

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5244 SHES SB 32

816



# Alaska State Legislature

## Senate

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 99811

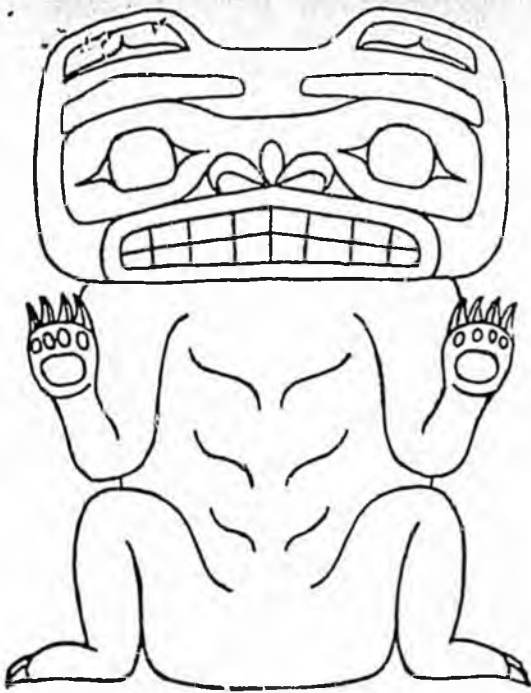
### MEMORANDUM

TO: Representative Alice Hanley  
FROM: Senator Lloyd Jones *LJ*  
RE: Saxman resolution on Marijuana  
DATE: January 27, 1987

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Attached for your perusal is a resolution that has been sent to my office from the City of Saxman.

Should you have any questions, please give me a call.



## **City of Saxman**

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

CITY OF SAXMAN

RESOLUTION NO. 87-01-030

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

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

NOW THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF SAXMAN, ALASKA does hereby petition the Governor of the State of Alaska, the Alaska State Legislature and the Alaska Supreme Court to take immediate steps to repeal statutory and constitutional protection for use and possession of marijuana in the State of Alaska in order to promote the general health, welfare and public safety of the citizens of Saxman and the State of Alaska; and

DO HEREBY FUTHER DIRECT the City Clerk to send copies of this resolution to Governor Cowper, Senator Jones, Representative Taylor, Representative Sund, Tlingit and Haida Central Council, the Attorney General and the Alaska Municipal League.

**CERTIFICATION:** Approved by a vote of 5 for and 1 against on this 19th day of January, 1987, constituting a majority of the member of the Council.



*Nora DeWitt*  
\_\_\_\_\_  
Nora DeWitt  
Administrative City Clerk

*James E. Swink*  
\_\_\_\_\_  
James E. Swink, Mayor

# TOGIAK CITY COUNCIL

P.O. Box 99  
Togiak, Alaska 99678  
(907) 493-5820

April 15, 1987

Representative Alyce Hanley  
4007 Brentwood Circle  
Anchorage, Alaska 99502

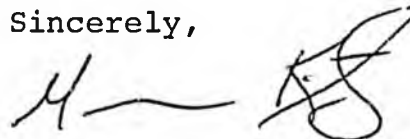
Dear Ms. Hanley,

I am writing to tell you that I am grateful for your support on the recrimination of marijuana. I really appreciate what you are trying to do about the issue.

Would you please keep me informed on the issue? I would really appreciate that.

Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to be 'M. Kritz', written over a horizontal line.

Moses Kritz  
Togiak Mayor

MK/lma



# Alaska State Legislature

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## House of Representatives

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4007 BRENTWOOD CIRCLE  
ANCHORAGE, ALASKA 99502  
(907) 243-7574

REPRESENTATIVE  
**ALYCE HANLEY**  
DISTRICT 9, SEAT B

---

WHIP IN JUNEAU  
B' /  
JUNEAU, ALASKA 99811  
(907) 465-4939

April 6, 1987

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MEMBER  
HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE  
REGULATION REVIEW COMMITTEE

Mayor Moses Kritz  
Mr. James Forbes  
Togiak City Council  
P. O. Box 99  
Togiak, Alaska 99811

Dear Sirs:

Thanks for your letter expressing your concerns with marijuana. I am writing to tell you that I haven't given up and will continue to fight for the recriminalization of marijuana.

I thought you might be interested in the letter I have just completed to Governor Cowper. There are several legislators here in Juneau who are determined to continue this battle throughout the two years of this session.

I appreciate having your suggestions and knowing of your concerns. Thank you again for taking the time to write.

Sincerely,

A handwritten signature in cursive script that reads "Alyce".

Alyce Hanley  
Representative

AAH:cas

Enclosure (1)

# TOGIAK CITY COUNCIL

P.O. Box 99  
Togiak, Alaska 99678  
(907) 493-5820

February 25, 1987

Representative Alvee Hanley  
Alaska State Legislature  
Fourth V  
Juneau, Alaska 99811

Dear Mr. Hanley:

So recrimnalization of marijuana is out for Alaska. It seems the private rights of some are more important than the future generation of Alaskans.

Well, okay. Then how about if we look at the dope situation from a different approach. In Alaska, to sell alcoholic beverages, you must have a liquor license and in Canada you go to a state liquor store to buy liquor. Since marijuana is a drug, why not at least have it licensed so we can get it out of the hands of dope dealers and criminals.

Here in the village of Togiak, the kids pay \$10.00 for about \$.50 worth of marijuana in one tiny cigarette.

If the city here was selling the drug out of the clinic at the price of \$2.00 (\$1.00 cost, \$1.00 city tax, \$1.00 state tax) then the dope business could be taken out of the hands of the criminals and dope dealers who are ripping off all of us.

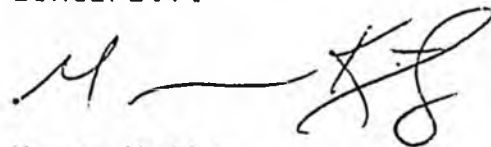
Representative Alvce Hanley, Page 2

Yes, all of us. They pay no taxes because they show no income. This also allows them to sit back on welfare, energy assistance, and food stamps so the state is already financing the dope business. Also, by charging such high prices for an addictive substance, our local economy is going up in smoke.

Another point which should be brought up is if the legislature is really concerned about peoples' rights is the quality of the marijuana. I think it should be tested for pesticides and other harmful pollutants. It should also be tested for impurities or more harmful drugs which may be mixed into the marijuana.

It seems to me if you legislatures can't make marijuana illegal, the least you can do is make it a controlled substance which is controlled by the state just like alcohol.

Sincerely,



Moses Kritz  
Mayor



James Forbes  
Local Resident

CITY OF VALDEZ, ALAKSA

RESOLUTION NO. 8711

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

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

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

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

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

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

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

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

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

CITY OF VALDEZ, ALASKA

BY: John Devens

John Devens, Mayor

ATTEST:

BY: John Thorp

John Thorp  
Acting City Manager

NORTHWEST ARCTIC BOROUGH

RESOLUTION 87-26

A RESOLUTION OF THE NORTHWEST ARCTIC BOROUGH ASSEMBLY SUPPORTING RECRIMINALIZING THE POSSESSION AND USE OF MARIJUANA.

WHEREAS, drug abuse has become a major problem in the villages of rural Alaska; and

WHEREAS, the State Legislature has decriminalized the use and possession of marijuana; and

WHEREAS, research has shown the harmful effect of marijuana use; and

WHEREAS, many people look at marijuana as a starting point for drug use; and

WHEREAS, the current law concerning use and possession of marijuana is giving our youth the message that it is O.K. to use drugs.

NOW THEREFORE BE IT RESOLVED: that the Northwest Arctic Borough Assembly and the Northwest Arctic Borough School District by their Resolution 088-002 go on record in support of recriminalizing the possession and use of marijuana and request the State Legislature to reevaluate the current law and pass legislation to change the current law making possession and use of marijuana illegal.

PASSED AND ADOPTED THIS 13th DAY OF October, 1987.

M. Marguerita Phillips  
Borough Clerk

ATTEST:

SIGNED AND APPROVED THIS 14th DAY OF October, 1987.

[Signature]  
Mayor



# City and Borough of Sitka

304 LAKE STREET . SITKA, ALASKA . 99835

March 26, 1987

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

Dear Senator Fischer:

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

Sincerely yours,

Richard Anderson  
Administrator

enclosure

cc: Senator Lloyd Jones/encl.

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 87-341

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

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

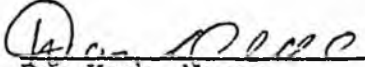
WHEREAS, marijuana represents a special danger to our children, our most important asset; and

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

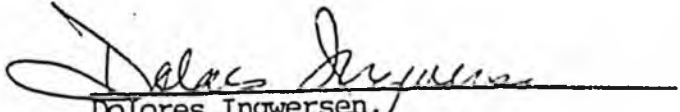
WHEREAS, our authorities need the means to combat the possession and use of marijuana,

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

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

  
Dan Keck, Mayor

ATTEST:

  
Dolores Ingwersen,  
Municipal Clerk

# CITY of WRANGELL, ALASKA

INCORPORATED JUNE 15, 1903

BOX 531, 99829 (907) 874-2381



ADOPTED AUGUST 1972

February 11, 1987

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

Dear Governor Cowper:

Attached hereto is a copy of the City of Wrangell Resolution No. 92-87-263 urging the Alaska Legislature to criminalize the act of possession of marijuana in any amount.

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

Sincerely,

A handwritten signature in cursive script that reads "Joyce Rasler".

Joyce Rasler  
City Manager

Attachment:

cc: Representative Taylor  
Representative Sund  
Senator Jones

CITY OF WRANGELL, ALASKA

RESOLUTION NO. 02-87-263

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

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

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

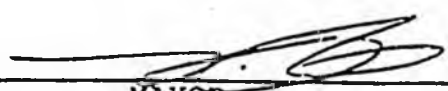
WHEREAS, the THC content of a marijuana cigarette is as high as ten percent today as compared to one percent ten years ago; and

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

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

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

PASSED AND APPROVED February 10, 1987

  
MAYOR

ATTEST:

  
CITY CLERK

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

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

FURTHER: JUDICIARY  
*Finance*

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

1/19/87 DATE TURNED INTO OFFICE 3/31/87

Mr. President:

HESS Committee considered SB 32

~~relating to~~ marijuana; efd.

and recommended:

replace with CS SB 32 (HESS)  same title  
 new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted and attached

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

MEMBERS SIGNING DO PASS

*[Signature]*  
*[Signature]*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER RECOMMENDATIONS

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

*Paul Frank Do Pass*  
Chairman signature and recommendation

Committee Backup Attached

FISCAL NOTE

REQUEST:

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

Agency Affected: Department of Law  
BRU: Prosecution

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

Components: Third District, Fourth District, Criminal Justice Litigation

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		237.1	217.1	198.0	204.0	210.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Please see attached analysis.

Prepared by: Richard I. Pegues, Director  
Division: Administrative Services  
Approved by Commissioner: Grace Berg Schaible, Atty. Gen.  
Agency: Department of Law

Phone: 465-3672  
Date: February 17, 1988  
Date: February 17, 1988

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

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

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

## 1. Defending the New Law

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

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

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill Resolution No. SB 32

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

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

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

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

## 2. New Criminal Cases

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

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

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

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

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

### 3. Public Education

In order to inform the public of the changes in the law, the Department of Law will develop and disseminate public notices explaining the new law. These notices will include newspaper ads and brochures, and will be modeled upon the public education notices which were distributed statewide in connection with the new drug law in 1982 and the new DWI and drinking age laws in 1983. Based upon experience with these earlier notices, approximately \$13,000 will be needed to cover the costs of writing, layout, typesetting, publication, and distribution.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis

1. Defending the New Law

Admin. & Support Component/Prosc. - BRU

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

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis - (cont'd)

2. New Criminal Cases

Third Judicial District - Anchorage

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

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis - (cont'd)

Fourth Judicial District - Fairbanks

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis - (cont'd)

3. Public Education

Admin. & Support Component/Prosc. BRU

<u>Object</u>	<u>Total</u>
Contractual Services - one time writing, layout, typesetting, publication and distribution of public notices and information brochures describing the changes in the law.	13.0 18.0
	-----
	18.0

Summary of Expenses

	<u>Defending the new law</u>	<u>New Criminal Cases</u>	<u>Public Education</u>	<u>Total</u>
Personal Services		160.9		160.9
Travel .		5.4		5.4
Contractual	24.9	10.8	13.0	53.7
Commodities		12.6		12.6
Equipment		4.5		4.5
	-----	-----	-----	-----
	24.9	194.2	18.0	237.1

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

Position Title Attorney III		No. of Positions 2	Range/Step 22A	Barg. Unit PX
Time Status PFT	Staff Months 24	Location EBA - Anchorage		Election District 6
Type of Expenditure		Justification		
		These two full-time attorney positions are required at Anchorage to handle the influx of new cases that will result when marijuana violations, or any use of marijuana, which is not now a violation, become misdemeanor offenses. Prosecutors expect that at least a few hundred such offenses will occur each year as a result of the enactment of this bill. These positions will be responsible for prosecuting those new cases that are brought in the Third Judicial District and handling appellate briefs and appeals hearings. Because these new cases will be classed as misdemeanor offenses, allocation of the positions to the Attorney III level is appropriate.		
Amount				
1		2		
3				
Salary	98,380			
Benefits	26,834			
Premium Pay				
Other				
Total Personal Services	125,214			
Travel	3,600			
Contractual	7,200			
Commodities	8,400			
Equipment	3,000			
Other				
Total Cost	147,414			
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	147,414		
I-A Receipts	1006			
CIP Receipts	1051			
Other				

Request For  
Position

Agency Department of Law  
 BRU Prosecution  
 Component Third Judicial District

FY 89

Page 1 of 2  
 Revised Date

Position Title Attorney III		No. of Positions	Range/Step 22A	Barg. Unit PX
Time Status PPT	Staff Months 12	Location JBA - Fairbanks		Election District 16
		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary	28,128			
Benefits	7,576			
Premium Pay				
Other				
Total Personal Services		35,704		
Travel		1,800		
Contractual		3,600		
Commodities		4,200		
Equipment		1,500		
Other				
Total Cost		46,804		
Funding Source for Total Cost				
Federal Receipts	1002			
G. E. Match	1003			
General Fund	1004	46,804		
I-A Receipts	1006			
CRP Receipts	1061			
Other				

This permanent part-time position at Fairbanks is required to handle the influx of new cases that will result when marijuana violations, or any use of marijuana, which is not now a violation, become misdemeanor offenses. Prosecutors expect that at least a few hundred offenses will occur each year as a result of the enactment of this bill. This position will be responsible for prosecuting those new cases that are brought in the Fourth Judicial District. Because these new cases will be classed as misdemeanor offenses, allocation of the position to the Attorney III level is appropriate.

Request For  
Position

Agency Department of Law  
 BRU Prosecution  
 Component Fourth Judicial District

Page 2 of 2  
 Revised Date

FY 89

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_

Bill Version: SB 32  
Publish Date: \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: "An Act relating to marijuana..."

Agency Affected: Department of Law  
BRU: Prosecution

Sponsor: Sen. Fischer  
Requestor: Sen. Fischer

Components: Third Judicial District,  
Fourth Judicial District, Admin. &  
Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		237.1	217.1	198.0	204.0	210.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Please see attached analysis.

*Richard I. Pegues*

Prepared by: Richard I. Pegues, Director

Phone: 465-3672

Division: Administrative Services

Date: 3/11/87

Approved by Commissioner: Grace Berg Schaible, Atty. Gen.

Date: 3/11/87

Agency: Department of Law

Distribution (by preparer):

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

*Dept. of Law*

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

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

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

## 1. Defending the New Law

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

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

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

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

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

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

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

## 2. New Criminal Cases

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

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

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

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

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

### 3. Public Education

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

## Fiscal Analysis

### 1. Defending the New Law

Admin. & Support Component/Prosc. - BRU

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

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis - (cont'd)

2. New Criminal Cases

Third Judicial District - Anchorage

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis - (cont'd)

Fourth Judicial District - Fairbanks

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis - (cont'd)

3. Public Education

Admin. & Support Component/Prosc. BRU

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

Summary of Expenses

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

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

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

**Request For  
New Position**

Agency Department of Law  
 BRU Prosecution  
 Component Third Judicial District

Page 1 of 2  
 Revised Date

**FY 88**

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

**Request For  
New Position**

Agency Department of Law  
 BRU Prosecution  
 Component Fourth Judicial District

Page 2 of 2  
 Revised Date

**FY 88**

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

REQUEST: \_\_\_\_\_

Bill Version: SB32  
Publish Date: \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: "An Act relating to marijuana..."

Agency Affected: Dept. of Administration  
BRU: Public Defender Agency

Sponsor: Sen. Fischer, Sen Faiks  
Requestor: Judiciary

Components: Third Judicial District  
Fourth Judicial District

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

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

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

**FUNDING: (Thousands of Dollars)**

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

**POSITIONS:**

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

**ANALYSIS : (Attach a separate page if necessary)**

See attached analysis

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

Phone: 279-7541  
Date: Feb. 20, 1987

Approved by Commissioner: *Harvey Perkins*  
Agency: \_\_\_\_\_

Date: 3/6/87

**Distribution (by preparer):**

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB32

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

## BUDGET ANALYSIS

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



Position Title <b>Attorney III</b>			No. of Positions <b>1</b>	Range/Step <b>22A</b>	Barg. Unit <b>94</b>	Gov.	Approv.	Disapp.
Time Status <b>PFT</b>	Staff Months <b>12.0</b>	RP Number	Location <b>Fairbanks</b>		Election District <b>94</b>	Leg.		
Justification								
Type of Expenditure			Amount					
1			2			3		
Salary			56,244					
Benefits			18,551					
Premium Pay								
Other								
Total Personal Services						74,795		
Travel						-0-		
Contractual						5,000		
Commodities						1,000		
Equipment						1,500		
Other								
Total Cost						82,295		
Receipt Code			Funding Source					
			Federal Receipts 1002					
			G. F. Match 1003					
			General Funds 1004			82,295		
			I-A Receipts 1005					
			Program Receipts 1028					
			CIP Receipts 1061					
			Other					
For B&M Use Only Key Number _____								

This bill would result in a significant increase in criminal prosecutions as it would apply to any amount of marijuana in any location. The Public Defender Agency is requesting an Attorney III for Fairbanks to respond to the anticipated increased caseload.

**Request For  
New Position**

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

Page 4 of 4  
 Revised Date \_\_\_\_\_

**FY 87**

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: CSSB 32 (HESS)

Publish Date: \_\_\_\_\_

REQUEST

Revision Date: \_\_\_\_\_

Title: "An Act relating to the re-criminalization of marijuana.."

Sponsor: Sen. Fischer

Requestor: Senate Judiciary

Agency Affected: Public Safety

BRU: Alaska State Troopers

Components: Detachments & CIB

Narcotics

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

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

Phone: 269-5691

Date: 4/8/87

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

Date: 4/8/87

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

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page \_\_\_\_ of \_\_\_\_

LEGISLATIVE FINANCE

JNL  
4/8/87

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

**REQUEST:** \_\_\_\_\_ Bill Version: SB 32  
 Publish Date: \_\_\_\_\_  
 Revision Date: \_\_\_\_\_ Agency Affected: Alaska Court System  
 Title: An act relating to marijuana BRU: Trial Courts  
 Sponsor: Fischer Components:  
 Requestor: Senate Judiciary

<b>EXPENDITURES/REVENUES:</b> (Thousands of Dollars)						
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
<b>OPERATING</b>						
Personal Services	. . . .	143.6	143.6	143.6	143.6	143.6
Travel	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Contractual	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Supplies	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Equipment	. . . .	11.5	. . . .	. . . .	. . . .	. . . .
Land & Structures	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Grants & Claims	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>155.1</b>	<b>143.6</b>	<b>143.6</b>	<b>143.6</b>	<b>143.6</b>
<b>CAPITAL</b>	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
<b>REVENUE</b>	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

<b>FUNDING:</b> (Thousands of Dollars)						
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
General Funds	0.0	155.1	143.6	143.6	143.6	143.6
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
<b>TOTAL</b>	<b>0.0</b>	<b>155.1</b>	<b>143.6</b>	<b>143.6</b>	<b>143.6</b>	<b>143.6</b>

<b>POSITIONS:</b>						
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
Full-time	. . . .	4.0	4.0	4.0	4.0	4.0
Part-time	. . . .	1.0	1.0	1.0	1.0	1.0
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

**ANALYSIS:** (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: Karla Forsythe, General Counsel Phone: 264-0228  
 Division: Alaska Court System Date: 4-23-87  
 Approved by: *Stephanie J. Cole* Stephanie J. Cole, Deputy Director Date: 4-23-87  
 Agency: Alaska Court System

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

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APR 27 1987

LEGISLATIVE FINANCE

ALASKA COURT SYSTEM  
SB 32 - Fiscal Analysis

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

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



FIL

Senator Fischer  
Sandy Spargo

Compiled by U.S. Dep. of Justice  
Executive Office for U.S. Attorneys  
Washington D.C. 20530  
11/85

STATE MARIJUANA LAWS

STATE (Territory)	PERSONAL USE POSSESSION		POSSESSION		SALE, DISTRIBUTION, DELIVERY	
	Max. Imprisonment	Max. Fine	Max. Imprisonment	Max. Fine	Max Imprisonment	Max. Fine
ALABAMA	1 yr (for personal use)	\$1,000	min. 2-15 yrs	\$25,000	Min. 2-15 yrs	\$25,000
ALASKA	Legal to possess up to 4 oz in public  (less than 1 oz in public)	if not  \$100	90 days (4 oz to 1/2 lb) (1 oz or more in public)  1 yr (more than 1/2 lb)	\$1,000  \$5,000	5 yrs (more than 1 oz.)	\$50,000
ARIZONA	1 1/2 yrs	\$150,000	1 1/2 yrs	\$150,000	7 yrs	\$150,000
ARKANSAS	1 yr	\$1,000	1 yr	\$1,000	min. 4-10 yrs (less than 10 lbs)  5-20 yrs (10 lbs - 100 lbs)  6-30 yrs (over 100 lbs)	\$25,000  \$50,000  \$100,000
CALIFORNIA	(less than 28.5 grams)	\$100	6 mos.	\$500	4 yrs	\$10,000
COLORADO	(less than 1 oz.)	\$100	6 mos. - 2 yrs. (1-8 ozs.)  1-2 yrs (over 8 ozs.)	\$5,000	2-4 yrs	
CONNECTICUT	1 yr	\$1,000	1 yr	\$1,000	7 yrs	\$1,000

STATE (Territory)	PERSONAL USE POSSESSION		POSSESSION		SALE, DISTRIBUTION, DELIVERY	
	Max. Imprisonment	Max. Fine	Max. Imprisonment	Max. Fine	Max Imprisonment	Max. Fine
DELAWARE	2 yrs	\$500	2 yrs.	\$500	10 yrs  min. 3-10 yrs (50-100 lbs)	min. \$1,000 to \$10,000  min. \$50,000
DISTRICT OF COLUMBIA	1 yr	\$1,000	1 yr	\$1,000	1 yr	\$10,000
FLORIDA	1 yr (20 grams or less)	\$1,000	5 yrs	\$5,000	5 yrs	\$5,000
GEORGIA	1 yr (Court can CD) (1 oz or less)	\$1,000	1-10 yrs		1-10 yrs (up to 100 lbs)  min 5 yrs (100-2,000 lbs)	\$25,000
GUAM	3 mos.	\$500	3 mos.	\$500	5 yrs	\$5,000
HAWAII	30 days (1 oz. or less)	\$500	1 yr (1 oz. to 2.2 lbs)  5 yrs (over 2.2 lbs)	\$1,000  \$5,000	1 yr  5 yrs (over 2 ozs)	\$1,000  \$5,000
IDAHO	1 yr (3 ozs. or less)	\$1,000	5 yrs (over 3 ozs.)	\$10,000	5 yrs	\$15,000

STATE (Territory)	PERSONAL USE POSSESSION		POSSESSION		SALE, DISTRIBUTION, DELIVERY	
	Max. Imprisonment	Max. Fine	Max. Imprisonment	Max. Fine	Max Imprisonment	Max. Fine
ILLINOIS	30 days (2.5 grams or less)	\$500	6 mos (2.5-10 grams)	\$500	6 mos (2.5 grams or less)	\$500
			1 yr (10-30 grams)	\$1,000	1 yr (2.5-10 grams)	\$1,000
			1-3 yrs (30-500 grams)	\$10,000	1-3 yrs (10-30 grams)	\$10,000
			2-5 yrs (over 500 grams)	\$10,000	2-5 yrs (30-500 grams)	\$10,000
					3-7 yrs (over 500 grams)	\$10,000
INDIANA	1 yr (up to 30 grams)	\$5,000	2 yrs (over 30 grams)	\$10,000	1 yr (up to 30 grams)	\$5,000
					2 yrs (30 grams - 10 lbs)	\$10,000
					5 yrs (10 lbs or more)	\$10,000
IOWA	6 mos	\$1,000	6 mos	\$1,000	5 yrs	\$1,000
KANSAS	1 yr	\$2,500	1 yr	\$2,500	3-20 yrs (sale)	\$15,000

STATE (Territory)	PERSONAL USE POSSESSION		POSSESSION		SALE, DISTRIBUTION, DELIVERY	
	Max. Imprisonment	Max. Fine	Max. Imprisonment	Max. Fine	Max Imprisonment	Max. Fine
KENTUCKY	90 days (less than 8 ozs.)	\$250	1 yr (over 8 ozs.)	\$500	1 yr (less than 8 ozs.)  1-5 yrs (8 ozs. - 5 lbs)  5-10 yrs	\$500  \$10,000  \$10,000
LOUISIANA	6 mos (up to 100 lbs)	\$500	6 mos (up to 100 lbs)  5-15 yrs (100-2,000 lbs)  15-25 yrs (over 2,000 lbs)	\$500  \$50,000  \$200,000	10 yrs	\$15,000
MAINE	(usable amount)	\$200	1 yr (1 1/2 ozs - 2 lbs presumed furnishing)  5 yrs (over 2 lbs presumed trafficking)	\$1,000  \$2,500	1 yr (up to 2 lbs)  5 yrs (2-1000 lbs)  10 yrs (over 1,000 lbs)	\$1,000  \$2,500  \$10,000
MARYLAND	1 yr	\$1,000	1 yr	\$1,000	5 yrs  25 yrs (import 100 lbs or more)	\$15,000  \$25,000

STATE (Territory)	PERSONAL USE POSSESSION		POSSESSION		SALE, DISTRIBUTION, DELIVERY	
	Max. Imprisonment	Max. Fine	Max. Imprisonment	Max. Fine	Max Imprisonment	Max. Fine
MASSACHUSETTS	6 mos	\$500	6 mos	\$500	2 yrs	\$5,000
					2 1/2 - 15 yrs (50-100 lbs)	\$10,000
					3-15 yrs (100-2,000 lbs)	\$25,000
MICHIGAN	1 yr	\$1,000	1 yr	\$1,000	4 yrs	\$2,000
MINNESOTA	(small amount)	\$100 and drug education	3 yrs	\$5,000	5 yrs	\$30,000!
MISSISSIPPI	(1 oz or less)	min \$100 max \$250	3 yrs (1 oz to 1 kilo)	\$3,000	3 yrs (1 oz or less)	\$3,000
			20 yrs (1 kilo or more)	\$1,000,000	20 yrs (1 oz to 1 kilo)	\$30,000
					30 yrs (over 1 kilo)	\$1,000,000
MISSOURI	1 yr (35 grams or less)	\$1,000	5 yrs (over 35 grams)	\$1,000	5 yrs to Life	

STATE (Territory)	PERSONAL USE POSSESSION		POSSESSION		SALE, DISTRIBUTION, DELIVERY	
	Max. Imprisonment	Max. Fine	Max. Imprisonment	Max. Fine	Max Imprisonment	Max. Fine
MONTANA	6 mos (60 grams or less)	min \$100 max \$500	5 yrs (over 60 grams)	\$50,000	min 1 yr to life	\$50,000
NEBRASKA	(1 oz or less)	\$100	7 days (1 oz to 1 lb)	\$500	5 yrs	\$10,000
			5 yrs (over 1 lb)	\$10,000		
NEVADA	1-6 yrs	\$5,000	1-6 yrs	\$5,000	1-20 yrs	\$20,000
					min 3 - 20 yrs (100-2,000 lbs)	\$25,000
					min 5-20 yrs (2,000-19,000 lbs)	\$50,000
NEW HAMPSHIRE	1 yr (less than 1 lb)	\$1,000	7 yrs (1 lb or more)	\$2,000	15 yrs	\$2,000
NEW JERSEY	6 mos  (less than 25 grams)	\$500 ~ Risk losing driver's license	5 yrs	\$15,000	5 yrs	\$15,000
NEW MEXICO	15 days (1 oz or less)	\$50 min \$100 max	1 yr (1-8 ozs)	\$100 min \$1,000 max	18 mos (less than 100 lbs)	\$5,000
			18 mos (8 ozs or more)	\$5,000	3 yrs (over 100 lbs)	\$5,000

STATE (Territory)	PERSONAL USE POSSESSION		POSSESSION		SALE, DISTRIBUTION, DELIVERY	
	Max. Imprisonment	Max. Fine	Max. Imprisonment	Max. Fine	Max Imprisonment	Max. Fine
NEW YORK	(less than 25 grams)	\$100	3 mos (25 grams - 2 ozs)	\$500	1 yr (25 grams or less)	\$1,000*
			1 yr (2-8 ozs)	\$1,000	4 yrs (25 grams - 4 ozs)	\$5,000*
			4 yrs (8-16 ozs)	\$5,000	7 yrs (4-16 ozs)	\$5,000*
			7 yrs (16 ozs - 10 lbs)	\$5,000	15 yrs (over 16 ozs)	\$5,000*
			15 yrs (over 10 lbs)	\$5,000	* Fine can be double the penuniary gain from crime.	
NORTH CAROLINA	(1 oz or less)	\$100	5 yrs (1 oz - 50 lbs)	discre- tion of Judge		
			min 5 yrs (50-100 lbs)	\$5,000 min. Max up to Judge		
			min 7 yrs (100-2,000 lbs)	\$25,000 minimum		
			min 14 yrs (2,000-10,000 lbs)	\$50,000 minimum		

STATE (Territory)	PERSONAL USE POSSESSION		POSSESSION		SALE, DISTRIBUTION, DELIVERY	
	Max. Imprisonment	Max. Fine	Max. Imprisonment	Max. Fine	Max Imprisonment	Max. Fine
NORTH DAKOTA	30 days (less than 1/2 oz)	\$500	1 yr (1/2 - 1 oz)	\$1,000	10 yrs	\$10,000
			5 yrs (over 1 oz)	\$5,000	20 yrs (100 lbs or more)	\$10,000
OHIO	(under 100 grams)	\$100	30 days	\$250	5 yrs (less than 200 grams)	\$2,500
			5 yrs (200-600 grams)	\$2,500	10 yrs (200-600 grams)	\$5,000
			10 yrs (over 600 grams)	\$5,000	15 yrs (over 600 grams)	\$7,500
OKLAHOMA	1 yr	\$1,000	1 yrs	\$1,000	min 2-10 yrs	\$5,000
OREGON	(1 oz or less)	\$100	10 yrs	\$100,000	10 yrs (sale)	\$100,000
PENNSYLVANIA	30 days (30 grams or less)	\$500	1 yr	\$5,000	5 yrs	\$15,000
					10 yrs (over 1,000 lbs)	\$100,000
PUERTO RICO	3 yrs	\$5,000	3 yrs	\$5,000	12 yrs	\$20,000
RHODE ISLAND	1 yr	\$500	1 yr	\$500	30 yrs	\$50,000

STATE (Territory)	PERSONAL USE POSSESSION		POSSESSION		SALE, DISTRIBUTION, DELIVERY	
	Max. Imprisonment	Max. Fine	Max. Imprisonment	Max. Fine	Max Imprisonment	Max. Fine
SOUTH CAROLINA	30 days (oz or less)	\$100 min \$200 max	6 mos	\$1,000	5 yrs	\$5,000
			10 yrs (10-100 lbs)	\$10,000		
			mandatory 25 yrs (100-2,000 lbs)	\$25,000		
			mandatory 25 yrs (2,000-10,000 lbs)	\$50,000		
SOUTH DAKOTA	30 days (1 oz or less)	\$100	1 yr (1 oz - 1/2 lb)	\$1,000	min 15 days to 1 year (sale 1 oz or less)	\$1,000
			2 yrs (1/2 - 1 lb)	\$2,000	2 yrs (1 oz - 1/2 lb)	\$2,000
			5 yrs (1-10 lbs)	\$5,000	5 yrs (1/2 - 1 lb)	\$5,000
			10 yrs (over 10 lbs)	\$10,000	10 yrs (over 1 lb)	\$10,000
TENNESSEE	11 mos 29 days	\$1,000	11 mos 29 days	\$1,000	min 1-5 yrs (1/2 oz - 10 lbs)	\$3,000
					min 4-10 yrs (10-70 lbs)	\$10,000
					min 10 yrs to Life (over 70 lbs)	\$200,000

STATE (Territory)	PERSONAL USE POSSESSION		POSSESSION		SALE, DISTRIBUTION, DELIVERY	
	Max. Imprisonment	Max. Fine	Max. Imprisonment	Max. Fine	Max Imprisonment	Max. Fine
TEXAS	180 days (2 ozs or less)	\$1,000	1 yr (4 ozs or less)	\$2,000	1 yr (sale of 1/4 oz or less)	\$2,000 <sup>b</sup>
			2-10 yrs (4 oz - 5 lbs)	\$5,000	2-10 yrs (1/4 - 4 ozs)	\$5,000
			2-20 yrs (5-50 lbs) (Presumed trafficking over 50 lbs)	\$10,000	2-20 yrs (4 ozs - 5 lbs)	\$10,000
					Life or 5-99 yrs (5-50 lbs)	\$20,000
					5 yrs - Life (50-200 lbs)	\$50,000
				10 yrs - Life (200-2,000 lbs)	\$100,000	
				15 yrs - Life (over 2,000 lbs)	\$250,000	
UTAH	6 mos	\$299	6 mos	\$299	5 yrs	\$5,000
VERMONT	6 mos	\$500	6 mos	\$500	5 yrs (2 ozs or more)	\$10,000

STATE (Territory)	PERSONAL USE POSSESSION		POSSESSION		SALE, DISTRIBUTION, DELIVERY	
	Max. Imprisonment	Max. Fine	Max. Imprisonment	Max. Fine	Max Imprisonment	Max. Fine
VIRGIN ISLANDS	1 yr	\$5,000	1 yr	\$5,000	5 yrs mandatory 3 yrs (50-100 lbs) mandatory 5 yrs (200-1,000 lbs) mandatory 15 yrs (over 1,000 lbs)	\$15,000 \$25,000 \$50,000 \$200,000
VIRGINIA	30 days	\$500	30 days	\$500	1 yr (1/2 oz or less) 1-10 yrs (1/2 oz - 5 lbs) min 5-30 yrs (over 5 lbs)	\$1,000 \$1,000
WASHINGTON	90 days (40 grams or less)	\$1,000	5 yrs	\$10,000	5 yrs	\$10,000
WEST VIRGINIA	min 90 days max 6 mos	\$1,000	min 90 days max 6 mos	\$1,000	min 1 yr max 5 yrs	\$15,000
WISCONSIN	5 yrs	\$15,000	5 yrs	\$15,000	5 yrs	\$15,000
WYOMING	6 mos	\$1,000	6 mos	\$1,000	10 yrs	\$10,000

# Alaska State Legislature

SENATOR PAUL FISCHER, Chairman  
SENATOR JOE JOSEPHSON, Vice Chairman  
SENATOR LLOYD JONES  
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## Senate Committee on Health, Education and Social Services

For Immediate Release

JUNEAU - First Lady Nancy Reagan will testify on drug abuse and its effects on America at a joint meeting of the Senate Health, Education and Social Services (HESS) and Senate Judiciary Committees, Thursday, April 9, 1987, at 1:30 PM Alaska Daylight Time, in the Senate Finance Room.

Mrs. Nancy Murkowski, wife of the Alaska's U.S. Senator Frank Murkowski, will join the First Lady in testimony televised live from Washington, D.C. Mrs. Murkowski will introduce Mrs. Reagan and address questions from the Committee at the conclusion of her presentation.

Mrs. Reagan and Mrs. Murkowski are making their presentation at the invitation of Senator Paul Fischer (R-Soldotna), Chairman of the Senate HESS Committee and Sponsor of SB 32, a bill to recriminalize marijuana.

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Senator Jay Kerttula, Chairman of Senate Judiciary, has been extremely supportive in arranging for this unique occasion.

"I am very pleased that the First Lady, who has made such extraordinary efforts to address this critical national problem, can find the additional time to personally give her comments to Alaskans," said Senator Fischer. "Nancy Reagan's testimony will be a vital asset toward the passage of this bill. I appreciate the First Lady's campaign to "Just Say No." I would hope that all Alaskans will support the efforts of these two fine ladies and join the rest of the Nation in just saying "No" to drug use and abuse."

Although this is a "listen only" teleconference, Senator Fischer would like to "urge all Alaskans to access this important message. Our young people represent the future of Alaska and I would hope they would be allowed to take advantage of this important and timely message."

Senator Fischer has arranged for the First Lady's testimony to the Senate to be broadcast live statewide through the legislative teleconferencing system. The presentation will then be re-broadcast at 3:30 PM later in the day via the Rural Alaska Television Network (RATNET).

It is anticipated that Mrs. Reagan's presentation will begin at approximately 1:40 PM and last about 15 minutes with the whole hearing estimated to last one half hour.

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The broadcast is the result of cooperative efforts of the offices of Senator Frank Murkowski in Washington D. C.; Alascom; KTOO-TV, a public television station in Juneau; and the Governor's Press Office. Senator Fischer would like to personally thank all who have joined him in making this presentation possible to Alaskans.

- end -

Reprinted by:

Committees of Correspondence, Inc., 57 Conant St. Room 113, Danvers, MA 01923

Roy Zimmerman  
Attorney General  
Pennsylvania

ATTORNEY GENERAL'S POLICY  
ON DRUG ABUSE MESSAGES TO YOUTH

\*Drug prevention is the responsibility of everyone. Each of us should be intolerant of drug abuse and take a strong stand to oppose it. There is a need to be outspoken and inflexible when it comes to illegal drugs.

\*Drug abuse is wrong and unacceptable. Each individual has a responsibility to society to keep our state strong and free from drug abuse.

\*Individuals who abuse drugs should be helped to become drug free and treatment should be encouraged, but they should not be excused from personal responsibility for illegal actions.

\*Drug prevention and education go hand in hand with strict drug law enforcement. The message must be clear and consistent - drugs have a destructive impact on society as well as the individual, and the law is a direct expression of society's intolerance towards drugs. Drug education should inform young people of the drug laws and legal consequences of drug use.

\*Marijuana use/possession should be strongly opposed and remain a criminal offense. Recent research has revealed increasing evidence of marijuana's destructive effects on the brain, immune system, lungs and reproductive system of humans. Marijuana is the single best predictor of other future illegal drug use.

\*There is no such thing as responsible use of illegal drugs. Admittedly, there are "occasional abusers" or "irregular abusers" who risk criminal prosecution and further addiction and destruction.

\*There is no such thing as responsible use of alcohol for anyone under the legal drinking age. Such use is illegal and is never responsible. Alcohol is a drug and its use among minors and abuse among adults should be confronted and never excused.

\*Certain terms are misleading, detrimental and should be avoided. These include:

"Experimental Use" - drug users do not experiment with drugs as a scientist experiments with substances in a laboratory, drug users risk their very lives and futures with no control over drug purity, type, or drug effects. Such use might better be described as "gambling with drugs."

"Social Use" - drugs are anti-social and destroy families and friendships.

"Recreational Use" - using drugs is not an acceptable form of recreation - it is a chemical version of Russian Roulette.

"Mood Altering" - drugs affect brain chemistry in order to operate and are "mind altering," not just mood altering.

"Soft drug(s)" - no illegal drug is "soft" on the human body or condition; each drug has its own destructive impact on individuals and society.

"Victimless Crime" - drug abuse victimizes everyone - users and their loved ones, taxpayers, drug-related crime victims and employers. Drug proceeds often feed organized crime and international terrorists.

Permission granted to copy this material.

# A SPECIAL REPORT P.B.

## TO LOCAL POLICE FROM ATTORNEY GENERAL ROY ZIMMERMAN

Office of Attorney General, Strawberry Square, Harrisburg, PA 17120

November 25, 1986

### SPEAKING OF DRUGS: MAKING SURE KIDS GET THE RIGHT MESSAGE



The purpose of this bulletin is to provide you, Pennsylvania's law-enforcement officers, with our newly promulgated Attorney General's Drug Abuse Policy on Drug Abuse Messages to Youth.

All of us in law-enforcement have seen, and welcomed, society's increasingly serious response to the drug abuse issue. Today's concern is a far cry from the permissive atmosphere that existed 21 years ago when I first became a district attorney.

Yet we continue to see mixed and misleading messages regarding drug use being presented to Pennsylvania's young people -- messages ranging from the portrayal of marijuana as a "soft" drug to the suggestion that drugs can have a "recreational use."

These messages are not only confusing to our children, they are detrimental and often contradictory to law enforcement interests. Often they are communicated unintentionally by well-meaning individuals.

The policy statement which follows is intended to help put an end to such unintentional endorsements of drug use. I am pleased to inform you that it has already won the support of two leading national parent organizations, PRIDE (the National Parents' Resource Institute) and the Committees of Correspondence, and it has also been endorsed by the state drug and alcohol coalition, Pennsylvanians Aware.

I encourage each police department in Pennsylvania to adopt this policy, either formally or informally, as a guideline for statements issued by the department regarding drug use. In addition, I am urging the media and other groups involved in the drug-abuse issue, both public and private, to support the law enforcement community's effort to provide a clear, no-nonsense, no toleration message regarding drug use.

Continued on other side.

(2)

BEN MIRMAN, M.D., F.A.A.P.  
EDWARD JACOBS, M.D., INC., F.A.A.P.  
KATHLEEN M. HYKIN, M.D.

PEDIATRICS

August 22, 1986

Dear Ms. Cantor,

I am writing you to loudly disagree with your statement that "marijuana is not a particularly dangerous drug and is in fact one of the safest of commonly used drugs", which appeared in your column in the L.A. Times on Sunday, August 17, 1986.

Although your comments regarding alcohol, tobacco, caffeine and sleeping pills were very appropriate, it is not true that marijuana is safe. Marijuana is a crude plant containing over 400 identified chemicals of which more than 60 are psychoactive to some degree. The scientific community has studied only one, delta-9-Tetrahydrocannabinol (THC), in any depth, and knows almost nothing about the effects of all of the others or their metabolites. This represents chemical Russian roulette, and makes no sense in an age when we are so concerned about clean air, clean water and physical fitness.

We do know, however, that THC has an average half-life of approximately 4 to 5 days, which is by far the longest of any commonly used illegal drug. (One half-life is the length of time it takes the body to eliminate  $\frac{1}{2}$  or 50% of the amount of drug that is present.) Thus, it takes several weeks to totally eliminate THC from your body. Conversely, if one uses marijuana only once or twice per week, he or she not only never eliminates all the THC from their body but in fact, accumulates THC in the tissues.

Over the past several years, an increasing body of knowledge is accumulating regarding the broad range of very harmful effects of marijuana, especially on the central nervous system, respiratory tract and endocrine-reproductive system.

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In addition to the fact that marijuana causes the central nervous system effects of a decrease in short term memory, attention span, sequencing ability, concentration, coordination, visual-perceptual task performances, driving skills, and learning skills, recurrent use frequently results in personality changes, alienation from the family, deteriorating school performance and a loss of motivation.

The respiratory tract effects occur because marijuana is approximately 15 to 20 times "harsher" than ordinary tobacco cigarettes. We are all aware of the dangers associated with cigarette smoking, both actively and second hand smoking, and the rough equation is one marijuana joint equals approximately 3/4 to 1 package of regular cigarettes. Also there are approximately 50% more cancer causing (carcinogenic) hydrocarbons in a marijuana joint than in a cigarette. Plus one must take into account the significantly different inhalation smoking techniques. We do know that recurrent users have a significantly increased incidence of upper and lower respiratory infections, such as sore throats, cough, sinusitis, bronchitis, pneumonia, etc. and there is absolutely no reason to believe that the long range effects with regards to chronic lung disease and lung cancer will be any different for the marijuana user than it is for the regular tobacco smoker.

The endocrine (hormone) and reproductive system is another part of the body which is at significant risk from marijuana. One must remember that during this crucial period of physiologic and psychodevelopmental change known as puberty and adolescence, anything that interferes with the delicate balance can have potentially far reaching effects. We know that recurrent marijuana use affects both male and female hormone levels, resulting in a significant decrease in the in the male hormone testosterone, and the balance of female hormones. In females, menstrual irregularities often result. In addition, THC crosses the placenta and gets into the fetus of the marijuana using pregnant woman and may affect the brain and body development of the unborn baby. In fact, the "fetal marijuana syndrome" is a reality just as is the "fetal alcohol syndrome" and one must remember that a woman is born with all the eggs (ova) she will ever have and if anything damages one of them such as marijuana or other drugs, it may remain damaged.

If that egg becomes fertilized, whether it is during the drug using years or several years later, the potential for a baby with significant problems is very real.

Furthermore, chemical dependency treatment personnel now well recognize the existence of marijuana dependency as well as the post drug impairment syndrome which can be caused by marijuana use.

When you couple all of this information with the fact that the potency of marijuana has increased 10 to 20 times in the past several years from less than .5% THC in the 60's and early 70's to 4-6% for "street grade" and 8-12% for the more potent sensimilla variety, I believe it becomes abundantly clear that marijuana is one of the most dangerous drugs available to young people.

I would appreciate it if you would use this information to correct the impression of safety given in your column so that young people and their parents will not be victims of the myths and misinformation which has plagued us in the past.

Sincerely,

*Edward A Jacobs MD*

Associate Clinical Professor  
of Pediatrics  
USC School of Medicine and  
Chairman, Substance Abuse  
Committee California, Chapter 2  
American Academy of Pediatrics

Good Resource Books & Booklets  
marijuana references:

- 1) Not My Kid: A Parents Guide to Kids & Drugs Beth Polson & Miller Newton Ph.D.
- 2) Parents Revers and Pot: Health Communications, Inc. also U.S. Dept. H, S. S.
- 3) Parents, Revers and Pot: An Update
- 4) Kids & Drugs a Handbook for Parents and Professionals by Joyce M. Tobias R.N. pg 37-39
- 5) Pot Safari by Peggy Mann 1985  
(review of latest biological research)
- 6) Smellie is So Old - Peggy Mann
- 7) Marijuana and Youth: Clinical Observations on Motivation; Learning U.S. Dept Health & Social Services (ADONHA)
- 8) What Works Schools Without Drugs, Wm Bennett, U.S. Dept. of Ed. 1986
- 9) Report on Adverse Health & Behavioral Consequences of Cannabis Use. - by The Addiction Research Foundation of Toronto
- 10) Marijuana and Health, Institute of Medicine, Nat Academy Sciences
- 11) "Does Drug & Alcohol Use Lead to Failure to Graduate from High School?" Journal of Drug Education Vol 15(4) 1985

- 12.) Marijuana in the School: Clinical Observation and Needs " Marijuana & Youth N. Y. 1982
- 13.) Marijuana & Alcohol. S. Cohen & P. Lessor  
Am. Council on Marijuana N. Y.
- 14.) Treating the Marijuana-Dependent Person  
L. de Silva & R. L. S. Ant, Am Council on M. J.
- 15.) R. Heath, Marijuana & the Brain. Am  
Council on M. J.
- 16.) Pediatrician's View of Marijuana  
J. Lantner & R. Barth Am. Council on M. J.
- 17.) Marijuana & Smoking, S. Proskowitz  
R. Petersen, Am Council on M. J.
- 18.) Marijuana Today: A Compilation of  
Medical Findings for the Layman.  
Meyer Institute
- 19.) Marijuana and Reproduction  
C. Smith & P. Asch Am Council on M. J.
- 20.) Marijuana Smoking and Its Effects  
on the Lungs. S. Taskiran & S. Cohen  
Am. Council on M. J.
- 21.) The Marijuana Controversy: Definitions,  
Research Perspectives & Therapeutic Claims  
C. E. Turner, Am Council on M. J.
- 22.) Marijuana Time for a Closer Look  
Curtis L. Janeczek

Finally, in the 1976 elections, there was a political footnote: None of the Democrats who supported the reform bill was defeated.

That spring, as the battle raged on in California, strange things were happening in Alaska.

The Alaska saga actually began in 1972, with two young lawyers sitting around one evening smoking marijuana and grumbling about the marijuana laws. The two lawyers in Alaska were about thirty years old, and their names were Robert Wagstaff and Irwin Ravin. Wagstaff was a native of Kansas City who had done his undergraduate work at Dartmouth. It was there, in 1961, that he first smoked. Marijuana was not readily available in those days, but Wagstaff was a jazz fan, and some black jazz musicians introduced him to the weed. He returned to the University of Kansas law school, then moved to Fairbanks, Alaska, where he became an assistant district attorney. It was in Fairbanks that he met Ravin, a native of Newark, New Jersey, and a graduate of Rutgers. Later they moved to Anchorage and practiced law together.

They also smoked marijuana, and as they talked that night in 1972, they agreed the legal and political climate in Alaska was such that a good test case, with the right client, could overturn the marijuana laws. But who would be that client?

That question was left unresolved. Then, a couple of nights later, fate intervened in the person of a Fairbanks policeman who stopped Ravin because a taillight was out on his car. It was a routine traffic violation. All Ravin had to do was sign the citation and go on his way. But Ravin decided the time had come to take a stand. Knowing he had a couple of joints in his pocket, he refused to sign the citation. That left the arresting officer no choice but to take him to the station. There he was routinely searched, the two joints were found, and the case of *Ravin v. Alaska* came to be.

Wagstaff and another lawyer, R. C. Middleton, filed a motion to dismiss the charges before trial, arguing that the state law prohibiting possession of marijuana was unconstitutional because it violated the right of privacy guaranteed by both the U.S. and the Alaska constitutions. In a sense, the issue was not so much legal as political. Reformers in other states had made the same right-of-privacy arguments and had always been turned down. But Alaska was not like

other states. It was a frontier. People went there for privacy, for freedom; for Alaskans the right of privacy came near to being sacred. That, at least, is how Wagstaff hoped the courts would see things, and he was aware that the Alaska supreme court was the youngest and most liberal in the nation.

Lengthy hearings were held in district court on the constitutional question. Wagstaff was a member of the national board of the ACLU and he had legal and financial help from it. He also had help from NORML, who paid the expenses for Drs. Thomas Ungerleider, Joel Fort, and Lester Grinspoon to go to Alaska to testify. The district court denied Wagstaff's motion to dismiss, and he appealed the constitutional question to the Alaska supreme court. By the spring of 1975 the court was near a decision, and Wagstaff was increasingly optimistic that it would be a favorable one.

Meanwhile, things were happening in the state legislature. State Senator Terry Miller, a clean-cut Republican in his early thirties, had introduced a decriminalization bill similar to Oregon's. Stroup never went to Alaska, but he kept in touch with the situation there through Wagstaff, who had agreed to be NORML's state representative. As legislative hearings drew near, an unexpected conflict arose between Stroup and Wagstaff. Wagstaff was convinced there was a very good chance that the supreme court would make smoking legal in Alaska. For that reason he was very skeptical about the decriminalization bill. It provided for \$100 fines for private possession and \$1000 fines for public smoking or possessing while driving. As far as Stroup was concerned, it was a good bill, but Wagstaff feared that if the bill passed, it would take the pressure off the supreme court to rule in favor of Ravin. Thus, Alaska might settle for a system of fines when it could have had full legalization of private possession. He therefore announced to Stroup that he intended to go testify *against* the bill.

Stroup couldn't believe it. Wagstaff was the kind of smart, able lawyer he dreamed of finding to be a NORML state coordinator—and now he said he was going to testify against decriminalization. Stroup thought it made him and NORML look like idiots. A transcontinental shouting match ensued.

"Bob," Stroup insisted, "we can't have NORML opposing a decriminalization bill. It may not be a perfect bill, but we've only been able to pass one in America so far."

Wagstaff was not moved, and he did in fact testify against the bill. It

didn't make  
Republican  
earlier in  
signature

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didn't matter. On May 16 the Alaska bill passed, and the state's new Republican governor, Jay Hammond, keeping the promise he had earlier made, did not veto it. The bill became law without his signature.

That made Alaska the second state, after Oregon, to adopt decriminalization. Then, eleven days after the legislature acted, the state supreme court, in a stunning decision, ruled five to none that possession of marijuana by adults at home for personal use was constitutionally protected by the right-of-privacy provision in the state constitution.

In its fifty-four page opinion the court said there was "no firm evidence" that marijuana was harmful to the user or to society, and that "mere scientific doubts" could not justify government intrusion into the privacy of the home. The court added, "It appears that the use of marijuana, as it is presently used in the United States today, does not constitute a public health problem. . . . It appears that effects of marijuana on the individual are not serious enough to justify widespread concern, at least as compared with the far more dangerous effects of alcohol, barbiturates and amphetamines."

The ruling stuck down the legislature's new system of fines for marijuana use. Private cultivation of marijuana was not mentioned by the court, but later the state attorney general ruled that the right of privacy included cultivation. It was as legal to grow marijuana in Alaska as it was to grow tomatoes. Only sale remained illegal.

On June 16 Maine became the third state, after Oregon and Alaska, to decriminalize marijuana use. The main reason marijuana-law reform passed easily in Maine was that it was part of a new state criminal-code revision that had been recommended by a high-level commission after several years of study. The commission concluded that far too much time and money were being spent on victimless crimes, such as marijuana use and prostitution, and the legislature accepted the view.

In Maine, as in several other states, it was not until after decriminalization passed that its opponents, particularly law-enforcement officials, began to speak out strongly against it. Pressure from police officials, who claimed the new law was causing increased smuggling activity in the state, led to new hearings the next year. A

# NORML — IZED NORML — IZER

# 98.6

BY KEVIN ZEESSE

Several years ago I had a conversation about termites with one of the leaders of the NORML National Legal Committee, Michael Stepanian. Mike suggested that marijuana consumers could learn from termites. We could quietly get into the mainstream of society and after doing so, topple the marijuana laws from within. He compared it to termites bringing down a house: no one knows they are there until the house falls down around them.

This seemed like an interesting analogy. Most marijuana consumers I know have legitimate jobs. As one friend described it, "We've fooled them, they don't know we use marijuana." This is possible because marijuana consumers are normal people. They do their jobs as well as anyone. Their employers can't tell they use marijuana because it does not affect work performance. Thus marijuana consumers can be productive citizens and, down the road, overthrow the marijuana laws from within.

Mass urine testing for marijuana makes it more difficult for marijuana consumers to get by. Even though an employer cannot tell if someone is a marijuana consumer, a urine test will show positive for weeks, perhaps even months, after last ingestion of marijuana.

Don't think that mass urine testing is too unAmerican to be accepted by our society. Sure, random searches of large numbers of people based on no suspicion is unAmerican, but look at some of the other unAmerican things going on. In the name of marijuana prohibition they poison the forests with herbicides, send national guard troops onto private property, search backyards with helicopters, and arrest 49 of us every hour. Mass

## NO MORE TERMITES

urine testing is just one more invasive unAmerican weapon in the marijuana war.

The use of urine tests is the key tool to make individual consumers the targets of the marijuana war. Remember what the President's Commission on Organized Crime said this March: we have an "obligation" to "recognize that those among us—friends, relatives, colleagues, and other 'respectable' people"—are "the driving force behind...the assault on this country." They made us the primary enemy of the marijuana war and urged the recriminalization of marijuana possession offenses, mass urine testing and police state tactics to target us in the war.

Already millions of citizens are being forced to submit to urine tests; thousands are being fired or blacklisted from work on the basis of urine tests for marijuana. Sometime in the near future when you are applying for a job or seeking a promotion, you will be forced to provide a sample of your bodily fluids and incriminate yourself.

This inevitability makes it necessary for us to recognize that we are faced with the choice our forefathers faced: either we join together or we will hang separately.

Now is time for all good termites to evolve into human beings.

It is time to come out of the closet, to let your friends and families know that the war on marijuana is a war declared on you—a normal, productive, U.S. citizen.

By standing up we can claim certain inalienable rights that human beings have and termites don't. These rights were described by our founding fathers as the rights to "life, liberty and the pursuit of happiness." This phrase well describes the rights of marijuana consumers. The prohibition of marijuana denies us the right to the pursuit of happiness. The threat of arrest denies us liberty. And the threat of being blacklisted by a urine test denies us life. We have sat

● Marijuana consumers have tunneled into the American mainstream —now is the time to bring the house down.

back for too long. It is time to stand up and claim rights that cannot be taken away by any government.

The act of standing up and admitting to your friends, families and colleagues that you are a marijuana consumer is a critical first step to ending the marijuana war. By doing so we educate all of society. We let them know that the stereotype of marijuana consumers as lazy, drug-abusing adolescents is wrong, that in reality we are productive normal citizens. We need to put a face on the enemies of the marijuana war.

Recently the Phil Donohue Show examined urine testing for drugs. The show demonstrated how a human face can change minds. At the beginning of the show the general consensus or the audience seemed to favor drug testing. People claimed, if you're not guilty you have nothing to hide and if you are, you're getting what you deserve.

However, after the audience heard the personal accounts of people who had been victimized by urine testing their perspectives changed. They saw the humiliation and degradation of these fellow citizens. When they heard one woman say, "If it is a choice between taking another urine test or being unemployed, I choose to be unemployed," the audience applauded wildly.

Americans do not favor seeing normal citizens victimized. In the '70s when we were able to show the public that normal people were going to jail for marijuana possession, possession offenses were decriminalized or no longer enforced. Now with mass urine testing we have the opportunity to let the public see that healthy, productive citizens are being victimized by the marijuana war. This time, if we all stand up, we can end marijuana prohibition.

You have nothing to lose. You will be tested some day. You may as well take advantage of the safety in numbers: stand up now and don't hang alone. ●



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 27, 1987

Ms. Betty J. Wilson  
Alaskans for Drug-Free Youth  
Box 8515  
Ketchikan, AK 99901

Dear Ms. Wilson:

Thank you for your recent letter concerning the recriminalization of marijuana and forwarding a copy of your organization's Marijuana Resolution.

While my administration presently has no plans to introduce legislation recriminalizing the public possession of marijuana, I would sign such a bill if it does not violate the Privacy Amendment of the Alaska Constitution.

As that amendment is currently interpreted, a person has a right to possess and use small amounts of marijuana in the home. Public possession and use, however, are an entirely different matter. Currently small civil fines are the only penalties available to law enforcement officials for such public use. I would support making public possession and use a misdemeanor.

I appreciate your sharing your thoughts on this matter. Thanks again for letting me know your concerns.

Sincerely,

A handwritten signature in cursive script that reads "Steve Cowper".

Steve Cowper  
Governor

Municipality  
of  
Anchorage



ANCHORAGE, ALASKA 99519-6650  
(907) 786-8510

TONY KNOWLES  
MAYOR

OFFICE OF PUBLIC SAFETY  
6450 S. Road 121

January 26, 1987

Ms. Betty J. Wilson  
Alaskans for Drug Free Youth  
Box 8515  
Ketchikan, Alaska 99901

Dear Ms. Wilson:

Mayor Knowles has asked me to thank you for your letter of support of December 10, 1986, regarding recriminalization of marijuana.

We are much concerned about the proliferation of drugs in our State, particularly as it infiltrates our school systems. We are currently developing some initiatives against drugs and recriminalization is a small part of our plans. We feel the current law sends the wrong message to our young people. We expect the State Legislature will act on this issue during the current session.

Thank you again for your letter and best of luck in your efforts in Southeast.

Sincerely,

John F. Franklin  
Commissioner of Public Safety

cc: Mayor Knowles



## KETCHIKAN GATEWAY BOROUGH SCHOOL DISTRICT

Darroll Hargraves  
SUPERINTENDENT

Resolution No. 210  
Ketchikan Gateway Borough School District

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

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

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

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

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

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

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

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

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

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

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

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

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

\_\_\_\_\_  
President of the Board

\_\_\_\_\_  
Clerk-Treasurer of the Board

# **An Analysis of Marijuana Policy**

**Committee on Substance Abuse and Habitual Behavior  
Commission on Behavioral and Social Sciences and Education  
National Research Council**

**National Academy Press  
Washington, D.C. 1982**

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**NOTICE:** The project that is the subject of this report was approved by the Governing Board of the National Research Council, whose members are drawn from the councils of the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine. The members of the committee responsible for the report were chosen for their special competences and with regard for appropriate balance.

This report has been reviewed by a group other than the authors according to procedures approved by a Report Review Committee consisting of members of the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine.

The National Research Council was established by the National Academy of Sciences in 1916 to associate the broad community of science and technology with the Academy's purposes of furthering knowledge and of advising the federal government. The Council operates in accordance with general policies determined by the Academy under the authority of its congressional charter of 1863, which establishes the Academy as a private, non-profit, self-governing membership corporation. The Council has become the principal operating agency of both the National Academy of Sciences and the National Academy of Engineering in the conduct of their services to the government, the public, and the scientific and engineering communities. It is administered jointly by both Academies and the Institute of Medicine. The National Academy of Engineering and the Institute of Medicine were established in 1964 and 1970, respectively, under the charter of the National Academy of Sciences.

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# NATIONAL RESEARCH COUNCIL

2101 CONSTITUTION AVENUE WASHINGTON, D. C. 20548

TO THE CHAIRMAN

June 21, 1982

Dr. William Pollin, Director  
National Institute on Drug Abuse  
Parklawn Building  
Room 10-05  
6600 Fishers Lane  
Rockville, Maryland 20857

Dear Dr. Pollin:

I transmit, herewith, a report of the National Research Council's Committee on Substance Abuse and Habitual Behavior: "An Analysis of Marijuana Policy" prepared at the request of the National Institute on Drug Abuse.

The Committee on Substance Abuse and Habitual Behavior, composed of 18 experts in the several relevant disciplines, has weighed carefully the available data regarding the costs, risks, and benefits of the major policy alternatives regarding the control of marijuana use and supply. The Committee is clear in pointing to the deficiencies of this body of evidence and cautions about the hazards of formulating policy recommendations based solely or in part thereon. In this regard, I call your attention to the following statement by Louis Lasagna and Gardner Lindzey contained in the Preface to the report:

The Committee wishes to make clear what it regards as the limits of this report for the selection of policy alternatives. Scientific judgment can estimate the prevalence of different kinds of use, risks to health, economic costs, and the like under current policies and try to project such estimates for new policies. It can come to some conclusions based on those estimates. But selection of an alternative is always a value-governed choice, which can ultimately be made only by the political process.

This caveat notwithstanding, the Committee has derived from its examination of the scientific data a conclusion about the major policy choices facing the nation with respect to

marijuana: complete prohibition, prohibition of supply only, and regulatory approaches. Specifically, the Committee concurs with the judgment of the National Commission on Marijuana and Drug Abuse, rendered in 1971, that a policy of prohibition of supply only is preferable to a policy of complete prohibition of supply and use.

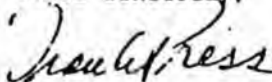
What must be understood by the public, the media, and all who read the Committee's report is that its decision to endorse a policy change was not fashioned from scientific information--old or new--alone. Rather it was the analysis of a combination of factors which affect policy decisions, including the cost and efficacy of enforcement practices. Values were necessarily involved in balancing these factors and there are those within the membership and governing bodies of the Academies and the National Research Council who might not have come to the same policy conclusions, after reviewing the same data.

My own view is that the data available to the Committee were insufficient to justify on scientific or analytical grounds changes in current policies dealing with the use of marijuana. In this respect, I am concerned that the Committee may have gone beyond its charge in stating a judgment so value-laden, that it should have been left to the political process.

I have one further concern that cannot go unaddressed. I fear that this report, coming as it does from a well-known and well-respected scientific organization, will be misunderstood by the media and the public to imply that new scientific data are suddenly available that justify changes in public attitudes on the use of marijuana. This would be unfortunate at a time when daily use trends by high school students are down significantly. As the Committee's discussion of marijuana's behavioral and health-related effects clearly demonstrates, there is no new scientific information exonerating marijuana. In fact, the review by our Institute of Medicine, published a few months ago, reevaluated existing scientific evidence and concluded, as have others, that marijuana is a harmful drug whose use justifies serious national concern.

I wish to remind you that this is a committee report; the only position that can be inferred with respect to the National Research Council on the issue of marijuana policy is that the National Research Council is satisfied that the Committee was competent to examine the issue and diligent in carrying out its task. Despite my personal disagreement, I believe that the Committee has performed a useful service by illuminating many of the complex issues surrounding this highly controversial subject.

Yours sincerely,



Frank Press  
Chairman

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- MARIE A. CLARK, Administrative Secretary

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## PREFACE

In 1978 the Committee on Substance Abuse and Habitual Behavior began a study of marijuana policy at the request and with the support of the National Institute on Drug Abuse. Sharp increases in marijuana use along with suggestions for reform of existing marijuana laws from scientists and policy makers prompted a renewed look at those laws. In addition, the National Commission on Marijuana and Drug Abuse, in its 1973 final report, Drug Use in America: Problem in Perspective, had recommended that a follow-up commission be appointed to review possible changes in the situation four years later. That recommendation was not implemented, so the Committee took as a framework for its task the assessment that the Commission recommended, especially the assessment of new evidence regarding the effects of recent changes in state marijuana policies.

The Committee conducted its study with awareness of the intensity of past controversies about marijuana use in U.S. society. In the four years since the Committee began its work, there has been an increase in visible concern among many parents about marijuana use among youth, its potential risks to the health of children, and the possibility that heavy use by some young people may seriously threaten their education. Parents who have experienced problems with their own children, or observed those of others, have organized to make marijuana policies a major item on current political agendas. In comparison with the situation at the inception of this study, there is today greater rancor in public discussion, press reports, legislative hearings, and policy-oriented technical meetings related to marijuana use.

This is the context in which the Committee completed its review of the evidence and arguments of earlier studies and weighed the significance of subsequent evidence for the major policy alternatives. Every policy has potentially good and potentially bad effects, and policy choices involve difficult comparisons of such effects. It is important to recognize that to allow the inertia developed by existing policies to prevent change is itself a choice.

The Committee is aware that analyzing a topic that is the subject of heated social debate has its hazards. Many of those participating in the marijuana debate have already selected what they take to be the admissible terms of the discussion and look with disfavor on anyone's insistence on a wider set of considerations. For example, some would settle the issue on physiological grounds alone: whether cannabis products, in the dose ranges customarily used by most people, cause tissue damage. Defenders of marijuana use may seize on the ambiguity or absence of evidence for such damage and ignore any other effects on education or safety; those opposed to marijuana use may emphasize the possibility of chronic disease that is suggested by some laboratory findings and ignore the social, political, and economic costs of fighting a well-established custom.

This report does not review and analyze every conceivable policy nuance or option. It addresses the major choices--both because these families of alternative policies subsume many variants and because the choice among these major options must be discussed before specific, perhaps new, policy instruments can be designed.

The Committee wishes to make clear what it regards as the limits of this report for the selection of policy alternatives. Scientific judgment can estimate the prevalence of different kinds of use, risks to health, economic costs, and the like under current policies and can try to project such estimates for new policies. It can come to some conclusions based on those estimates. But selection of an alternative is always a value-governed choice, which can ultimately be made only by the political process. The role of scientific evidence in this process is not inconsiderable, even though, at times, the strongest evidence may be pushed aside and the wildest speculation prevail. But the weight of the evidence is only one factor in the process of policy formation; ultimately, that process involves value choices.

In completing its report, the Committee has benefited from many people in formulating, revising, and updating the analyses and data. A very early version of this report was discussed at the Committee's annual conference in 1979, and subsequent versions benefited from comments by staff of the National Institute on Drug Abuse and of the National Research Council. The final draft received close and constructive attention by members of the National Research Council's Commission on Behavioral and Social Sciences and Education, the Institute of Medicine, and the Report Review Committee of the National Academy of Sciences.

We have also maintained a close liaison with the staff and members of the Institute of Medicine's Committee to Study the Health-Related Effects of Cannabis and Its Derivatives, on which three members of our Committee also served, and whose recently published report, Marijuana and Health, significantly contributed to our work.

Two former Committee members, Troy Duster and Michael Agar, assisted in the early preparation of the report. At later stages we were very ably assisted by the staff of the Commission on Behavioral and Social Sciences and Education, in particular David Goslin, executive director, and Eugenia Grohman, associate director for reports. Without their help, it is doubtful that we could have completed this task. Finally, we are indebted to the staff and members of the Committee, for their diligence, patience, and commitment to a difficult assignment.

Louis Lasagna, Chair  
Gardner Lindzey, Chair, 1977-1980  
Committee on Substance Abuse and  
Habitual Behavior

# An Analysis of Marijuana Policy

## INTRODUCTION

Since the early 1960s the use of marijuana as an intoxicant by a growing proportion of the American population has been an issue of major national concern. Despite repeated warnings of possible adverse health consequences and persistent efforts by law enforcement agencies to restrict the supply and use of marijuana, available data indicate that experimentation with or regular use of the drug is no longer restricted to a small minority of Americans. In 1979, for example, 68 percent of young adults between the ages of 18 and 25 reported having tried marijuana; 35.4 percent reported having used marijuana in the last month. Among adults over age 26, the proportion having ever used marijuana has more than doubled since 1971, from 9.2 percent to 19.6 percent (Fishburne et al., 1980; see Table 1, below).

Although "the marijuana problem" may be viewed as of recent origin, marijuana is not a new drug. The cannabis plant has been cultivated and used both for its intoxicating properties and for its fiber (hemp) throughout the world for more than 10,000 years (Abel, 1980). At various times and places attempts have been made to restrict its use as an intoxicant; at other times and places its virtues have been extolled for medical purposes, and it has played a significant role in religious ritual. Because cannabis is easily grown--indeed, it is one of the hardiest of all plant species--its resin has been used for centuries along with tobacco, fermented distillates of grains and fruits (alcohol), and opium derivatives as one means of relieving stresses associated with daily life.