

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

4595 HHS SB 32 (FILE 4)

PUBLIC OPINION MESSAGE

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE TAYLOR

DEAR: REPRESENTATIVE TAYLOR

NAME: CHARLES SELMAN, PRESIDENT  
TITLE: CHAIRMAN  
ADDRESS: 811 DODDHOOD  
CITY: ANCHORAGE  
PHONE: 272-7700  
BILL NO: HB 261  
SUBJECT: IGNITION INTERLOCK DEVICES  
MESSAGE: CATORAT AND RESTAURANT ASSOCIATION WISHES TO EXPRESS IT'S SUPPORT  
ON HB 261.

ZIP: 99501

NAME: MRS. MAXINE V. ROBERTSON  
TITLE:  
ADDRESS: RT.2, BOX 0  
CITY: KETCHIKAN, AK  
PHONE: N/R-  
BILL NO: SB 32  
SUBJECT: PENALTY FOR POSSESSION OF MARIJUANA  
MESSAGE: STRONGLY URGE THAT OUR LEGISLATORS STAND UP FOR THE WISHES OF THE  
PEOPLE AND PASS THE BILL RECRIMINALIZING MARIJUANA. WE ARE THE LAUGHING STOCK  
OF THE OTHER STATES WHO HAVE TAKEN A STRONG STAND ON THIS ALREADY.

ZIP: 99901

POMID: 03133039  
DATE: 02/12/88  
TIME: 13:30:39  
LIONAME: ANCHORAGE LIO  
TOPICS: REPRESENTATIVES

POMID: 08133357  
DATE: 02/12/88  
TIME: 13:33:57  
LIONAME: KETCHIKAN LIO

GRUENBERG  
BARNES  
COTTEN  
NAVARRE  
SUND  
ULMER

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE TAYLOR

NAME: DAN DINEEN  
 TITLE:  
 ADDRESS: BOX 876698  
 CITY: WASILLA ZIP: 99687  
 PHONE: 373-3216  
 BILL NO:  
 SUBJECT: TALLEETHA RIVER BRIDGE  
 MESSAGE: ITS A GOOD IDEA FOR THIS BRIDGE. THERE HAVE BEEN MANY DEATHS ON THE  
 RAILROAD TRACKS. IT'LL HELP THE ECONOMY ALSO.

POMID: 14133645  
 DATE: 02/12/88  
 TIME: 13:36:45  
 LIONAME: MAT-SU LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

ADAMS	BARNES	ABOOD
BOUCHER	BOYER	BINKLEY
BROWN	CATO	COGHILL
COLLINS	COTTEN	DUNCAN
DAVIDSON	DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAM
FRANK	FURNACE	FAIKS
GOLL	GRUENBERG	FANNING
GRUSSENDORF	HANLEY	FISCHER
HERRNAGE	HOFFMAN	HALFORD
HUDSON	KOPONEN	HENSLEY
LARSON	MARTIN	JONES
MENARD	MILLER	JOSEPHSON
MAYARRE	PEARCE	KELLY
PETTYJOHN	PHILLIPS	KERTTULA
POURCHOT	RIEGER	RODEY
SHULTZ	SPRINGER	STURGULEW
SUND	SWACKHAMMER	SZYMANSKI
ULMER	WALL	UEHLING
ZAWACKI		ZHAROFF

RESPONSE REQUIRED

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE TAYLOR

NAME: PERRY AIKEN REEVE  
 TITLE:  
 ADDRESS: P.O. BOX 9411  
 CITY: KETCHIKAN, AK ZIP: 99901  
 PHONE: N/R-  
 BILL NO: SB 32  
 SUBJECT: PENALTY FOR POSSESSION OF MARIJUANA  
 MESSAGE: I URGE YOU TO VOTE YES FOR SENATE BILL 32 IN CONFORMANCE WITH FEDERAL  
 LAW. THE PRESENT POTENCY OF MARIJUANA AND ITS PROVEN PHYSICAL DAMAGE TO THE  
 BODY MERIT OUR URGENT ATTENTION TO RECTIFYING THIS LAW.

POMID: 08134020  
 DATE: 02/12/88  
 TIME: 13:40:20  
 LIONAME: KETCHIKAN LIO

COPIES: REPRESENTATIVE SENATORS

SUND ABOOD

DEAR: REPRESENTATIVE TAYLOR

NAME: PAULINE GREEN

TITLE:

ADDRESS: 2303 FIRST AVENUE (LWR)

CITY: KETCHIKAN, AK

ZIP: 99901

PHONE: N/R-

BILL NO: SB 32

SUBJECT: PENALTY FOR POSSESSION OF MARIJUANA

MESSAGE: VOTE YES FOR RECRIMINALIZING MARIJUANA, SENATE BILL 32, TO CONFORM WITH FEDERAL LAW TO RESTORE SANE LAW AND MORALS IN OUR STATE, REDUCE THEFT AND MURDERS, ACCIDENTS, MAKE OUR STREETS SAFE TO WALK AGAIN, AND SAFE ROADS TO DRIVE ON. MAKE ALASKA LIKE IT WAS BEFORE DRUG-FREE.

POHID: 08135128

DATE: 02/12/88

TIME: 13:51:28

LIONAME: KETCHIKA

COPIES: REP015FM

END



PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE TAYLOR

NAME: EILEEN MARMA  
TITLE:  
ADDRESS: 2034 FIRST AVENUE  
CITY: KETCHIKAN, AK ZIP: 99901  
PHONE: N/R-  
BILL NO: SB 32  
SUBJECT: PENALTY FOR POSSESSION OF MARIJUANA  
MESSAGE: IT IS TIME TO MAKE MARIJUANA ILLEGAL. IT CAUSES DEVASTATING PROBLEMS  
IN FAMILIES AND IN THE COMMUNITY. I URGE YOU TO VOTE YES ON SENATE BILL 32.

POMID: 08134905  
DATE: 02/12/88  
TIME: 13:49:05  
LIONAME: KETCHIKAN LIO

COPIES: REPRESENTATIVE

SUN

53

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE TAYLOR

NAME: JOHN HOLST  
TITLE: PRINCIPAL, KETCHIKAN HIGH SCHOOL  
ADDRESS: RT 2, BOX 104  
CITY: KETCHIKAN, AK ZIP: 99901  
PHONE: N/R--  
BILL NO: SB 32  
SUBJECT: PENALTY FOR POSSESSION OF MARIJUANA  
MESSAGE: PLEASE, FOR THE SAKE OF OUR CHILDREN, SUPPORT SENATE BILL 32!!!

POMID: 08140612  
DATE: 02/12/88  
TIME: 14:06:12  
LIONAME: KETCHIKAN

COPIES: REPRESENT.

SUND

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE TAYLOR

NAME: LAURIE MICHAEL  
TITLE:  
ADDRESS: RT.1, BOX 947  
CITY: KETCHIKAN, AK  
PHONE: N/R-

ZIP: 99901

BILL NO: SB 32  
SUBJECT: PENALTY FOR POSSESSION OF MARIJUANA  
MESSAGE: PLEASE FIGHT MARIJUANA AS STRONGLY AS YOU FIGHT ALCOHOL. ITS EFFECTS  
ARE JUST AS DEVASTATING. I DON'T CARE TO MEET MARIJUANA USERS ON THE ROAD  
ANYMORE THAN DRUNK DRIVERS, NOR THE NEGATIVE INFLUENCES IT HAS ON YOUNG PEOPLE.  
PLEASE VOTE FOR RECRIMINALIZING MARIJUANA USEAGE - SENATE BILL 32.

POMID: 08141  
DATE: 02/1:  
TIME: 14:0:  
LIONAME: KETCI

COPIES: REPR

SURD

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE TAYLOR

NAME: HERTA KIFFER  
TITLE:  
ADDRESS: 139 JEFFERSON  
CITY: KETCHIKAN, AK ZIP: 99901  
PHONE: N/R-  
BILL NO: SB 32  
SUBJECT: PENALTY FOR POSSESSION OF MARIJUANA  
MESSAGE: PLEASE VOTE TO RECRIMINALIZE MARIJUANA AND THUS AGREE WITH THE REST  
OF THE UNITED STATES.

POMID: 0814  
DATE: 02/1  
TIME: 14:1  
LIONAME: KETCI

COPIES: 3EPR

SURD

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE TAYLOR

NAME: KATHLEEN FARR  
TITLE:  
ADDRESS: 706 BAYVIEW  
CITY: KETCHIKAN, AK ZIP: 99901  
PHONE: N/R-  
BILL NO: SB 32  
SUBJECT: PENALTY FOR POSSESSION OF MARIJUANA  
MESSAGE: PLEASE RECRIMINALIZE MARIJUANA. IT IS AS HARMFUL AS ALCOHOL TO THE  
ADDICTED AND THEIR FAMILIES.

POMID: 08141  
DATE: 02/12  
TIME: 14:14  
LIONAME: KETCH

COPIES: REPRE

SUND

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE TAYLOR

NAME: MARTY JACKSON  
TITLE:  
ADDRESS: P.O. BOX 694  
CITY: WARD COVE ZIP: 99928  
PHONE: 225-9726  
BILL NO: SB 32  
SUBJECT: PENALTY FOR POSSESSION OF MARIJUANA  
MESSAGE: MARIJUANA HAS NOW BEEN PROVEN TO BE FIVE TIMES AS DAMAGING TO  
THE HEART THAN TOBACCO AND 4-5 TIMES AS DAMAGING TO THE LUNG. "RAVEN"  
STATES PAGE 495 "WHEN THERE IS SUBSTANTIAL DOUBT AS TO THE SAFETY OF A  
GIVEN SUBSTANCE OR SITUATION OF PUBLIC HEALTH, CONTROLS TO OBIVIATE THE  
DANGER WILL USUALLY BE UPHELD". RECRIMINALIZE MARIJUANA. PASS SB32.

POMID: 08143851  
DATE: 03/09/88  
TIME: 14:38:51  
LIONAME: KETCHIKAN LIO

COPIES: REPRESENTATIVES

ADAMS  
SUND  
HANLEY  
BARNES  
GOLL  
GRUSSENDORF  
DONLEY  
ELLIS  
GRUENBERG  
HUDSON  
KOPONEN  
PHILLIPS

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE TAYLOR

NAME: LLOYD & SHIRLEY NAULT

TITLE:

ADDRESS: 1810 FIRST AVE.

CITY: KETCHIKAN

ZIP: 99901

PHONE: 225-3451

BILL NO: SB 32

SUBJECT: PENALTY FOR POSSESSION OF MARIJUANA

MESSAGE: PLEASE PASS SB32 AS WRITTEN OR STRONGER WORDING IF AMENDED. SELLERS  
OR PEDDLERS SHOULD HAVE A MUCH STRONGER DETERNENT PARTICULARY IF SELLING  
TO STUDENTS.

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE TAYLOR

NAME: JIM GOODMAN  
TITLE:  
ADDRESS: P.O. BOX 1108  
CITY: DELTA JUNCTION, ALASKA ZIP: 99737  
PHONE: 895-4274  
BILL NO: SB 211  
SUBJECT: CIVIL LIABILITY  
MESSAGE: I ENCOURAGE YOU TO SUPPORT CSSB 211.

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE TAYLOR

NAME: PARISH COUNCIL, HOLY NAME CHURCH  
TITLE:  
ADDRESS: 433 JACKSON  
CITY: KETCHIKAN, AK ZIP: 99901  
PHONE: N/R-  
BILL NO: SB 32  
SUBJECT: PENALTY FOR POSSESSION OF MARIJUANA  
MESSAGE: THE PARISH COUNCIL OF HOLY NAME CHURCH SUPPORTS THE MODERNIZATION  
ALASKA'S MARIJUANA LAWS BY RECRIMINALIZATION OF MARIJUANA IN ALASKA AND URGES  
THE ALASKA LEGISLATURE TO PASS SB 32.

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE TAYLOR

NAME: EDWARD HETZGER

TITLE:

ADDRESS: BOX 217

CITY: WILLOW

ZIP: 99688

PHONE: 495-6287

BILL NO: SB 56

SUBJECT: ANNUITY PROGRAM

MESSAGE: I APPROVE OF SB 56 AS IT IS NOW WRITTEN.

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE TAYLOR

NAME: BOB WATT

TITLE:

ADDRESS: RT.2, BOX 178

CITY: KETCHIKAN, AK

ZIP: 99901

PHONE: N/A

BILL NO: SB 32

SUBJECT: PENALTY FOR POSSESSION OF MARIJUANA

MESSAGE: IN MY OPINION IT IS NOT REALISTIC TO HAVE LAWS WHEREBY A PERSON CAN  
A LITTLE GUILTY. ILLEGAL DRUGS, INCLUDING MARIJUANA, SHOULD BE ILLEGAL, PER  
I STRONGLY SUPPORT THIS BILL AND URGE YOU TO VOTE IN FAVOR OF IT IN COMMITTEE  
AND ON THE FLOOR. THANK YOU.

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE TAYLOR

NAME: EDNA KLEMME

TITLE:

ADDRESS: 11214 AURORA STREET

CITY: EAGLE RIVER

ZIP: 99577

PHONE: 694-4016

BILL NO:

SUBJECT: COMMUNITY BASE SERVICES

MESSAGE: RESTORE 1.6 MILLION DOLLARS TO THE BUDGET AND ADD 2 MILLION DOLLARS TO HELP PEOPLE ON THE WAITING LIST.

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE TAYLOR

NAME: MYRA STANTON

TITLE:

ADDRESS: 3017 FAIRVIEW AVE.

CITY: KETCHIKAN

ZIP: 99901

PHONE: 225-3406

BILL NO: SB 32

SUBJECT: PENALTY FOR POSSESSION OF MARIJUANA

MESSAGE: PLEASE PASS SB32 TO RECRIMINALIZE MARIJUANA. I FEEL WE NEED TO BECOME IN LINE WITH THE REST OF THE UNITED STATES, AND SEND A MESSAGE TO ALL, THAT MARIJUANA IS HARMFUL TO THE HUMAN BODY. THANK YOU.

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE TAYLOR

NAME: CLYDE JOHNSON  
TITLE:  
ADDRESS: 2051 SEA LEVEL DR. #203  
CITY: KETCHIKAN ZIP: 99901  
PHONE: 225-3250  
BILL NO: SB 32  
SUBJECT: PENALTY FOR POSSESSION OF MARIJUANA  
MESSAGE: PLEASE PASS THIS BILL FOR THE HEALTH AND SAFETY OF ALASKANS.

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE TAYLOR

NAME: BOB NESTEL  
TITLE:  
ADDRESS: 16810 EAST STREET #2  
CITY: EAGLE RIVER ZIP: 99877  
PHONE: 694-4372  
BILL NO:  
SUBJECT: INSURANCE COMPANIES STORY  
MESSAGE: IN THE MARCH 23, ANCHORAGE DAILY NEWS AND ANCHORAGE TIMES IS AN A  
CIATED PRESS STORY CONCERNING 8 STATE ATTORNEY GENERALS FILING SUIT AGAINST

4/15/88

TELECOPY COVER SHEET

4 pages (not including this sheet) for the  
House HESS Committee re SB 32 - Possession of Marijuana

From Helen Simmonds, via the Barrow LIO

Originals will be mailed to the Committee

✓ 4/15/88

We, the undersigned wholeheartedly agree the marijuana is a serious health problem and we are in support of seeing it illegal to possess in any amount. Therefore, we ask that the Alaska Legislature pass SB 32.

NAME

ADDRESS

Lily Hays	Box 143	BRW
<del>Mark Hays</del>	Box 1181	BRW
Burton Lefjord	Box 920	BRW
Ladie Redford	Box 424	BRW, AK
Della England	Box 449	BRW AK
Gene Brower	81	B. AK
Leslie Kiani	Box 435	BRW. AK,
David H. Okakok	Ex 523	BRW - AK
Nora Ann Kishor	Box 231	Barrow, AK
Roy M. Nageak	Box 354	Barrow, AK
Florian Nageak	Box 354	BRW
Cynthia N. Young	Box 710	Barrow
Rev. M. Budger	W.D. 530 Prohant Philadelphia, Pa.	
Pat O'Neil	Box 278	BRW
Sam Nelson	Box 355	Barrow
Jim Petrosak	Box 1133	Barrow
C. Kewalson		Barrow
D. Jagger	Box 526	Barrow
Carolyn H. Cunningham	Box 321	Barrow
Gene T. ...	Box 515	BRW
James ...	Box 101	BRW
Christa Spencer	Box 1254	BRW

We, the undersigned wholeheartedly agree the marijuana is a serious health problem and we are in support of seeing it illegal to possess in any amount. Therefore, we ask that the Alaska Legislature pass SB 32.

NAME

ADDRESS

Alberta Adams	313	Barrow, AK
Abel Mayhew	414	BRW, AK
Delores Salvayyak	104	Barrow, Alaska
Christina Lindeman	415	Barrow, Alaska
H. Cleman	6	Barrow, AK
Carl Muckpit Sr.	108	
Jean Mummik	161	
Nina Nayukok	75	
Marjorie Ahpik		DTG, AK
Marjorie Pannase		Nuqsut, AK
May Ahluwatsyah		Nuqsut, AK
P.O. of the Ahluwatsyahs		Box
Bates Adams		Box 313
Gilford Mongoyak		Box 404 Barrow, AK
Patrick H. Ahluwatsyah Sr.		Box 431 Barrow, AK
Amy S. Ahluwatsyah		Box 431 Barrow, AK
Rose Mongoyak		"
Rebecca Adams		
Sadie Kudralook		Box 543
Hawwete Hopson		
Carl Annick		Box 15 Point Hope, AK
Clifford Daniels		

We, the undersigned wholeheartedly agree the marijuana is a serious health problem and we are in support of seeing it illegal to possess in any amount. Therefore, we ask that the Alaska Legislature pass SB 32.

NAME

ADDRESS

Henry Nashaknic	Box 357
Arthur Neakak	Box 389
Rhoda Nungak	Box 112
Clouise Okakok	Box 892
Mildred Rector	Box 99 Kaktovik Ak 99747
<del>Herman Rector</del>	<del>Box 99 Kaktovik Ak 99747</del>
Ruth Spalook	Box 24 Barrow Alaska
Nellie Sukrayugak	Box 104 Wainwright Alaska
Lena Mae Nukonulat	Box 18 99782
Bertha Leavitt	Box 244 99723
<del>H. Etta Ekolook</del>	<del>Box</del>
Helen Keritan	Box 3
<del>(Sandra)</del>	<del>PO Box 697 Barrow 99723</del>
Simon Akpit Jr.	Atkasuk
Ronald Joorak Sr.	Box 381 Barrow 99723
Thelma Joorak	"
Matthi Bartos	Box 177 Barrow Ak 99723
Russ Penelva	
Mr + Mrs Roy Ayagab	
Susie Kugak	P.O. Box 32 Barrow
Daisy Edmunds	Box 1135-

We, the undersigned wholeheartedly agree the marijuana is a serious health problem and we are in support of seeing it illegal to possess in any amount. / C  
Therefore, we ask that the Alaska Legislature pass SB 32.

NAME

ADDRESS

John W. Cairns	Box 246
Bernice Ahluwalia	Box 848
James C. [unclear]	Box 438
Ruth [unclear]	434
Paul [unclear] Cheryl [unclear]	1307
Gayle Cox	Box 702
Scott [unclear]	Box 355
Stanley & Jeanne	Box 927
Kimberly Hunter	P.O. Box 309, Barrow, AK 99723
Harold [unclear]	P.O. Box 3056
W. A. [unclear]	Box 786

May 5, 1987

Senate Judiciary Staff Co-counsel

Attached is a copy of Marijuana and Health, the seminal study on marijuana in the U.S. Tabbed are pages with information that contradicts findings in CSSB-32. In many cases CSSB-32 overstates the findings in the study.

Also attached is information from the sponsor citing where he got the information for the bill's findings. The citation "original" refers to information gathered for Rep. Martin's original House bill. The first page of a memo prepared for Rep. Martin by House Researchy on his bill states "(a)s you (Rep. Martin) requested, I have not included any research which disputes the findings set out in the bill."

As you can see from even the cursory information, the findings in CSSB-32 are misleading, and some are completely incorrect. The research done on the bill did not include any information contradicting the sponsor's wishes, even if it did exist (which it does). Based on this alone, a law based on CSSB-35 will be difficult to defend against constitutional attack,

Ravin v. State, 494 P.2d 537 (Alaska 1975), set out the constitutional right of privacy under our Alaska constitution. To overcome Ravin as CSSB-32 purports to do, there must be

accurate findings justifying an intrusion into a private home.  
CSSB-32 does not set out accurate findings. Thus, in  
counsels' opinions, it does not meet constitutional standards.

# 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,  $\Delta$ -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  $\Delta$ -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 general

- Dispositional to concentrations at sites of drug metabolism or excretion
- Functional tolerance of the target cells.

FINDING  
# 3

of habituating drugs leads to the development of drug resistance (Jones et al., 1971):

• lower drug concentrations  
• increase of rates

• decreased 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  $\Delta$ -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  $\Delta$ -9-THC and its first metabolite are strongly bound to proteins in the plasma (Garrett 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  $\Delta$ -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,  $\Delta$ -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  $\Delta$ -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  $\Delta$ -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  $\Delta$ -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  $\Delta$ -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 LD<sub>50</sub>. The lack of well-authenticated cases of human deaths from acute  $\Delta$ -9-THC or cannabis overdose is consistent with the experimental animal data. The lethal dose increases as the phylogenetic tree is ascended. The rat has an LD<sub>50</sub> 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  $\Delta$ -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 ~~efficiently~~ from methodologic and interpretational defects that their conclusions cannot be accepted. Furthermore, other studies have not found changes in morphology.

#8

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  $\Delta$ -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).

### #10 Cytogenetic Effects

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  $\Delta$ -9-THC causes chromosome breaks.

#### In Vitro and Animal Studies

Cultures of human leukocytes, exposed to different concentrations of  $\Delta$ -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  $\Delta$ -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  $\Delta$ -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  $\Delta$ -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; Hertha 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  $\Delta$ -9-THC, cannabidiol, or cannabinol at doses approaching or exceeding the LD<sub>50</sub> (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 LD<sub>50</sub> 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  $\Delta$ -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

11  
 ↓ 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  $\Delta$ -9-THC to rats, appropriately timed, has also been reported to block ovulation (Nir et al., 1973). This effect of  $\Delta$ -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  $\Delta$ -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  $\Delta$ -9-THC blocks the postcoital LH surge and ovulation.

Administration of LHRF was able to bring about the release of LH in  $\Delta$ -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  $\Delta$ -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  $\Delta$ -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,  $\Delta$ -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  $\Delta$ -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).

# 19  
→ 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  $\Delta$ -9-THC and other cannabinoids cause immunological defects in rodents (Petersen and Lemberger, 1976; 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,  $\Delta$ -8-THC, and 1-methyl- $\Delta$ -8-THC had the same immunosuppressive effects as  $\Delta$ -9-THC, but cannabidiol had no immunosuppressive effect. Immunizing rabbits with  $\Delta$ -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  $\Delta$ -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  $\Delta$ -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

# STATE OF ALASKA THE LEGISLATURE

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## LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

SHESS	Feb. 18, 1987	3:38pm
SHESS	Feb. 18, 1987	7:10pm
SHESS	Feb. 25, 1987	7:07pm
SHESS	Feb. 27, 1987	3:30pm



Official Business

# Alaska State Legislature

## Senate

*JIM/FYI*

P.O. BOX V  
State Capitol  
Juneau, Alaska 99811

TO: Members of the House of Representatives

FROM: Senator Joe P. Josephson  
Senator Bettye Fahrenkamp  
Senator Ken Fanning

*Joe P. Josephson*  
*Bettye Fahrenkamp*  
*Ken Fanning*

RE: Recriminalization of marijuana

DATE: February 25, 1988

FE

Last week the Senate debated Senate Bill 32, and by a vote of 15-3 passed a bill that would recriminalize marijuana and allow imprisonment-- up to 90 days -- for the private use or possession of small amounts of marijuana in one's home!

As the three who voted against this bill on final passage (on reconsideration), we have grave concerns about this bill's invasion upon the Right of Privacy and the attendant issue of constitutionality.

We also have great concerns about incarcerating young, casual violators and mingling them with hardened criminals. Although it would seem this measure would increase the escalating prison costs, the bill carries a zero fiscal note.

We offered unsuccessfully two amendments. One dealt with reducing the allowable penalty for private home use of less than six ounces from 90 days in jail to a court appearance with possible fine. The other amendment would have disallowed jail time for a first offense of possession of an ounce or less in one's home, although the defendant in such a case would have been liable to a fine.

You will find three attachments that may aid you as the House begins its deliberations:

- partial transcript of Senate floor debate
- Anchorage Daily News editorial
- position statement of police associations.

Feel free to call upon any one of us if we can be of further assistance.

Senate Floor Debate on SB 32  
February 17, 1988

Objection to adoption of HESS Committee Substitute

Fanning Madam President, the objection is just for clarification and an explanation. For those of us who were not here of the differences between the two bills.

Fischer The difference between the two bills, as we went through the hearing process, we knew that the section one, which I'll talk about later is the key to the bill when it comes to being upheld in the court. So the committee substitute tightened up on those findings so that we could make the case to win in the event it did get to court.

Objection has been removed. HESS Committee Substitute has been adopted and is before the Senate.

Fanning I would like a clarification from you if I could. We have a serious matter before us and prior to consideration of moving to third reading, I would like to request that specific members be allowed to discuss and question very specific sections of this legislation, as well as the legislation in general, for the purpose of determining whether or not certain amendments are useful and appropriate. I have some amendments prepared. I would like, if we could, that we can get a ruling.

Faiks You have the floor, Senator.

Fanning Being a little bit rusty on procedures and not having been here recently, I wonder if I could get an explanation from the Chair and perhaps of the sponsoring senator, as to what findings do in a bill. What their legal implications are, what the reason for them is and why we have before us a four page bill with 90 lines of findings and 10 lines of law, of which only 4 lines change current and existing law. I would appreciate just an update on what findings do and are intended to do.

Fischer The reasons you have the findings in there when you go back to the Ravin decision, there was a window left by the court that basically said, if in the future you do find evidence to the contrary to what we're saying today, then we'll look at it. The best example I can give is in 1975, keeping in mind this is 13 years ago, they based their decision on the THC content being 1%. We now know that that is not true. We know that it's anywhere from 10-20%. These

are the things that we're building so that in the event that this law would be challenged, we can go to the court and say this is what we're showing you, things have changed since 1975. We're in a new age, we're in 1988.

Fanning So it's my understanding that the findings in this legislation are specifically for court determinations and do not, of course, carry any letter of the law. Is that a correct interpretation from the Chair?

Fischer My personal opinion would be is that these are things that we can show are to be true. We can use medical evidence to show that they are true. We'll just pick one, number six, where we talk about the THC which I mentioned earlier. It's all going to depend upon who you're going to believe, I guess. I would rather believe the medical profession than any of my colleagues here, because I think the medical profession has a little more knowledge about medicine than we do individually. I also put faith in the National Institute on Drug Abuse. There's a report in 1980 which was only 5 years after the Ravin case, where they talk about the chemistry of marijuana. What they're saying is just as street marijuana has increased marketedly in potency over the last 5 years, keeping in mind this was 1980 when this was written, confiscated materials in 1975 rarely exceeded 1% THC content. By 1979, samples as high as 5% 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% with more typical samples analyzed by University of Mississippi chemists ranging from 15-20%. I guess, even though I'm not from the South, I would concur with the Mississippi University chemists.

Fanning I thank the sponsor for the definition. I guess that was also my understanding that findings were things that could be proven and that substantial evidence would prove those findings. It's obvious, of course, in this case as the gentleman who just spoke mentioned, there may be considerable disagreement depending on who you're listening to or whose evidence that you take. But that being the case, I would ask the sponsor or others to explain specific findings. In the original bill, of course, there were ten. In the bill that is before us there are 14. So there must have been considerable new evidence in the time of the committee hearing. I would ask that since they relate specifically to health, how certain findings fit in. In order not to delay it, but to make sure that we get answers to specific questions, I have a question as to the relevancy of number one and how that is harmful. I have a question on finding number 5. The question on number 5 would relate to the fact that that finding, and I'll read it to the members: "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". If that is the case, part of my question is why we're not prohibiting alcohol since that seems to be the critter in question.

On #7 and #6, we're just given information relevant to the different contents of THC, perhaps the sponsor can clarify if the information you read was based on national studies or studies in Alaska. As we all know, we have a considerable different situation in Alaska relevant to marijuana and different sources of obtaining marijuana, much of which of course in Alaska is home grown. I would appreciate an explanation to that.

On #9 I really had a question with: "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". That finding, along with many others, is not absolute. It suggests, maybe. But it seems to imply that any heavy cigarette smoker is going to develop lung cancer in 20 years. Madam President, I think that we have obvious substantiation that that is not the case. In any event, it seems that the findings, while designed to be specific proof and evidence of general public health problems, relate in many instances to what are perceived individual health problems. So I guess, in my opinion, they seem to fall short of the mark.

I would also question how in number 14(b), and I'm questioning this legislative finding because, of course, I assume we find that if we vote yes today, I'm certain that many of the other members, including myself, have not been offered the evidence to substantiate many of the things in this legislation. But I particularly question under (b)(4) we suggest that over the last 3 years in the Anchorage School District (of course the bill was introduced last year so I assume it may refer to evidence of the previous three years) of the 230 students who have been suspended from school for possession or use of marijuana, 29% has indicated that marijuana is used by adults in their living environment. I may be jumping to conclusion, the sponsor can correct me in this instance if I'm wrong, that what we're doing here is saying that the fact that it is legal for adults to use marijuana in the privacy in their home is sending a bad message to our kids. I guess what that finding seems to say to me is that 70%, 71% of the people involved, of the kids involved, do not have usage of marijuana by adults. It seems to me that the findings prove exactly the opposite of what the sponsors would in fact be indicating.

The particular confusion, and perhaps I can get an explanation of 14(c) in contrast with the finding section prior to number 1. 14(c) states: "The legislature further finds that there is a legitimate and compelling governmental

interest, based on testimonial and scientific evidence, that the public health and welfare will suffer if personal use of marijuana even in small amounts is allowed." I really don't feel that the findings involved here, relevant to personal use, and that's all we're eliminating in the legislation is personal use in the privacy of one's home, is used. The findings don't relate to how that causes a public health hazard. Back in the findings before, we mentioned number 1, we don't speak of public health problems. In fact, we specifically say: "the legislature finds that marijuana use is a serious health problem for the following reasons" rather than a public health problem. I wonder if that was an intentional difference between personal, individual, public and serious health problems. Perhaps the sponsor of the legislation could help me out with all those questions. Thank you.

Fischer There was a whole lot of questioning by one member of the body. The only thing that is absolute, that I'm aware of, is that we're all going to die. I guess anything else is possible. So I don't look at anything necessarily being absolute in all cases. Getting back to the school, if 30% of the students, and this is from a letter that came from the district, are involved or are exposed to adults taking marijuana at home, then it's 30% too many. So I would like to see that 100% but you know, we don't have that.

The kinds of information that the Senator is asking for, and I usually don't do this, but this is just packed with medical information that can substantiate each one of these one by one. What I would suggest, if the Senator from around Fairbanks and in Fairbanks, if he has real concern about any of these, he might want to stop by the office next door to him, which the Senator from Soldotna is always playing music too loud anyhow that he keeps hearing. I thought maybe he heard me last night when I was talking about the bill itself. But I think some of the concerns that the Senator has are good personal concerns. But we as a body are saying this is what we find in the evidence before us.

The resolutions that came in .. on your desk there is a list of organizations. These folks have also done some of their homework and have come in and substantiated some of these. Although we didn't use these at all for any backing for the findings of fact. But when you look at some of these organizations, such as the Anchorage Crime Commission, students themselves, they're all saying the same thing. They're not saying anything different than what we've already said. Also when you get this kind of organizational support which is unbelievable without solicitation. Not one of these have I ever written to and asked them to send a resolution. It was spontaneous. They sent them on their

own effort. This really makes it more of a broad-based community support. These folks are saying the same thing. I have copies of all the resolutions from these various organizations. The only apology I have to the body is that I know I missed some. Because as they came in during the interim they either got waylaid on the way down or I misplaced them. But I feel sorry, I think there's a school board in Ketchikan, a Catholic school board, I don't know what it is, but I know they sent a letter in support of it. So we missed a lot of these. We're not saying something new. We're not trying to create some facts that aren't there - they are there. Individually, you may disagree. That's your privilege. What I'm saying is that we can substantiate through the material that all these things are in some document or are printed by experts. You may disagree with the expert and that's the privilege of anybody here in this body.

Josephson I have sent an amendment to the desk and I ask that the amendment be read. (see attached)

I move the amendment and I would like to explain to the body what it does. Let me say that with regard to the underlying issue, I think reasonable people can differ. I am satisfied that an overwhelming number of Alaskans want to see the possession or use of marijuana recriminalized. I think it would be inconsiderate of me to say that those people lack common sense, some of them have law enforcement experience, some of them have watched what is happening in Alaska since the Ravin decision. And I also cannot say to the Senate with any confidence that this measure before us is clearly unconstitutional, we have the Ravin decision. But after all in the issue of local hire, Madam President, I'm one who says let's try to recraft a bill and go back to the court and give them another chance. I can't with honesty say let's not do that on the issue of marijuana.

But I do think that there is no outcry and no justice for the proposition that people who possess small amounts of marijuana ought to go to prison. What my amendment does is to say that the private possession or use of marijuana under four ounces is a violation, for which a fine can be levied. Because if the idea is that we want to give people a message, a clear message, that marijuana use should be discouraged, I have no problem with that. But if the idea is that we want to take those people, throw them in the corrections system, mingle them with hardened criminals, I have a great problem with that.

Last May 12, I sent to my colleagues a statement about this and said I would be offering this amendment. I wrote that "by removing the threat of a jail or prison sentence for the private use or possession of small amounts of marijuana, the legislature can reduce the likelihood of a

court challenge in the first place, and reduce the court's concern about recriminalization as an invasion upon the Right of Privacy, in the second place."

Madam President, I believe that when the court gets this matter again, and it will, and there will be millions of dollars, let's be serious about this, spent at the trial level in getting experts on one side and the other. Probably the State will pay for both sides of that dispute. There will be an appeal to the Supreme Court. And when the matter goes back to the Supreme Court, the level of scrutiny or the level of concern that the justices have about what we are doing today will be much greater if the defendant is arguing that there is a potential loss of liberty for the private use of marijuana in the defendant's own home than would be the case under this amendment. If we can say to the court that the sanction involved under this amendment is a fine, I think the court's tendency to uphold the Legislature's action and respect the Legislature's action will be greater.

Members may recall that last spring we had a public hearing in the Senate Finance room. Mrs. Reagan spoke to us. Mrs. Murkowski spoke to us. It may be remembered that I specifically asked Mrs. Murkowski, who is a leader in this effort, about her feelings concerning incarceration. She replied that she expressed no strong feelings about that aspect. This is my interpretation but other members were there. I'm not literally quoting her, but she expressed no strong feelings about that aspect of the marijuana issue. She went on to say that if anything she saw no reason why incarceration penalty would be necessary. That was Nancy Murkowski's testimony at that time. We have a crowded correction system. I do not believe we should be burdening that system with private marijuana users who come out of a private settings with small amounts of marijuana.

So in summary, Madam President, I believe this is a friendly amendment that will strengthen the constitutionality of SB 32. It will reduce the likelihood of a successful constitutional challenge. It will reduce the impact of costs on the Department of Corrections. It will prevent the co-mingling in jails and prisons of youthful marijuana users with hardened criminals. It will increase support in both bodies, and in the other body where this bill has to pass. I think it is a friendly amendment. I think it is an amendment that should be adopted and I hope the Senate will adopt the amendment, Madam President.

Fischer I rise against the amendment. The Senator kind of gives the impression that anybody that has a small amount of marijuana under this bill is going to go to jail. That's far from the truth. There's no mandatory sentence, there's just maximal. In the opinion of a judge, it may be a \$25 fine. He's not obligated to give jail time nor is he

obligated to give any monetary fines. That's the flexibility within the system that makes it nice.

Madam President, just so we get an idea, that's equivalent to four ounces (shows jar). So if you think you can put four ounces in your hip pocket and walk away, you're mistaken. By the way, it's not marijuana, they tell me it's parsley. But I wouldn't know the difference anyhow. I think the other thing is, Madam President, all the people that have given these various endorsements were relating to SB 32 which did not have this language in it. Everybody knew, this has been in the Legislature for 3-5 years, I think maybe the first time down I did it. Nothing has really changed other than the findings of fact because as time goes on we know more scientific evidence comes forth that makes the findings of fact even stronger. But it has been around for a long time and we're not getting the support from the folks saying, hey, we want it this way or that way. They like it the way it is. That's why I object to the amendment.

Josephson That's the problem. Because people who say this is a good bill say, but we really aren't going to punish people or we're really not going to spend any money to enforce it. That's why I think the Senator from Fairbanks and I and others have some concern about this as to whether this is going to be received in the public mind as a genuine effort or not. If we're really not intending to put these people in prison, then why don't we clear that up right now and say that and avoid that possibility. This body in the past, and I might say my friend from the Kenai Peninsula in the past, has not always been willing to say we just admire the discretion used by judges and we will exceed to their good judgment on a case-by-case basis. I mean this body has often said that we are going to have to monitor what judges do and put perimeters around what judges do. I think this is an appropriate case to do that, to put those perimeters around them.

I reiterate that the adoption of this amendment will strengthen the chances of this bill: a) reaching the other body, b) being signed by the Governor, and c) being upheld by the court. That is the truth of the matter and I think this is a good moderate step.

As far as the other proposition that these agencies or individuals who endorsed the bill have not endorsed this amendment, that's an argument that says we can never change a bill on the floor of the Senate. I think that that is not a proper argument to make. If the Senate sees wisdom in the amendment, the amendment should be adopted. I urge the adoption of the amendment.

Halford Question to the sponsor of the amendment. Does this mean that subsequent convictions or a serious of convictions always carry the penalty of a violation and never escalate?

Josephson I think it does but if the Senate has a proposal on that, I would entertain it. I think that you are talking here about the right of privacy for personal use in the home. It is my position that we should not incarcerate people for that use. But we can send a message. The argument has been that what is needed to discourage the use of marijuana is a message. I believe that. I think law is normative. I think the passage of law does affect behavior. I think that when we passed civil rights laws in this country, people respected one another more. I believe that the passage of legislation will reduce marijuana use. I'm not arguing that it is not effective. But I'm saying the message will do that, you don't need to send people to prison along with that.

Halford The reason I asked the question is that it's often a possession violation that can be proven when there is obviously intent to do something else. The four ounce provision, particularly when the potency and values have gone up, allows a lot of room for other actions which are not simply possession in the home for private usage. Yet the only conviction you may be able to get because you have to prove intent in the other convictions, is that possession is conviction. So if we're establishing a system that allows a serious of possession convictions all to be violations, then I think we're breaking up the continuity of the statutory scheme.

Josephson Madam President, I am not an expert in this matter but I don't think you're going to get much inference of the sale because you have four ounces of marijuana in your home. But if there are circumstances that give rise to that inference, there ought to be prosecutions. I don't think I'm changing anything in that respect. I just want to keep that casual user in his or her home out of the prison system.

Fanning Madam President, I find myself in a quandary relevant to this particular amendment and don't know whether I'm supportive of it or not ... point of constitutionality, when the challenge comes that it will give merit to the legislation. Without this amendment, I feel that the courts will find, as I have in this analysis and as we've discussed, that this Legislature has not had a hearing, the back-up material is in the basket of one senator. The members of this body today are finding out more and will find out more than has been exposed to the Legislature. So

I think that this amendment would really strengthen this legislation from the standpoint of a potential constitutional challenge.

Additionally, the point relevant to mixed signals which will undoubtedly come up in the future and the point relevant to correctional information, and we'll ask later, I'm sure, of the Finance Committee of the fiscal notes that we're talking about. The difference between fining someone and having the potential of sending them to jail, and obviously sending them to jail, has to have substantive fiscal impacts on this State. Madam President, in 1989 dollars corrections estimates that we've spent \$44,500 a year on an individual incarcerated in this State. That's \$109.59 per day. For members of this body, to argue if they do, that there will be no increase in correctional costs if we pass a law that criminalizes 20,000 or more Alaskans, then we're either saying that the prosecution or law enforcement officers or the judges are not going to pay attention to it. Otherwise there obviously is going to be a very substantive fiscal impact.

So from the standpoint of the fiscal impact and the standpoint of the constitutional arguments involved in this, it makes me wonder, if we adopt this, what type of an honest message we would be sending. If we don't adopt it, then in fact I think it would be interpreted correctly that the legislation before us, without amendment, is an infringement on rights that's beyond what the court requires for proving that the health hazard allows the State to go in and invade the privacy of our homes, as was the findings of the Ravin decision. So I guess I'm in a quandary. I think that it's a healthy amendment. It's positive. I think it's the message that most Alaskans want to receive. But I don't think I know how I want to vote on it. Thank you.

Halford I'd just like to read for the members the definition of a Class B misdemeanor. Class B misdemeanors which characteristically involve a minor risk of personal injury to a person, minor offenses against property interest, minor offenses against public decency or order, or minor offenses against public health or decency. That's what is provided for in this bill. The penalties are substantially less than some would advocate for crimes like using someone else's guide area or a number of property crimes across the State.

Jones Madam President, I hear some concern for the privacy of those who are using the substance within their own home. I think we ought to think about the people who are subjected, the young people that are subjected to the use of this by others in the home. They also have a right and in many cases it isn't protected. I think this bill is a big step in doing that. I'd like to read a couple of things

from the Supreme Court decision, the Ravin decision, that might help the Senator from Fairbanks make a decision. In that case, the findings were and it's 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." Another quote: "no one has the right to do things in their own home which will affect others adversely." I just hope that helps in making up their decision.

Josephson When the issue came up in the Alaska Supreme Court about whether the State was responsible for providing defense counsel, the court's focus of attention was on whether the penalties involved the possible loss of liberty. A risk of the loss of liberty. It doesn't matter whether that's for 10 days, 30 days, 90 days, or a year. There is a significant interest in protecting the right of liberty. And we want it that way. Remember, if you turn down this amendment, you are giving the people who will challenge SB 32, if it is enacted, another arrow in their quiver. You are inviting stricter scrutiny of your legislation. You are risking, in my judgment, to a greater degree than with the amendment a decision that this enactment is unconstitutional because you are putting people's liberty at risk for what they do in the privacy of their own home. That is the choice before you. If you want to strengthen the constitutionality, that's why the Senator from Fairbanks is perplexed about this, then the amendment should be adopted. It is also good policy. I believe that if you went to the people in Alaska who said they want marijuana recriminalized and you asked them the next question, if your son or daughter had less than four ounces and was using it in the privacy of his or her home, do you want your son or daughter to go to prison. I believe the answer would be no. I want the message given, I want a penalty, but I don't want my youngster mixed up with felons in the Department of Corrections. And that is what this amendment stands for.

Fanning Just briefly, as I understand it, the Senator from Anchorage was explaining what this bill would do, what a Class B felony is, but he stopped when he got to the \$1,000 fine or the 90 days in jail.

Fischer One thing we can't forget is the street value of this is \$1,120. It's not a small matter, we're talking \$1,120 if we're to go out here in the streets of Juneau. It might be higher in other areas of the state. But that's the street value here in Juneau.

Kerttula The President of the Senate has allowed very broad reaching, which I think you should. I think the House yesterday on a very controversial measure spent five hours. I doubt the Senate intends to spend five hours but it may spend half that amount of time on the subject.

I just want to say a particular element that should go into the total concern that we have here about this legislation. I don't know if anyone else is on the floor today that voted on the present act in the books. I know I voted against it. I probably am fairly happy that the questions asked Gary Hart during the period may not been asked many of us. But I don't ever remember and I'm absolutely certain that I've never had anything to do with smoking marijuana, much like Senator Fischer. I don't think it was a problem with people in our age group, there wasn't any peer pressure or anything, so it's fairly easy for me to raise my right hand and make that statement. So I voted against the present act and I've never used marijuana.

I do want to state though, because Judiciary does have some small responsibility. If you're really trying to overcome present legislation and the constitutional interpretations, I think I should at least inform you that in deciding Ravin vs. State of Alaska, the Alaska Supreme Court noted that the Alaska Right to Privacy which is specifically annunciated in our State Constitution, does not overcome any state interest in stopping people from smoking marijuana in their own home. The court focused on the fact that the State could not show health concerns that were significant enough to justify intrusion into a person's home. In a later case then dealing with cocaine, however, the Supreme Court did find the justifications in .. and held that the right to privacy did not cover cocaine. It was a serious hazard in many ways. This is a key point and I think it's very important if we're considering this bill.

To overcome Ravin v. State, there must be accurate findings, accurate findings to justify an intrusion into a private home. The findings in this bill are overstated and in some instances are wrong. For instance, it says that marijuana may cause schizophrenia. We have fairly recent, into the middle 1980's, 1982 report here that says there is insignificant evidence, and this is medical findings, to say that cannabis psychosis exists as a separate clinical entity. I'm frankly opposed to the use of cannabis, but I also have been somewhat an observer of the process. We're talking about a constitutionally correct piece of legislation, if possible, as Senator Josephson says you've been poking away at various issues whether it's local hire, whether it's this, to find a constitutionally acceptable bill. Well, I have a piece of material here that states, and this is the Terry Martin. In Terry Martin's efforts, the work came up during the hearing process in HESS and there was a lot of testimony taken, but on the other hand, this is a direct statement from the legislative analyst to the attention of John Manley to Representative Martin which says: "As you've requested, I have not included any research which disputes the findings set out in the bill". There is heavily two sides to this issue and a lot of medical fact.

I think if you adopt the present act, and I'll probably vote for the act as a matter of fact, but I don't think you're going to find, it's not going to stand the constitutional test with these particular findings as they're written up.

Fanning I am speaking to the amendment. I think I have made my mind up on it and I'd like to speak in favor of it. I think there's probably at least one thing that all of us in this body would agree on and that is that this nation's drug laws and policies have not been working well. On that simple statement I think almost all Americans agree. During the 78 years since the passage of the Harrison Narcotics Act, heroin has become a national menace and it's use has spread to the middle class in the suburbs after a third century of escalating penalties against marijuana and anti-marijuana propaganda. Marijuana has reached an unprecedented peak of popularity, as is pointed out, by the way, in the findings in this bill. The increase in Alaska since we passed our laws in 1982 further restricting it. Barbiturates which a generation ago were thought of as sedatives useful for calming and for sleep, have become thrill drugs as well as have amphetamines.

Contrary to popular belief and perhaps the belief of some members of this body, the most important institution in Alaska, as was pointed out in a recent Governor's report and in America, is the family, not the legislature.

I think most young folks realize that since we've enacted tougher drug laws in 1982, usage in Alaska is on the increase. Prohibition does not work. So what our response is in this bill is that since usage is up, let's pass this law and increase usage.

The Senator from Kenai will find that that parsley mistaken for marijuana in his jar, after passage of this act, the value will not be \$1,100. The value after we've created a black market may well be in excess of \$5,000.

Prohibition, trying to keep drugs away from people began in 1914 and has remained the dominate theme of anti-drug legislation and it's not successful. We've learned that in 1920-33, relative to alcohol, it's not working today with marijuana or cocaine or any of the other illicit drugs. Nor is prohibition likely to be beneficial in the future.

The amendment before us would, in fact, be beneficial. It would send a message. It would send a message of education to our young people rather than a message of prohibition. I think, Madam Chairman, what we have here before us, if we fail, in modifying the legislation is deja vu from yesterday. We have findings that have about the same amount of pertinence that as the whereas' in yesterday's ANWR's resolution. They are inaccurate. They don't solve the problem. The court's going to throw them out.

Privately, a Senator asked me if I had suggested that I did not think there was public hearings on this legislation. I want to clarify that for the purpose both of this amendment and for the sake of the legislation. I did not suggest that. I do think, however, it is interesting to note and I'm certain that the courts will note the rather curious course that this bill has taken through this body since it's introduction. The bill was introduced on January 19, 1987. It was referred to two committees. The chairman of the first committee on February 16 moved and asked unanimous consent that the five-day notice and publication of notice hearing rule be waived. Hearings were held in that committee. The second committee of referral waived the bill. The Finance Committee heard the bill and decided that all the agency's financial implications were apparently accurate. Yesterday on the floor we also discussed appropriations and fiscal bills and we decided that even a \$600 suggestion by a state agency meant that there must be a substantive fiscal implication. Today we have agencies that have recommended \$500,000 would have to be spent if we spent nothing in our correctional institutions! If there was no increase cost. I would urge the members of the body to seriously consider the amendment. To vote yes for the amendment and to get involved in solving our drug problem in Alaska through education and through methods that do work rather than through prohibition which we've proven does not work.

Fischer I feel compelled to respond to the message, I guess, that there wasn't adequate public hearings. The reason we had the first hearing is because we wanted to incorporate people who were here in Juneau who wanted to say something on it. But let me say this, we had four hearing on this particular bill. Two went statewide teleconference, not only that but they were held in the evening. Which meant that people in the evening had a crack at it when most of us down here don't do that. You know, we have them during the day when John Q. public, the guy that supports this, can't afford to testify. So we did have plenty of hearings. And also, not to defend the Judiciary Committee, but I think the Senate needs to know that at that time, Senator Kerttula, Senator Josephson and Senator Halford were all members of the HESS Committee.

Kerttula I never indicated that the Senator didn't have public hearings in any way and he's correct. I saw him sit before the microphone for hours taking testimony. That was one of the reasons that Senate Judiciary decided not to continue in the same vain. He did take a great deal of testimony. I do have a question of Senator Josephson through the Chair, if I may. Senator Josephson, you're a distinguished and very competent lawyer. You know very well

that you're a very valued member of the Judiciary Committee, very important member. The question I have is, have you thought out a methodology that could respond to the Finance Chairman's question of ever increasing penalties for the possession that you initiated here as an amendment and the amendment is now before us. It seems to me that that might be appropriate as an amendment to the amendment, if you had thought that out at this time.

Josephson Through the Chair, I thank the Chair of the Judiciary Committee. I don't thank the Chair of the Finance Committee (laughter). Madam President, I hadn't thought about that, but there are ways it could be addressed. The amendment making private possession of less than four ounces a seventh degree offense of misconduct could apply only to first convictions, for example. I haven't had time to address that, I would certainly regard an amendment to the amendment as friendly, if it were offered for that purpose. In practical fact, I don't think you're going to find much repeat violations at that level. So I think it's kind of a non-problem. But that would be acceptable to me. You understand that my focus is on that person, ordinarily a young person, who is convicted on the first occasion for using in the privacy of his or her home. That is the person I don't want to see go to prison.

Hensley Madam President, I'm sitting here agonizing over the subject matter. I haven't spent a great deal of time listening to the arguments or the hearings on the legislation. I'm real concerned about the message that we are going to give if we adopt this amendment with respect to the legal permission to maintain a stash of this material at home. I don't know all the legalities of the issues. But I've got children aged 13, 11, 8, and 4. I sure as heck don't want to see them being incarcerated. On the other hand, I haven't heard any redeeming .. placed on this material on the floor. We've heard all the negative aspects. But I am concerned about my children and the exposure that they might have to this substance. Whether or not it leads to cocaine and all these other things, I suspect that that's a possibility.

I notice that in the sheet here of organizations that encourage the recriminalization of marijuana, we have both our school district as well as our borough that have passed resolutions encouraging that. I know that our institutions are spending a lot of money trying to deal with problems in society. I'm not so sure that this material, this substance that we're talking about contributes to that. It may well do so. I would say that it would be nice to be able to count on people to maintain their self-discipline to not utilize harmful substances. I think if we could get people to do that, that would be half won. But unfortunately,

somehow or another, people aren't taking care of themselves. I think we're all human. We all have our weaknesses. But I would say that so far as the message that we are going to try to convey to the people of this State, that perhaps the strongest message is to say you can't have it legally. Consequently, I'm going to vote against the amendment.

Abood I guess what was really bothering me on this is on the last page, page 4 on line 12. Let's talk about a scenario for a moment. Let's assume that you have at your living room window at dusk a plant that looks like a marijuana plant. It's a beautiful plant, I'm sure you've all seen it. ... But at any rate, it says that "refuses entry into a premises for an inspection". Now if this cop drives by and he sees that and he says uh-huh. Just as you're taking it to the kitchen to water it, and he says uh-huh, there's marijuana in that house and I'm going in there and I'm going to arrest those people. That bothers me because you don't have to have a warrant. You just say, if you don't let me into your house at this minute, you're going to fall under the law and that's breaking the law and you're in real trouble. Is that what this thing is going to do? Read it.

Josephson To respond to the Senator from Kotzebue's remark. That really troubles me to hear those comments because first of all we are giving a message .... against the law, the penalties. We're not legalizing it, we're recriminalizing it. So the message is given. But I want to say this, through the Chair to the Senator from Kotzebue, if I were the Senator from Kotzebue, I would be darn worried about passing this bill without my amendment. Because historically, historically when you give judges latitude as to who goes to jail and who doesn't, who pays the fine and who doesn't, there is a disparity of treatment between his constituents and mine. And the Senator knows that. And that is the problem! If the Senator says, I don't want my children to go to jail, he darn well better think about the fact, and the data shows this, I hope the situation has changed, but this Legislature has had to come down here, and as I said before put perimeters on judges because we thought that there were discrepancies, discrimination, disparities in the way one person got treated and another person got treated. It is absolutely unsensible to me that we could have a situation where one child or one young adult gets slapped on the wrist by Judge A but another one gets sent to the penitentiary. That is what we're talking about and I want to avoid that kind of disparity.

So I hope that the Senator will reconsider his position because I want to treat everybody equally and the only way I know how to do that, Madam President, is to say that it's a violation to use it in your home and nobody is going to lose

liberty. As I've said before, the result will be that this legislation will have a better chance of being upheld in the courts than without the amendment.

Amendment #1 failed the Senate by a vote of 2-16. Senators Fanning and Josephson voted for passage.

Fanning Madam President, continuing discussion, as you allowed under second reading. Could we by chance get an explanation from the Finance Committee, we have five different fiscal notes here that there are obviously some tremendous discrepancies among them and I think it's important for all of us to understand what the true impacts of what we're voting on and what the implications of the legislation are because I think some people might vote differently if they are convinced that, in fact, the fiscal notes are zero, as I understand they recommend so. I'd appreciate an explanation if we could.

Binkley We did hear the bill in Senate Finance, as was mentioned by the Senator from Fairbanks. There were several different fiscal notes from different agencies. We did pass out a Finance Committee zero fiscal note on the bill. It was based primarily on the information provided by Public Safety, which of course is the lead agency in beginning any cost associated with this legislation. In their backup from the Commissioner, I'll just read part of their backup here. It says "although passage of this legislation would undoubtedly deter some people from possessing small amounts in the home because it would be illegal, the enforcement efforts of the Alaska State Troopers probably won't 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 marijuana laws in other states." As a result of that, they felt that there wouldn't be any additional expenditures of funds and we felt it was appropriate if there would not be any, in that case, that we pass out a zero fiscal note.

Fanning Just on that same note, I guess that I would ask of the same gentleman, I can understand that the troopers would suggest that there would not be any change in their habits. However the legislation, of course, suggest that 4% of the population of Alaska is currently involved in this usage which would be illegal after passage of this bill. So I guess maybe they'll be doing arrests after hours or so forth. But there are several other agencies involved besides just the troopers. I guess the signal we're sending and if it's a clear one, that's fine, the troopers feel that they will not have to work any differently and therefore there would not be any increase in their costs. However, I

would assume that that would not mean from them that there would not be any arrests. If there are arrests there obviously would be, as was suggested by the Office of Public Advocacy in the Administration, a fiscal note which is rather extensive, \$164,000. There would be a fiscal note in the Department of Law relevant to prosecution, \$237,000. They must have used some figures to come up with this somehow. And then, unless all of those folks are found not guilty, some of the judges, I assume, would use the penalty of incarceration of at least up to 90 days. So I would like to get a clear reading, if it is a reading, of the Finance Committee, of the zero fiscal note that there will, in fact, be no fiscal note and no additional folks put in jail, and no additional requirement by the Department of Law for prosecuting attorneys.

Binkley Of course one of the purposes and hopes by this legislation that there will be an effect that people will, because of the penalties associated with them, will not of course break the law. And that, of course, is one of the desired effects of passing the statute. However, we did feel in Finance Committee within the existing agency's budgets, as you mentioned the Public Defender's Agency, the Department of Law, the Office of Public Advocacy, that they had the resources within the existing budgets to handle any additional caseload that may result from the enactment of this law.

Josephson I predict that that is simply not going to be the case. You're going to have to have experts come in and talk about these findings on both sides, probably brought in from other places to sit in courtrooms and undergo cross-examinations. It's going to be a major case. There is no way that a responsible public defender could advise someone charged with a violation of this bill to plead guilty or plead no contest. The obligation would be clear to advise your client that there is a likelihood that the bill would be held to be unconstitutional and we have to test it all the way up to the Supreme Court of Alaska, at least. So there will be costs to it and I think we need to be realistic about that. Unfortunately, because of the rejection of the amendment, the costs will be much greater.

Binkley Well again, Madam President, these agencies already have fairly large budgets, they have the money and the resources available within those agencies to handle any additional caseloads that may arise from this.

Kerttula Of course, the Office of Public Advocacy last year asked for substantial supplements.

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CSSB 32 (HESS) passed the Senate by a vote of 17-1. Senator Fanning voting in opposition.

Senator Josephson gave notice of reconsideration.

Senate Floor Debate  
SB 32

February 18, 1988

CSSB 32 (HESS) taken up under reconsideration.

Senator Josephson requested the measure be placed in second reading for the purpose of an amendment (see attachment).

Josephson First, I want to thank the Chair and the Senate for your and it's patience. This amendment was drafted at my request this morning by Mr. Chenoweth of the legal office. I asked him to do two things. First, to provide an amendment which makes a misconduct involving a controlled substance an offense in the seventh degree only in the case of a first offense. In the colloquy that we had yesterday the Co-Chair of the Finance Committee asked what about a repeated offender. This amendment takes care of that problem. This amendment says that if you've never been charged with possession of marijuana before and you are in your home, and the amount is less than an ounce, then you keep out of the corrections system and you pay a fine for that. So that's the first thing it does.

The second thing that it does is it relates to a one ounce possession. Yesterday we saw the mason jar with parsley and we were all impressed about what a big mason jar that was. This amendment says that if you have that much marijuana in your home, there might be, there might be the possibility of incarceration. But if you have an ounce or less, in the privacy of your home as a first offender, you will be treated with a violation and you will not go into the correction system.

I might say, that with the permission of the senior senator from Fairbanks, she pointed out to me that in the position statement, Madam President, of the Alaska Chiefs of Police Association, the Alaska Peace Officers Association and the FBI National Academy Associates concerning legislative proposals before the 15th Alaska State Legislature, published in January 1988, a month ago, at page three of that report, this is what the people who deal with this problem say, and some of them are in the gallery. If you want to stand at ease and talk to Ann Newell of the Police Department and ask her about this, she'll confirm what I'm telling you.

They wrote: "Our three organizations know of no police department that would undertake an intensive enforcement effort against persons possessing small amounts of marijuana, if possession would be recriminalized. Frankly, there are more urgent needs to be addressed. Therefore, we would support a citation, mail-in bail approach, as is now used for most traffic infractions. The APOA (Alaska Peace Officers Association) is more interested in consistency of our laws, and sending a clear message about marijuana to our youth, rather than a harsh enforcement program."

I'd like to point out that Senator Fanning, Senator Fahrenkamp and I, have actually gone beyond what the Peace Officers Association say we ought to do. They speak to a mail-in citation program. We say you'll have a court appearance and fine you and we'll treat you as a violator. But we agree with them that we should keep these people, who are first offenders, out of the correction system. So I think our amendment is reasonable, it's balanced, it will help the constitutionality of this bill, if the bill is passed and goes to the Governor and is signed. It strengthens the program. It sends a message. It cuts the cost. It's a good amendment and I hope the Senate will adopt it. I move the amendment.

Fischer The objection centers around, we talk about mixed signals and I don't know if this body knows but right now it still is federal law that any amount of marijuana, any amount, is subject up to a year imprisonment and \$5,000 fine. The way the bill is written now, it still gives the court discretion. You may get a situation, I don't think anyone wants to see a kid in jail. I sure don't. I don't think anybody here does. But you may have a situation where there are other circumstances, in addition to that marijuana, which may be a reflection that the judge may want to give this kid a day or two in jail. But I don't perceive, and if they're not going to, if the law folks aren't going to all .. to try to make it work, at least the message is there, that we are somewhat similar, we're not contrary to federal law.

Oregon has a law, everyone says gee, Oregon is a neat place to go, they have a law now that under an ounce it's just \$100 fine. They are now trying in Oregon to get a stiffer penalty by the Legislature. They see what's happening in Oregon. Not only that, in Oregon back in 1986 they went to the people for pot legalization and came out 3-1 against. That was a referendum where 780,000 people said that they don't want to see it legal. Only 280,000 said they did. I don't think there's much difference between the folks in Oregon and the folks in Alaska.

Josephson First of all Madam President, we're not talking whether or not marijuana should be recriminalized. This body voted yesterday overwhelming to do that. That is not the issue presented by the amendment. Nor is the issue what happens if you are on a federal enclave. If someone from Alaska drives onto Elmendorf Air Force Base with marijuana in his or her car, that person ought to know that there are federal rules that apply.

What we're talking about is the privacy of your own home, your own dwelling. There's a slogan that that place is your castle. There is a privacy amendment which the people of this State adopted and voted for. That's what

lead to the Ravin case. The people's vote for the privacy amendment. Oregon may not have that clause. Maybe in Oregon the people didn't vote for a privacy amendment. I was here when this Legislature submitted the privacy amendment to the people. We forget that it was a referendum of the people that gave rise to the amendment that the court interpreted. So the issue of what is going on in Oregon is immaterial. The issue of the federal situation is immaterial. I hope we don't get to the point where we just ape the federal government and don't adept to the realities of the Alaska situation. I think we should follow the Peace Officers recommendation and adopt the amendment.

Fahrenkamp Madam President, the former speaker pretty well covered what I was going to say other than in Section 22 that was passed in 1972 by the referendum by which he talks gave this right to privacy to the State of Alaska. It was by the people of Alaska. We're talking about two things here. We're talking about marijuana which everybody wants to send a message that we don't condone. But we're also talking about the privacy of the home which the people of this state absolutely said they want. We are different from most every state in the union. There are three of us as states who have this amendment. If what we want to do is change this amendment, then what we should be looking at is a change to our Constitution that will make this type of legislation legal. As it is today, we have a point by point rebuttal of every point on this law that says it will not meet the constitutional test. We have the Ravin case in which they've taken each point in this legislation and gone through it to say it will not be upheld in court. We are passing legislation that will strictly go straight to court. And we know that as we pass it. So what we are doing really, if we do not pass this amendment, we're diverting enforcement monies that could be used for serious crimes to crimes that are invasion of privacy of the home. That's what this amendment is trying to do. I urge it's approval.

Abood I want to be sure I get this straight in my own head. Let's assume that for a moment that a high school kid is caught with marijuana on him. You know we got it in the schools. I think the enforcement ought to start there, real enforcement. Now this bill, without the amendment, states that if this child is arrested, even if it's planted on him, you might say, maybe he's in trouble with some of the other kids in school, who knows, that that child is going to be picked up and he's going to have to go to jail. If he's a minor he's going to go into the correctional institution for doing that. Am I correct in that assumption? The bill the way it is now?

Josephson I'll try to do this winging it. First of all, if you're talking about a minor, you're talking about the juvenile system and that's not the adult system. The difference is, as Senator Fischer said yesterday, under SB 32 without the amendment that is pending or which was offered yesterday, it does not necessarily follow that the offender who is arrested and convicted will go to jail or to prison. But the possibility exists and it will be a case-by-case judgment for the judge to make that decision. I argued yesterday that given the experience with situations where we offer judges latitude in what they do, we often have found problems with that. I think we will find problems in the way marijuana offenders are treated. Some will get a slap on the wrist and some will serve a lot of time. What we're trying to do is avoid giving the judge that option. But this amendment only applies if it's less than an ounce, in the privacy of the home, and is a first offender. We're trying now, in this amendment, to keep out of the system a really small class of people. Not your dealers, not your repeated offenders who have prior violations and not the people who have a lot of substance in their possession.

Aboud Well then by using that philosophy, I guess then that we could save a lot of money if I had gone along, or anyone else had gone along, with Mr. Kibbey's (sp?) suggestion that we not give jail term, 72 hours in jail, for the first offenders of drunk driving. So I find myself caught between these things. In one sense and one part of what the Senator from downtown Anchorage has brought up, I can agree with a portion of that. But I can't agree with the total philosophy of using first time offenders. I think we're talking about the privacy of the home and I'm all for that. What we do in our home is our own darn business. But when you're taking the first offenders and making it easier on them, we can do that with the drunk driving law, too. And none of you would put up with that for five minutes, as evidence of the upheaval of the people when Mr. Kibbey attempted to knock out the 72 hours in jail for drunk driving for first offenders. That's who we're trying to stop to begin with. Perhaps if our penalties are sharper for the first offenders, we may not get to the second offenders. So again, that particular philosophy bothers me so I'm not sure I want to vote on it.

Fahrenkamp Madam President, in response to the former speaker, it would be very difficult for any drunk driver to be driving in the home. We're talking about the home! Now if we are really after drug and alcohol abuse and we are carrying out the intent of this legislation, then alcohol we know is just as bad as marijuana. What are we going to do, say ok, if you're having a drink in your home the police

have a right to arrest you and put you in jail. That's comparable with this, not driving while drunk. None of us wants to see drivers drunk on the road. It's too dangerous for the health of others.

Fanning With all due respect, I must point out to my distinguished colleague that the analogy was not a very good one. What we're talking here about, drunk driving has always been a violation. It just happens that today small quantities of marijuana in the privacy of your home are legal. Without the amendment, this bill would make any quantity illegal. The amendment will also make any quantity illegal. The difference is that the amendment makes any quantity illegal but the penalty is a violation not a potential for a \$1,000 fine or up to 90 days in jail, depending on the discretion of a judge.

I think the mixed signal that we send, if we don't adopt the amendment is that some of 20,000 users are going to be sent to jail and it's not going to cost anything. Now Alaskans know better than that. We in this Legislature know better than that. The mixed signal we send if we don't adopt this amendment is that we're passing a law which the police officers have said they are not going to make a concerted effort to enforce. That's a mixed signal. If we pass this amendment, we send a more clearer signal.

The substance of the Ravin decision as has been stated was that the Legislature, in criminalizing marijuana, has not offered sufficient evidence that marijuana was harmful and therefore it did not justify denying Alaska citizens the right to privacy in their homes. Now the Legislature is attempting to do this through the bill what it didn't do previously.

Do the facts now support the invasion of privacy? Do the findings in SB 32 substantiate that marijuana is a dangerous substance, so dangerous as to permit the State to deny us one of our most significant constitutional rights? I don't think so.

After all, there are two sides to every question. The findings the HESS Committee has chosen to include are obviously only those that support the bill's conclusions. There are other facts, Madam President, contrary to those used to support the bill. They should have been included if we were truly examining facts of marijuana and the effects of it's usage in our society. I think it is interesting to note that a member of the other body, as was pointed out yesterday, requested research on this bill last year and specifically directed the researcher to leave out information contrary to the foregone conclusions. The court is going to take note of that.

What about our basic right to privacy in our homes, Madam President? We agree that to a certain point, the State has a compelling interest to enter a person's home, if

a crime is being committed, if a murder is about to take place, or if a child is being abused. None of us would argue that the right to privacy should keep the police out. But what we're talking about here is smoking marijuana. It's an entirely different activity. Although smoking marijuana may be harmful to individual self, most users know this if it is, just as those who use alcohol and tobacco know the harmful effects of those substances. Some marijuana users, of course, dispute the degree of harmfulness. And others chose to ignore whether it's harmful or not but that doesn't give up the State license, in my opinion, to violate the basic constitutional right of those Alaskans. I urge the adoption of the amendment.

Kerttula Point of information. We have a vision of three or four storm troopers running up the door and breaking in. You know, as a matter of fact, my memory of the Ravin decision is it had everything to do with an automobile. As a matter of fact, I believe it was an automobile that was apprehended in some parked area, that's my memory of it, not a home. Just for a point of information.

Halford I think that is correct. It was a van. As I recall, you can get prosecuted in your home for drunk driving, that's what motor homes are (laughter).

Josephson This amendment which takes certain people out of the correction system only applies to people who are not in a public carrier or in a public place or in a public street or sidewalk. So, come on guys, we're not talking about highway use or cars. We are talking about the home situation. Now it may not be an unrealistic thing to fear, thank God, in this great State, that we have storm troopers knocking on doors. Willy nilly. But you may have officers calling at your house to serve a subpoena or to perform an investigation or to respond to a domestic argument in the home. That is the kind of thing that will bring people to your door. The siting of marijuana under this language without the amendment will lend to exposure to incarceration if that is what you want.

Now the Chair of the HESS Committee mentioned Oregon. He said they reduced the penalty to \$100. Well, with this amendment, we will have a penalty that is ten times greater than in Oregon. Ten times greater! A penalty of \$1,000 plus 90 days in jail. This amendment should be adopted.

Fischer There was mention earlier by my colleague from Fairbanks, to the immediate right. The inference is that marijuana is legal. It is not legal in the State of Alaska, even up to four ounces. It is still illegal by federal statute. So don't play games with the kids and this is what we're doing. It is not legal and we could argue forever

that it is in the State of Alaska but it is not according to federal law. I think we do have also a federal law in the federal Constitution that if we're talking about quantities, let's just take Texas, for example, and let's take the other extreme. If you're caught in Texas with over five pounds of marijuana, trying to sell it, it's up to life. They don't fool in Texas. The other thing is, as far as privacy of the home, it doesn't extend to cocaine and it doesn't extend to other kinds of drugs. So all we're saying here is let's make a clear message to kids, as to everybody, that we're not going to tolerate. Give the court some flexibility. A judge is not going to give a first time kid time. He's going to give him maybe a \$25 fine or \$35 fine. But the discretion has to be there.

Jones Madam President, I hear a big concern here about putting kids in jail. You know, I hear the other side of it. I keep hearing that judges are too doggone lenient with these offenders with drugs. They go into court and the first thing you know they're back out on the street again. We had an incident in Wrangell. I heard from the people in Wrangell that they were mad as heck that the magistrate there let a bunch of people out when they, the people in Wrangell, thought should have been in jail. So I hear the other side of it, all the time, about, hey, the judges are too lenient. I see nothing wrong with SB 32 the way it stands and I haven't heard anything from the police officers in my communities, in Petersburg, Wrangell and Ketchikan, saying they have a problem with SB 32 the way it was passed yesterday. I'm going to vote against this amendment. Thank you.

Amendment #2 failed the Senate by a vote of 3-15 (with Senators Fanning, Fahrenkamp and Josephson voting in favor).

Josephson Madam President, yesterday I voted for this bill in final passage. I'm not going to do that today. I'm not going to vote for this bill today. I'm going to be proud not to vote for this bill today. I should have voted no yesterday because what the Senate is doing is adopting a bill that is likely to be unconstitutional. You can go home and you can be proud of your vote because you're voting your conscience, just as I'm voting mine. But in a few years when that court decision comes down, the public will look at this and say we made a mistake. We should have taken a more moderate approach towards this.

The pros, the positive things about this bill that I like are that it may reduce the consumption of marijuana, which I'm against, and it may send a message to people which we want to do.

But the negative part about it, the unrealism of the fiscal notes, absolutely unrealism about the fiscal notes.

The problems that the Senator from Fairbanks mentioned about unconstitutionality, the disregard for the privacy amendment, which the people voted for, because they have a sense of the sanctity of their own home. The unreasonableness of the penalties that you are imposing in this bill as you have it today. Unreasonable penalties. After all, we're not talking about someone on a highway who is endangering someone else. We're talking about someone, as the junior Senator from Fairbanks said, who is making a private decision about his or her own body in the privacy of his or her own home. I think the penalties are poor and I think they weaken the opportunities for a constitutional approach to the problem. I cannot vote for this bill in this form. I hope that the House improves it, perhaps they will, perhaps we will get a bill back from the House that will be acceptable and that I can vote for. But I'm voting no today.

Fahrenkamp Madam President, I'm very much against drug abuse. I taught school. I've seen the results of it. We have very strong laws to protect our kids in school. We have very strong laws, not enforced, this is going to be another one, not enforced. The sponsor of this bill says people won't put them in jail. How do we know that? We've passed too many bills here that we have seen the results of the intent of the Legislature and what's happened. If this bill were speaking to a violation, I could support it. But I cannot support a bill that will allow people that will go into the homes, give kids records for life, that we voted not to expunge, that will stay with them for the rest of their life. Frankly, I'm very grateful that my kids are raised, that they don't have to be raised up in this type of a climate where they are experimenting, making a mistake that will be with them for life. Even if they go to the military, they can't become a captain or officer. I think we're just not thinking through what we're doing here as we violate by writing a law or passing a law that we know is in violation of the constitution, that has been judged so by the Supreme Court. I have here from our legal, from our Attorney General's office, absolute reports. I did not ask them to have a favorable report, in my opinion. I was trying to get the opinion of the courts on whether or not this bill was constitutional. It does not hold up. It does not meet the test. I cannot support it.

Fanning Thank you Madam President. I'm sure it comes as no surprise that primarily because of the unconstitutionality, in my opinion of this legislation, that I again am going to vote no on the bill. I would like to just briefly point out that I think other members of this body must agree there is some question about the question of the constitutionality because there's another piece of

legislation that's apparently introduced in this body, and if it were accompanying this, I think it's a good idea. That's the one that suggests, by the same sponsor of this legislation, that the right of people to the privacy is recognized and shall not be infringed as stated in the Constitution, the Legislature shall implement this section. The right of privacy does not extend to the unlawful possession or use of cocaine, heroin, marijuana, or other controlled substances. That's a constitutional question that could be placed before the people of this State. And then like the people in Oregon, the citizens of this State, if they wanted to change the Constitution, would have the opportunity to do so. That is not contained in this legislation, it doesn't accompany this legislation through the body. For that reason, and for several other reasons, I am going to vote against the legislation.

I am, Madam President, convinced that all members of this body, including myself, are seriously concerned with the excessive use of drugs, including marijuana in this state. I think it's appropriate at this time to acknowledge my appreciation to the body for participating fully in the discussion on this very comprehensive issue and for good debate on the issue. I know it's an issue which many people feel strongly about. I think it's healthy for us and for all Alaskans. I'm appreciative of the body even though I think you're making a terrible mistake.

Josephson I just want to close by saying one more thing. You've been very patient, the whole body has been. But something hasn't been said about this issue in the last couple of days. If we really want to curb drug use, we better realize that we can't do it by a zero fiscal note of the bill to punish people. We better realize that what we need is a massive education program, we need recreation programs, we need to fill people's time with constructive socially useful programs, we need jobs, we need education. We need to explain to people that when they smoke marijuana or ingest cocaine, they are contributing to dictatorships in Panama and Columbia and countries like that, creating instability around the world. That's the kind of program that we really need. That's the kind of message we really have to give. One thing that disturbs me is that as we talk about how we're going to solve the marijuana problem by SB 32, we're not really addressing the real causes of boredom and frustration and poor self imagining. Some approach through the criminal justice system is certainly part of a complement, if it's a good constitutional approach, to a complement of measures that you can take. But the real answer doesn't lie here, the real answer is going to lie in our classrooms, in parent training, in health care, in early intervention for children in need. That's where the problem is going to be solved and not in SB 32.

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CSSB 32 (HESS) passed the Senate by a vote of 15-3 with Senators Fahrenkamp, Fanning and Josephson voting against.

# Alaska State Legislature

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



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## 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

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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.

# Alaska State Legislature

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## 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.

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