is not enough heat to grow the plants outdoors in Alaska and develop the THC content.

Number 282

Representative Martin recommended the "1984 Annual Drug Report to the Alaska Legislature" from the state troopers and Public Health Department.² He said that aerial surveys are done to detect greenhouses growing marijuana.

Number 359

Senator Kerttula said that the growing should be stopped.

Number 367

Representative Martin said the next report is produced by the Anchorage Chamber of Commerce Crime Commission dated November, 1985.³ This is an in depth study on marijuana. They have shown the physical harm to the fetus as well as the sex cells.

The state troopers report and the crime commission study include human health, welfare and public safety issues. There is a direct relationship between marijuana and drug use and crime.

Representative Martin entered a number of documents showing public support from various police departments throughout the state.⁴ The Anchorage Assembly had a hearing last fall

where 39 people gave testimony.⁵ There were many people there to ask the legislature, through the assembly, to repeal the permissive laws. It is important to note that people are asking the legislature to say no to drugs.

Number 435

Senator Fischer said that there was a two hour statewide public testimony on February 18th in the afternoon, two hours that evening, and three hours on February 25th. The committee was kept busy for a total of 7 hours.

Representative Martin said that the scientific information as well as the public testimony will be weighed by the Supreme Court judges. He said that many people in every community are asking their local school boards and assemblies to pass resolutions requesting the legislature to change the law.

Number 446

Representative Martin again referred to the Anchorage Crime Commission did a survey of opinions on marijuana. Over 62 percent of those interviewed want the laws changed. He submitted editorials from the Juneau Empire and the Anchorage Times in support of repeal of the marijuana law. There was also a special report on "Marijuana and the Unborn Child" done in the Journal of Better Living in 1984.⁶

Number 462

Senator Fischer asked if that study shows the adverse affects of the child in the womb. Representative Martin said that it does and it shows that THC crosses the placenta.

He showed a quick reference chart from a pharmaceutical firm showing the affects of marijuana on the heart, eyes, brains, and childbirth.

Representative Martin said that marijuana should be illegal in the private home because government ends up having to pay the bills. People demand their freedom, and after they get hooked on the drugs, they ask for health centers.

A Report to Congress from the Secretary of the Department of Health and Human services called "Drug Abuse Research" dated January, 1984, was quoted: "Although in earlier years, confiscated marijuana rarely averaged above .5% THC, more recent samples grown in this country and abroad, average about 4%."⁸ Some samples exceed 10%. This also confirms the report by the Department of Public Safety.

Number 506

Representative Martin said that in the February 22nd issue of We Alaskans, there is an article showing that children are being used and victimized.⁹

Another report is "Marijuana and Health," eighth annual report to the U.S. Congress from the Secretary of Health and Human Services, 1980.¹⁰

Senator Fischer asked if it specifically tells where there are health hazards involved with marijuana. Representative Martin responded that it speaks to reproductive problems, psychological problems, acute affects, long range affects, etc. Most users do not know these things are happening.

Another report was "Marijuana and Health," the ninth report to the U.S. Congress from the Secretary of Health and Human Services, 1982.¹¹ A special report done by the U.S. Department of Health and Human Services by the Public Health Service, "For Parents Only: What you need to know about marijuana."¹²

There are many reports: "Marijuana" by the National Institute on Drug Abuse.¹³ Another pamphlet produced by the Department of Health and Human Services, 1984, "For Kids Only, and What you should know about Marijuana."¹⁴

Representative Martin listed another group of reports:

Readers Digest, "Marijuana Look #3, Devastation of the Personality through Marijuana."¹⁵

Good Housekeeping, "How I got my daughter to stop smoking pot."¹⁶

He submitted other small reports to the committee:

A detailed report in the New Alaskan newspaper included two special editions on drugs in Southeast Alaska in 1982.¹⁷ There was an editorial done by the Ketchikan Daily News.¹⁸ Kiwanis Clubs all over the state have made "Just Say No" a statewide project.¹⁹ There was a letter from President Reagan to all legislators saying what they are going to do on a national level.²⁰ The War on Drug papers describes what Congress has passed, and what is available for education, law enforcement, etc.²¹

Number 611

Representative Martin introduced a paper that reviewed what happened in the Raven case.²² It is a reminder that we need to emphasize compelling state interest in prohibiting the use of marijuana sufficient to outweigh an individual's right to privacy. With all of these reports, we have more than enough background to show that we are passing a law that the people want. The Supreme Court will be convinced by the scientific information.

Last year, the Department of Law had to defend the state and refuse permission to a prisoner to smoke marijuana in

the jail. The prisoner had contested that the jail was going to be his home; therefore, he should have the right to use marijuana. In that case, the court said that since it is a controlled substance, the individual would not be permitted to have it in jail,²³ even though it would be his home for the next five years.

TAPE ONE, SIDE TWO

Number 000

Representative Martin presented a House Research report done in March of 1986²⁴ on the problems of the criminalization of marijuana. Of the students responding to a questionnaire, 50% had tried marijuana. A survey of high school students done in 1971, four years before decriminalization, found that 24% had tried marijuana. We are giving the wrong message to the students.

Number 024

One report came from the FBI National Academy Associates dated February 5, 1987: "If we do nothing more than stamp out the false illusion by recriminalization of marijuana, then in my personal and professional opinion, we have done a great service to the young people of our state and to those who are coming along."²⁵

Number 049

There is also a summary of the speech by Senator Frank Murkowski requesting the state to do something about the marijuana law.²⁶

There are papers from the Association of School Governments, the Cities of Saxman, Wrangell, Ketchikan, Anchorage, Valdez, the Galena and Ketchikan²⁷ School Districts asking for repeal of the marijuana law.

Another report, dated February 18, 1985, is from the Communicable Disease Center: "Based on scientific evidence published to date, the public health service has concluded that marijuana has a broad range of psychological and biological effects, many of which are dangerous and harmful to health. Marijuana use is a major public health problem in the United States. The Public Health Service review of the health consequences of marijuana support the major conclusion of the National Academy of Science Institutes of Medicine. What little we know for certain about the effects of marijuana on human health, and all that we suspect, justifies serious national concerns."

The last report is "Research 31, The Marijuana Research Findings of 1980."²⁸

Number 139

Senator Fischer said that the reports would become part of the record and adjourned the meeting at 4:15 p.m.

LIST OF DOCUMENTS

1. Institute of Medicine, Division of Health Sciences Policy. Marijuana and Health. 1982.
2. State Troopers and Public Health Department. Annual Drug Report to the Alaska Legislature. 1984.
3. Anchorage Crime Commission. Marijuana Study. 1985.

Harold Heinze, Chairman of the Anchorage Crime Commission. Letter dated 2/25/87.

4. Robert A. Harrington, Chief of Galena Police Department. Letter dated 2/24/87.

Brent C. Moody, Village Public Safety Officer. Letter to Senator Paul Fischer.

Central Council, Tlingit and Haida Indian Tribes of Alaska. Letter dated 2/23/87.

D. A. Anslinger, III, Chief of Ketchikan Police Department. Letter dated 2/24/87.

5. Municipality of Anchorage, Anchorage Assembly. Resolu-
tion.
6. Dalterio, Dr. Susan L. "Marijuana and the Unborn."
Listen, a Journal of Better Living. 1984.
7. Spence, W.R., M.D. Marijuana and Its Effects. March,
1985.
8. Secretary of the Department of Health and Human Servic-
es. Drug Abuse and Drug Abuse Research: The First in a
Series of Triennial Reports to Congress. 1984.
9. McCoy, Kathleen. "Scared Straight." We Alaskans.
February, 1987.
10. Secretary of Health and Human Services. Marijuana and
Health: Eighth Annual Report to the U.S. Congress. 1980.
11. Secretary of Health and Human Services. Marijuana and
Health: Ninth Annual Report to the U.S. Congress. 1982.
12. National Institute on Drug Abuse, Department of Health
and Human Services. For Parents Only: What you need to
know about marijuana. 1981.

13. National Institute on Drug Abuse, Department of Health and Human Services. Marijuana: Just Say No.

14. National Institute on Drug Abuse, Department of Health and Human Services. For Kids Only: What you should know about marijuana.

15. Mann, Peggy. "Marijuana Alert III: The Devastation of Personality." Readers Digest. December, 1981.

16. Bromwell, Susan. "How I got my Daughter to Stop Smoking Pot." Good Housekeeping. March, 1979.

17. "Drugs: Use and Abuse in the Southern Panhandle." New Alaskan. September, 1983.

"Drugs: Use and Abuse in the Southern Panhandle." New Alaskan. January and February, 1982.

18. Editorial from Ketchikan Daily News. Anchorage Times.

Konet, Bob. Letter to the Editor. Ketchikan Daily News. 2/6/84.

19. Kiwanis Club of Anchorage. Resolution.

20. Reagan, President. The White House, Office of the Press Secretary, Remarks by the President. 8/4/86.
21. The War on Drug Abuse
22. Continuation of Fiscal Note Analysis for HB 55.
23. Alaska Court of Appeals. Marijuana is a controlled substance: State v. Resek.
24. Jennings, Mary. Effects of the Decriminalization of Marijuana. March, 1986.
25. FBI National Academy Associates, Alaska Chapter. Letter to Representative Martin from Pat Wellington, President. 2/9/87.
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Alaska State Legislature

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P. O. BOX V
ROOM 508
STATE CAPITOL
(907) 465-3762

Senate Committee on Health, Education and Social Services

REFERENCES FOR LEGISLATIVE FINDINGS TO CS SB 32 (HESS)

Subsection (a)

1. Marijuana and Health, Institute of Medicine, National Academy Press, 1982. Page 10
2. Institute, page 20.
3. Institute, page 26
4. original (*original bill finding, see House Research Report #87.158*)
5. original
6. Institute, page 16. Also, conversation with officials at state crime lab.
7. Conversation with crime lab officials.
8. original
9. original
10. original
11. original
12. original
13. original
14. 21 U.S.C. 812.

Subsection (b)

1. Essentially a conclusion
2. "Patterns of Drug Use: Community Survey", Center for Alcohol and Addiction Studies, UAA; Benard Segal, Ph.D., editor; 1983. Also "Patterns of Drug Use: School Survey", same publisher and editor.

3. Same as 2.

4. Conversation with Teresa Johnson, Anchorage School District, March 1987. Includes elements of a legislative conclusion and finding.

5. Conclusion.

6. A conclusion

Consult the attached House Research Agency report dated February 27, 1987 for those items marked as being from the original bill.



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

P.O. Box Y, State Capitol
Juneau, Alaska 99811-3100
Mail Stop 3100
(907) 465-3991

February 27, 1987

MEMORANDUM

TO: Representative Terry Martin

ATTN: John Manley

FROM: Penelope Weyhrauch
Legislative Analyst *PW*

RE: Findings on Marijuana (House Bill 55)
Research Request 87.158

You asked us to substantiate the findings on marijuana included in House Bill 55. I have addressed each of the findings included in the bill with the most applicable research available to me. Wherever possible, I have presented the research without paraphrasing it. For this reason, the memorandum may not read smoothly. As you requested, I have not included any research which disputes the findings set out in the bill.

1. Delta-9-tetrahydrocannabinol (THC), the mind-altering ingredient in marijuana, is not soluble in water, but goes into the fatty tissues of the brain, testicles, ovaries, and other internal organs, and takes 30 days to be eliminated from the body.

According to Dr. W.D.M. Paton, Professor of Pharmacology at Oxford University, "the various cannabinoid substances are highly soluble in fat, but have a low solubility in water".¹ Other research shows that "THC--the principal psychoactive ingredient of marijuana...tends to accumulate in the brain and gonads and other fatty tissues..."²

¹George K. Russell, "Marihuana Today--A Compilation of Medical Findings for the Layman," p. 45.

²Senator Eastland, Chairman of the Internal Security Subcommittee of the United States Senate, May 1974, summarizing testimony given before the Subcommittee. Quoted in "Marihuana Today", p. 14.

Research completed by the National Institute on Drug Abuse shows that THC tends to remain for long periods of time in fatty tissues. Five days after a single injection of THC, 20 percent of the THC remains stored in body fats. Complete elimination of a single dose can take 30 days.³

2. The buildup of THC in the body causes the user to smoke more marijuana to achieve the desired high and may result in loss of sleep, appetite, initiative, as well as moodiness and depression.

Studies indicate that a tolerance to THC can develop, when increasing doses of a drug are required to produce the same effect.⁴ "It appears now, both in animals and in humans, that tolerance develops quite rapidly to many of the effects of THC. The more frequent the administration and the higher the dose the more rapidly it develops, but even subjects smoking as little as one marijuana cigarette per day in a laboratory experiment demonstrate tolerance on some behavioral and physiologic dimensions."⁵

To maintain constant blood levels of THC, healthy subjects were given doses of the oral equivalent of several marijuana cigarettes a day. Within hours after the last dose of THC, subjects showed "irritability, restlessness, decreased appetite, sleep disturbances, sweating, tremor, nausea, vomiting and diarrhea."⁶

3. It is possible for a human being to overdose from the use of marijuana especially if it is used in conjunction with alcohol, because it increases the effects of alcohol.

"We have found that...behaviors are linked behaviors, so that the consumption of any substance, licit or illicit, is positively correlated with an increased consumption of all other substances."⁷ "Taking the total of animal and human research, simultaneous use of both alcohol and marijuana

³"Marijuana Research Findings: 1980," Research Monograph Series 31, National Institute on Drug Abuse, U.S. Department of Health and Human Services, p. 57.

⁴"Marijuana Today," pp. 73 - 74.

⁵"Marijuana Research Findings: 1980," p. 74.

⁶"Marijuana Research Findings: 1980," p. 75. See also "Marijuana and Health," Report of a Study by a Committee of the Institute of Medicine, Division of Health Sciences Policy, 1982, p. 27.

⁷R.L. DuPont, testimony before the Senate Subcommittee on Internal Security, May 1975, ref. 90, pp. 461-471. Quoted in "Marijuana Today," p. 16.

typically has more profound effect than the use of either alone."⁸ "From the evidence it can be said that these two psychochemicals add to the effects of each other. This is common 'street' knowledge, and it is confirmed in the laboratory. The degree of intoxication is increased, and it lasts longer. This means that behavior and psychomotor functioning are more impaired."⁹

4. The THC content of a marijuana cigarette 10 years ago was one percent, but it is as high as 10 percent per cigarette today.

"The marijuana used today is many times--five to ten times--stronger than in the 60s. At the beginning of the drug movement, marijuana with THC content as low as .02 to .5 percent was commonly available and marijuana with two percent THC was considered 'real good grass.' Now confiscated marijuana analyzed in government laboratories has been found to have THC content as high as 14 percent."¹⁰

"'Street' marijuana has increased markedly in potency over the past five years. Confiscated materials in 1975 rarely exceeded one percent THC content. By 1979, samples as high as five percent THC content were common. 'Hash oil,' a marijuana extract unavailable a decade ago, has been found to have a THC content as high as 28 percent, with more typical samples analyzed by University of Mississippi chemists ranging from 15 to 20 percent THC."¹¹

5. Marijuana causes schizophrenia, illusions, and hallucinations, including a dulling of the senses, creating the possibility that the user is unable to respond to body signals, such as pain.

"The acute anxiety reaction that may occur during marijuana intoxication can include paranoid delusions,... a full blown acute toxic psychosis with loss of contact with reality, delusions, hallucinations... These acute reactions seem to occur most frequently in individuals who are under stress, depressed, or have a history of schizophrenia."¹²

⁸"Marijuana Research Findings: 1980," pp. 38, and 170.

⁹Sidney Cohen, M.D., and Phyllis J. Lessin, "Marijuana and Alcohol," American Council for Drug Education, 1982, p. 21.

¹⁰Helen C. Jones, "On Marijuana Reconsidered," Executive Health, Volume 10, Number 5, February, 1984.

¹¹"Marijuana Research Findings: 1980," p. 2.

¹²"Marijuana Research Findings: 1980," pp. 71-72. See also "Marijuana and Health," p. 126.

One researcher described a higher dose-related phase of cannabis intoxication as "...the appearance of delusions, labile emotions, particularly anxiety, decreased impulse control and, at the highest doses, profound sensory illusions and hallucinations."¹³ Dr. Harris Isbell, with the University of Kentucky Medical Center, confirmed these findings, stating that "...the data in our experiments definitely indicate that the psychotomimetic (capable of inducing altered states of consciousness) effects of THC are dependent on dosage and that sufficiently high doses can cause psychotic reactions in any individual." Dr. Isbell classified cannabis among the hallucinogens.¹⁴

One report stated that "...acute psychotic behavior resembling schizophrenic psychosis..." had been reported.¹⁵ Another said that "Sufficient clinical information is available to recommend abstinence for schizophrenics in remission, because of the danger of relapse."¹⁶

6. Although it may take a heavy cigarette smoker as long as 20 years to develop lung cancer, one marijuana cigarette a day may cause lung cancer in three years.

"Recent clinical evidence and findings from several research laboratories demonstrate that cannabis inhalation may have seriously damaging effects on human lung tissue... The damage is described as 'pre-cancerous.' The caustic and irritating effects of cannabis smoke are well known to users, and recent work has shown that 'like tar from tobacco cigarettes, reefer tar is carcinogenic when painted onto mouse skin.' Benzopyrene, a potent carcinogenic agent, is 50 percent more concentrated in the smoke of marijuana than smoke from varieties of high tar Kentucky tobacco."¹⁷

Dr. Cecile Leuchtenberger of the Swiss Institute for Experimental Cancer Research exposed small portions of excised mouse lung tissue to standardized puffs of marijuana. She summarized her work by stating: "The observations that marijuana cigarette smoke stimulates irregular growth in the respiratory system which resembles closely precancerous lesions would indicate that long-term inhalation of marijuana cigarette smoke may either directly evoke lung cancer or may at least contribute to the development of lung cancer."¹⁸

¹³"Marijuana Research Findings: 1980," p. 62.

¹⁴"Marijuana Today," p. 24.

¹⁵Robert G. Heath, M.D., "Marijuana and the Brain," The American Council on Marijuana and Other Psychoactive Drugs, 1981, p. 6.

¹⁶"Drug Abuse and Drug Abuse Research," The first in a Series of Triennial Reports to Congress, Department of Health and Human Services, 1984, p. 77.

¹⁷"Marijuana Today," pp. 54 - 55.

¹⁸"Marijuana Today," pp. 55 - 56.

"According to researchers at the American Health Foundation, marijuana smoke contains 50 percent more cancer-producing hydrocarbons than tobacco smoke."¹⁹ Further, "...abnormalities suggestive of cancerous lesions have been recorded."²⁰

7. THC affects eggs, sperm, sexual hormones, and the development of a fetus, and marijuana use may result in deformed or undersized offspring.

"Studies have shown that THC accumulates in the ovaries of the female, where it will kill and injure eggs" and that a "...significant decrease in sperm concentration and total sperm count occurs."²¹ "This effect is apparently accompanied by a decline in sperm motility and an increase in abnormal sperm forms."²²

"Studies with laboratory animals clearly show that the crude drug marijuana and THC...inhibit secretion of the pituitary hormones, luteinizing hormone and follicle stimulating hormone as well as prolactin. These changes in pituitary hormone levels produce decreases in sex steroid hormones and cause disruption of ovulation and spermatogenesis. With chronic drug use, disruption of sex accessory organs (e.g., uterus and vagina in the female; prostate gland and seminal vesicles in the male) has also been observed."²³

Other studies show that "...the risks of pregnancy loss and other adverse effects on the fetus are increased by marijuana use...significant changes consistent with retardation of fetal growth and development have been observed."²⁴

"Low maternal weight gain during pregnancy, maternal illnesses during pregnancy, and cigarette and marijuana smoking during pregnancy were consistently related to adverse fetal development. Women who used marijuana during pregnancy delivered infants with significantly smaller

¹⁹"On Marijuana Reconsidered," p. 2.

²⁰"Marijuana and Health," p. 63. See also "Effects of Long Term Marijuana Use", p. 156, and, "Marijuana and Health," pp. 3, and 62.

²¹"Marijuana," Narcotic Information Bulletin, No.1-80, p. 2.

²²Carol Grace Smith, Ph.D. and Ricardo H. Asch, M.D., "Marijuana and Reproduction," the American Council for Drug Education, 1982, pp. 16, 17.

²³"Marijuana and Reproduction," p. 7.

²⁴"Marijuana and Reproduction", p. 8.

birth weight, body length and head circumference, as well as infants who were five times more likely to have features compatible with the fetal alcohol syndrome."²⁵

"In males, marijuana has been found temporarily to lower testosterone, the principal male sex hormone, decrease sperm count, cause abnormalities in the sperm...In women, a study of marijuana users done at the Masters and Johnson Institute found that the drug disrupted the menstrual cycle...At the University of California, Davis, Dr. Ethel Sassenrath, on exposing pregnant rhesus monkeys (who have a reproductive system similar to humans), to THC in doses equal to one or two marijuana cigarettes a day for humans, found significantly lower weight gains during pregnancy and 40 percent of the conceptions ending in miscarriages, fetal deaths, stillbirths, or infant deaths shortly after birth."

8. Other physical reactions to marijuana include irreversible changes in the brain, sinusitis, pharyngitis, bronchitis, emphysema, increased heart rate, and decreased blood circulation.

One study stated that "The findings reported here indicate that exposure to ...THC...at doses commensurate with those used by human marijuana smokers, produces permanent changes in brain function and structure of monkeys, a subhuman primate close to man."²⁶

Testimony on this subject before the Senate Subcommittee on Internal Security was summarized by finding that: "1) Chronic cannabis smoking can produce sinusitis, pharyngitis, bronchitis, emphysema and other respiratory difficulties in a year or less, as opposed to ten or twenty years of cigarette smoking to produce similar complications; and 2) Cannabis smoke, or cannabis smoke mixed with (tobacco) cigarette smoke, is far more damaging to lung tissue than tobacco smoke alone."²⁷

"There is good evidence to show that marijuana increases the work of the heart, usually by raising heart rate and in some persons, by raising blood pressure."²⁸

²⁵"Marijuana and Reproduction," p. 16, 17.

²⁶Robert G. Heath, M.D., "Marijuana and the Brain," The American Council on Marijuana and Other Psychoactive Drugs, Inc., 1981, p. 10.

²⁷"Marijuana Today," p. 14. See also "Marijuana and Health," p. 60.

²⁸"Marijuana and Health," p. 3.

9. Other psychological reactions to marijuana include loss of memory, impairment in thinking, reading comprehension, and verbal and arithmetic problem solving; impairment of perception of distance and time; and anxiety, panic, paranoia, psychosis, and psychological dependence.

Dr. Ronald C. Bloodworth, Clinical Director at the Psychiatric Institute of Atlanta, reported that "...Many heavy users suffer from distorted emotional responses, disordered thinking, and loss of memory and motivation." Dr. Bloodworth also reported that there is enough evidence to confirm that psychologic dependence is common among marijuana users and that physical dependence can also occur.²⁹

Other studies concur with Dr. Bloodworth's findings: "...cannabis intoxication...impairs judgments of distance and time, memory for recent events, ability to learn new information, and physical coordination,"³⁰ and, "...several studies have shown that marijuana intoxication impairs driving, flying and other complex skilled activities. Many elements of effective psychomotor performance are worsened by the drug because of decrements in recent memory, tracking performance, glare recovery, motor coordination, depth perception, time sense, and peripheral vision."³¹

"Under the influence of moderate doses of the drug, most investigators report that subjects consistently overestimate the amount of time that has elapsed. Thus, under the influence of marijuana, a given event is reported to last longer than it actually does last."³²

"Marijuana's popularity notwithstanding, a surprisingly high proportion of users report reactions that they regard as unpleasant or undesirable. For example, 33 percent of regular users reported that while intoxicated they occasionally experienced such symptoms as acute panic, paranoid reaction, hallucinations, and unpleasant distortions in body image."³³

Another study reported that "16 percent of regular users reported anxiety, fearfulness, confusion, dependency, or aggressive urges as a usual occurrence. Acute paranoid reactions under controlled conditions has also been reported."³⁴

²⁹"On Marijuana Reconsidered," p. 4.

³⁰"Marijuana Research Findings: 1980," page 67.

³¹"Marijuana Research Findings: 1980," p.71.

³²"Marijuana and Health," p. 116.

³³"Marijuana and Health," p. 121.

³⁴"Marijuana and Health," pp. 122 to 123.

Representative Martin
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"Cannabis psychosis refers to a chronic psychotic condition (out of contact with reality) reportedly seen in heavy marijuana users, but extending beyond the period of acute intoxication. Some authors have described a schizophrenia-like picture with delusions and hallucinations."³⁶

"Although infrequent..psychiatric problems can emerge. Acute anxiety and panic states from use of the drug are known, especially in persons who have never used marijuana before. Acute paranoid states will occur at times in experienced smokers who have previously used the drug without untoward reaction."³⁷

* * *

I hope this information is useful to you. If you would like excerpts from the articles cited in this memorandum, please contact our agency.

³⁶"Marijuana and Health," p. 124.

³⁷"Effects of Long Term Marijuana Use," p. 158..

