

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672
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LEGIBLY BECAUSE OF POOR QUALITY OF THE
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TABLE 2

How do people rank the severity of crime?

<u>severity score</u>	<u>offense</u>
72.1	Planting a bomb in public, killing 20 people
52.8	Forcible rape resulting in death
43.2	Robbing a victim at gunpoint and shooting victim to death
35.6	Intentionally injuring victim resulting in death
25.9	Forcible rape
24.9	Arson causing \$100,000 damage
19.5	Smuggling heroin into country
10.5	Stealing property worth \$10,000 from outside a building
9.6	Breaking into a home and stealing \$1000
7.2	Signing someone else's name to a check and cashing it
6.9	Stealing property worth \$1000 from outside a building
4.6	Carrying a gun illegally
1.4	Smoking marijuana
0.3	Vagrancy
0.2	Playing hooky

Source: Excerpts from Report to the Nation on Crime and Justice, U.S. Department of Justice 1983, citing The National Survey of Crime Severity, 1977.

TABLE 3

Marijuana Arrests Compared With Other Crimes - 1982

<u>Crime</u>	<u>Number of Arrests</u>
Larceny - Theft	1,368,100
Burglary	527,100
Marijuana	455,600
Aggravated Assault	313,150
Vandalism	245,700
Weapons Offenses	193,500
Robbery	157,630
Motor Vehicle Theft	129,100
Forgery and Counterfeiting	97,300
Rape	33,600
Murder	21,810
Arson	20,500
Embezzlement	9,000

Source: Compiled from FBI Uniform Crime Report, 1983

TABLE 4

Estimated Number of People Arrested for Marijuana - 1982

Year	455,600
Each month	37,967
Each week	8,762
Each day	1,248
Each hour	52

Source: FBI Uniform Crime Report, 1983

TABLE 5

Marijuana Arrests - Possession and Sale

<u>Total Marijuana Arrests</u>	<u>Total Possession</u>	<u>Total Sale/Cultivation</u>
455,600	68,340 (15%)	387,260 (85%)

Source: FBI Uniform Crime Report, 1983

LIFETIME PREVALENCE TRENDS IN MARIJUANA USE, 1962 - 1982

YEAR	'62*	'67*	'71	'72	'74	'76	'77	'79	'82
AGE:									
12 - 17			14%	14%	23%	23%	28%	31%	27%
18 - 25	4%	13%	39%	48%	53%	53%	60%	68%	64%
26 - 34	2%	3%	19%	20%	30%	36%	44%	48%	56%
Adults 18+	2%	5%	15%	16%	19%	21%	25%	30%	32%

Source: Based on National Household Surveys on Drug Abuse, 1971-1982, National Institute on Drug Abuse.

*Based on reconstructed data collected in 1977 from Cisin, I., et al., highlights from the National Survey on Drug Abuse: 1978. National Institute on Drug Abuse, 1978.

LIFETIME PREVALENCE TRENDS IN MARIJUANA USE, 1977-1982

Number of Adult Users, 18+

1977 - 36,215,655

1979 - 47,500,000

1982 - 52,543,000

Number of Users, Youth - Ages 12 - 17

1977 - 7,032,506

1979 - 7,300,000

1982 - 6,132,240

Number of Users, Total Population - Age 12+

1977 - 43,248,171

1979 - 54,800,000

1982 - 58,675,240

Source: Based on National Household Surveys on Drug Abuse, 1977 - 1982, National Institute on Drug Abuse.

90% of all persons who have used marijuana are adults.

The above surveys do not include members of the armed forces, people living in college dormitories, group quarters, and institutional populations.

Prepared by Joanne Gampel, M.A.
 Director, Council on Marijuana and Health

Alaska Legislature unlikely to ban marijuana use in home

By HAL SPENCER
Daily News reporter

Despite renewed national attention on drug abuse, the 1987 Alaska Legislature likely will just say no to proposals to ban possession and use of marijuana in the home.

Backers of a ban, mostly conservative Republicans, are counting on support from the GOP-controlled Senate, but face an uphill fight in the Democratic-run House. And House Speaker Ben Grussendorf, D-Sitka, last week said nothing to discourage that view.

He observed that the state Supreme Court has spoken on the issue, ruling 12 years ago that a law barring adult Alaskans from possessing and smoking the weed in their homes violated their constitutional right to privacy.

In the case of marijuana use, "I'm not sure we should be telling Alaskans what they can do in their own homes," Grussendorf added.

Possession and use of marijuana in the



Daily News file photo/Fran Turner

See Back Page, **MARIJUANA**

Rep. Ben Grussendorf

MARIJUANA: Change in Alaska law unlikely

Continued from Page A-1

home became legal after a 1975 Supreme Court case. Irwin Ravin, now a Homer lawyer, argued successfully that his constitutional right to privacy outweighed the state's right to enforce a law barring home-possession or use of what was seen by the court as a relatively harmless drug.

The ruling, however, did not say how much marijuana an adult could possess in the home. In 1982, the legislature answered the question with passage of a misdemeanor law limiting the amount to four ounces. State law also bans buying or selling any quantity of the drug, possession or use outside the home, or any use or possession by juveniles.

Proponents of a new misdemeanor law banning possession or use at home feel it is needed "fundamentally because the state of Alaska is telling people that it is OK to smoke marijuana," said Rep. Terry Martin, R-Anchorage. "That needs to be changed."

The Alaska Association of Chiefs of Police, which recently said recriminalization of marijuana is one of its top priorities, also criticizes what it says is the absurdity of the present law.

"It's illegal to buy or sell it, to carry it into your home. But then the law says it's OK once you get it home. If you can get it home without being caught, you're safe," said Deputy Chief Del Smith of the Anchorage Police Department.

Martin and other proponents believe that public pressure, including new anti-drug sentiment nationally and resolutions from high school students and local governments in Alaska, will help push through a measure that can be tested in the courts.

And they feel that such a law might survive constitutional challenge because, they assert, more is known now about the harmful effects of marijuana.

They note that the Supreme Court considered harmful effects when it ruled in



Daily News file photo/Fran Durner
Rep. Fritz Pettyjohn

whether the right to privacy should prevail in the case of cocaine possession in the home, and determined it should not.

House Minority Leader Fritz Pettyjohn, R-Anchorage, pointed to the 1978 Supreme Court case, *State of Alaska v. Erickson*, as an indication that the case for banning marijuana in the home could be re-opened.

"Defendants contend that the reasoning" with respect to marijuana "also applies to the non-commercial use and possession of cocaine, and additionally argue that the constitutional right to privacy guarantees some reasonable access to the drug for personal and social use," the court noted in the *Erickson* case.

But, the court said, "We think this right must yield when it interferes in a serious manner with the health, safety, rights and privileges of others or with the public welfare. No one has an absolute right to do things in the privacy of his own home which will affect himself or others adversely. ... It seems clear that cocaine is substantially more of a threat to health and welfare" than marijuana, the court said.

That may be, Pettyjohn said, but he and other conservatives contend that marijuana



Daily News file photo/Enk Hill
Rep. Terry Martin

more physically and mentally harmful than it once was, and also is increasingly seen as a gateway to harder drugs.

Martin has introduced a measure to recriminalize home use of marijuana that contains sections asserting that the drug is genuinely "detrimental to the health, welfare and safety of Alaskans." An identical bill was introduced in the Senate by Paul Fischer, R-Soldotna.

"You didn't have this in the old law, which was the reason the Supreme Court was able to say rights to privacy outweighed the state's right to control marijuana possession," Martin said.

The bills assert that THC, "the mind altering substance in marijuana," builds up in the body's fatty tissues and takes weeks to eliminate. The THC, the bills contend, causes moodiness, depression, insomnia, appetite loss, lack of initiative, schizophrenia, illusions, hallucinations and lung cancer. "One marijuana cigarette a day may cause lung cancer in three years," the measures assert, and "The THC content of a marijuana cigarette 10 years ago was 1 percent, but is as high as 10 percent per cigarette today."

Martin said the assertions were gathered from national

les.

But Matt Felix, who heads the state Office of Alcoholism and Drug Abuse in Juneau, said evidence of harmful effects hasn't changed much since the Ravin decision. "There has been a lot of new research, but not new evidence. The evidence is that marijuana affects perception, long-term memory, and to a lesser degree, motor skills," he said.

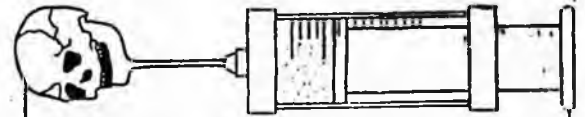
Avrum Gross, a Juneau lawyer who was the attorney general when the high court ruled in the Ravin case, said Martin is engaging in wishful thinking. "The court considered marijuana's harmful effects when it ruled on the issue last time, and the harmful effects haven't changed."

"What the court said was not that marijuana is good but that invasion of privacy is bad," Gross said.

"So some legislators want to ban marijuana. So what else is new?" said Ravin, who was reached at his law office in Homer. There is nothing, he said, that would compel the Supreme Court to change its ruling. "The situation hasn't changed," he said.

Martin said he hoped public pressure might sway lawmakers to pass a new law. He pointed to a national anti-drug campaign that began last year from the White House, and noted that the Anchorage Assembly and the Alaska Association of School Governments, representing 60 state high schools, are among groups that have urged passage of a law banning use and possession of marijuana at home.

One aspect of Martin's proposal that could stir serious opposition is its cost at a time of vastly lower state revenue. The Alaska Department of Law estimates that it would cost about \$237,000 to defend and enforce the law the first year. But Martin said new federal funding to combat drug abuse would become available to defray the expenses.

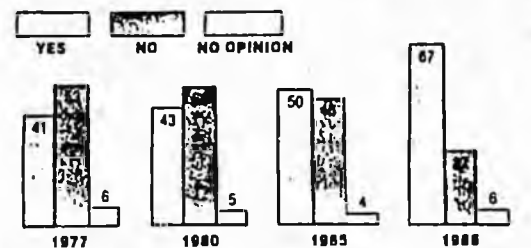


The fight against drugs

Sixty-seven percent of Americans now favor criminal penalties for possession of illegal drugs, compared to 41 percent in 1977, according to a recent Gallup Poll. Forty-three percent of those polled believed abuse of crack and other forms of cocaine to be the most serious drug problem in the U.S., while 34 percent thought that alcohol abuse was the most serious problem. More than 40 percent felt teaching young people about the dangers of drugs should be the government's highest priority in the fight against drug abuse.

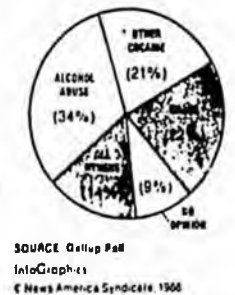
CRIMINAL PENALTIES FOR POSSESSION

In percent responding to the question: Do you think the possession of small amounts of marijuana should be treated as a criminal offense?



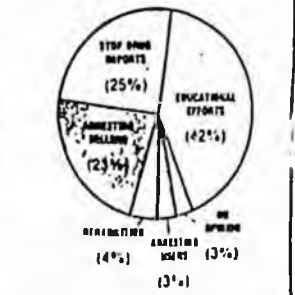
MOST SERIOUS SUBSTANCE PROBLEM

In percent responding to the question: Which one of the following do you think is the most serious problem for society today?



GOVERNMENT PRIORITIES

In percent responding to the question: There are many things that our government is doing to fight drug use. Which one of the following do you think deserves the most money and effort?



SOURCE: Gallup Poll
InfoGraphics
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Anchorage Daily News, Jackie Kmetz

nents who consider the cost issue a red herring. "In other states where marijuana is illegal, arrests are incidental to other investigations. In other words, police don't make wholesale arrests for possession of small amounts of marijuana. That would be the situation here, too."

William R. Nix, acting commissioner of the state Department of Public Safety, suggests the cost issue is largely irrelevant

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

The Drug Trade

Controversy Surrounds The Way the Dutch Treat Heroin Addicts

Liberalized Laws Stress Aid Rather Than Penalties; Other Nations Are Irked

Life Aboard a Junkie Boat

By L. ERIK CALONTUS

Staff Reporter of THE WALL STREET JOURNAL
AMSTERDAM, the Netherlands—In the Milky Way, a city-financed recreation center here, a scattering of youths are dancing to a rock band. In a darkened auditorium upstairs, perhaps a hundred more are watching an "Our Gang" comedy. Others eat at a cafe or browse among books on politics, handicrafts and pop music.

In one room a young man sits behind a table and sells marijuana and hashish. A small sign before him gives the prices of Colombian, Lebanese, Moroccan and Afghan varieties of both substances. He also sells almonds, cashews, raisins and dried fruits. On this night, he is doing a better business in fruit and nuts: Of the several hundred customers in the big nightclub, only a few are smoking joints.



LAST OF A SERIES

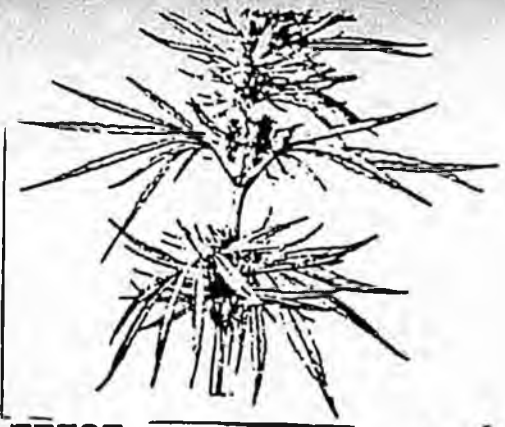
Marijuana has ceased to be a big issue in the Netherlands. Pot has been sold freely in cafes and youth centers since 1978, when the government concluded that the substance was "relatively innocuous" and dropped all criminal penalties for using it. "Cannabis used to be the symbol of the youth culture—it was attractive because it was forbidden," says Eddy Engelsman, who himself grew up in the youth culture of the 1960s and now is the secretary for drug policy of the Dutch Health Ministry. "Our aim was to turn it into an unsensational item."

Idea That Works

The idea seems to have worked: Fewer young people smoke pot in the Netherlands than in several countries that impose criminal penalties for the activity. In a recent study, more than four-fifths of the young people surveyed said they had no interest in smoking marijuana, although it is as easy to buy here as a bar of chocolate. And less than 2% according to other studies say they are "regular" users who smoke pot at least once a week.

(The U.S. does not keep comparable statistics. Its most recent survey classified 11.5% of youths aged 12 to 17 and 27.4% of youths 18 to 25 as "regular" users but defines regular as having smoked pot within a month of being surveyed.)

Liberalization of marijuana hasn't caused any health problems or criminal problems, Dutch officials say. "Because society hasn't defined it as a problem, it isn't a problem," says Peter Cohen, a psychologist and drug adviser to the government.



KEVIN B. ZEESE

Legalize marijuana; leave growers alone

WASHINGTON — U.S. marijuana policy is at a crossroads:

The government can continue its futile war against marijuana, a war of escalating violence and unprecedented military law enforcement tactics. Or we can end the violence by regulating and taxing marijuana as a legal commodity.

Prohibition breeds violence, as we saw 60 years ago during alcohol prohibition. Today, marijuana farmers cannot call the police or their insurance agent when their crop is stolen; some have chosen to protect the crop themselves. While violence has been exaggerated, to stop the violence we must stop the marijuana war.

Billions have been spent on enforcement and millions of Americans have been arrested. Cops and cultivators, smugglers and smokers, and more than a few innocent bystanders have been maimed or killed.

Has the government won its war? No. After 15 years of all-out war, the number of people smoking marijuana has tripled, the age of first use has declined, and your child and mine can buy marijuana anywhere in America.

Stepping up the war does not lead to victory, only to more violence. Laws cannot stop marijuana. It is a felony to grow marijuana, yet the U.S. marijuana crop last year was worth \$13.9 billion, challenging corn as the USA's largest cash crop.

To stop the violence we must confront facts: Marijuana prohibition cannot compete with the law of supply and demand. Efforts to crush this burgeoning industry by seizing

Kevin B. Zeese is national director of the National Organization for the Reform of Marijuana Laws.

crops have no impact on the market. At best, 15 percent of the crop is seized, temporarily increasing its price.

Increased prices only make marijuana farming more financially lucrative, attracting more people to grow it and increasing what they will do to protect their crop.

This year, more than 30 states involved National Guard troops in marijuana enforcement. Last week, a federal judge stopped abuses of California's Campaign Against Marijuana Planting after we brought suit, charging that CAMP troops were shooting farm animals, terrorizing people with helicopters, cutting off rural water supplies without notice and using the National Guard to set up roadblocks and conduct warrantless searches of people's homes at gunpoint.

We face a choice: Do we continue down the path of violence and unprecedented military police programs, or should we regulate and tax marijuana as a legal commodity?

We can only end marijuana-related violence by regulating and taxing marijuana. Regulation and taxation can bring it under control, keep the drug away from children, raise \$10 billion in new tax revenue, take billions from crime, and fund credible drug education programs.

The government's war against marijuana has failed. It is time for a marijuana truce.



Early Renaissance drawing of cannabis

REASON

December 1984

p. 18-20

WORDS OF PEACE ON THE DRUG WAR

It's a sign of changing times indeed: Florida's 411 Club, in a recent mock

legislative session of 200 teenage members, overwhelmingly passed an amendment to legalize marijuana as a cash crop. The farm youth club may have acted only from self-interest—rather than out of principle—but its action may be indicative of a widening strain of rethinking drug prohibition.

An especially noteworthy instance of this was the recent publication of Arnold Trebach's essay "Time to Declare a Drug Truce"—in the *Wall Street Journal*. Trebach, director of the Institute on Drugs, Crime and Justice at American University and author of the 1983 book *The Heroin Solution* (Yale University Press), announced that "we have had enough of drug wars" and that "we can rationally coexist with a good deal of drug use in our society." In any case, "we do *not* have the power to make it go away," noted Trebach. Calling President Reagan's "War on Drugs" a failure, he urged the establishment of "some form of drug peace."

Trebach pointed out various irrationalities about drug prohibition in addition to its obvious unenforceability. For example, while abuse of (legal) tobacco

causes some 300,000 deaths a year, there were only about 1,800 deaths from overdoses of (illegal) heroin and cocaine, and "deaths from marijuana overdose are not estimated because they are virtually nonexistent." Moreover, studies have shown that for alcohol, heroin, and cocaine, only about 1 of 10 users of these substances becomes dependent on them, while 35 out of 10 tobacco users develop a dependence. And Trebach also noted that the number of Americans using tobacco has dropped from nearly 43 percent in 1965 to 32 percent last year—without tobacco prohibition.

Trebach proposed that national drug prohibition be repealed in favor of a "states-rights model"—whereby each state would set its own policy on drugs. He suggested that drugs be dispensed under a government-regulated system, as are tobacco, alcohol, and pharmaceutical drugs.

That certainly falls short of an "individual rights-free market model," whereby *individuals* would set their policy on drug use, and market forces, including consumer preferences, would "regulate" purchasing conditions,

availability, distribution, etc. But Trebach's specific proposal is perhaps less important than the unconventional wisdom that lies beneath it: the recognition that the war on drugs—which, for federal drug-enforcement efforts, alone, will consume \$1.22 billion of taxpayers' money in fiscal year 1985—is not only futile but counterproductive. With decriminalization, Trebach contended, "the drug scene might be characterized only by the natural, usually benign disorders of a democracy and not a terrorizing levels of crime and a war against the sometimes destructive personal habits of our neighbors that we cannot control."

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several directives aimed
at reducing cross-subsidization within
the airline industry and at making it
easier to get licenses for service on
nonmajor routes.

There's still a long way to go. The
dinosaur-like state airlines are still liv-
ing off the fat of the taxpayer, and
there are still many routes in Europe
where heavy regulation makes entre-
preneurial airlines untenable. But
Ridley may be prescient. The dom-
inos may be toppling, and consumers
will benefit as a result.

HOW THE DUTCH TREAT DRUGS

AMSTERDAM—What happens
when a nation ends its prohibition of
marijuana? In 1978 the Dutch govern-
ment declared that pot is "relatively
innocuous" and decriminalized its
use. The result: "Fewer young people
smoke pot in the Netherlands than in
several countries that impose criminal
penalties for the activity," the *Wall
Street Journal* recently reported.
Though pot has been sold freely
throughout the country since decrim-
inalization in 1978, the *Journal* noted,
"marijuana has ceased to be a big
issue in the Netherlands." Further-
more, according to Dutch officials, no
health or criminal problems have
resulted from the new pot freedom.

Following its liberalized pot policy,

the Dutch government relaxed its
heroin policy as well, concentrating
on caring for addicts rather than
penalizing them. The new policy
arose out of several assumptions
about heroin use, including the
recognition that no matter how
vigilant the authorities in trying to
prevent heroin importation into the
country, some would still get in and
some people would still use it. What
ever may be the cause-and-effect rela-
tionship between the liberalize
policy and heroin use in the Nether-
lands, it is at least interesting to note
that the country has one-third fewer
heroin addicts relative to its popula-
tion than does the United States.

Local authorities in Amsterdam,
where heroin use appears to be on the
rise, are pushing for even more
radical reforms in the city's heroin
policy and are seeking permission
from the national government to dis-
pense heroin to addicts on an experi-
mental basis. Addict-related crime,
the authorities believe, is increasing,
and they suggest that freely dispensed
heroin may obviate addicts' need to
support their habits by stealing.

The Dutch government remains
resistant to Amsterdam's request to
further liberalize its heroin policy. But
if the city goes ahead with the experi-
ment, the results should be well worth
watching; they may provide some in-
dication of what could occur if author-
ities lifted the heroin ban altogether
and allowed individuals to freely buy
and sell the substance.

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.

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NATIONAL RESEARCH COUNCIL

2101 CONSTITUTION AVENUE WASHINGTON, D C 20540

OF THE CHAIRMAN

June 21, 1982

Dr. William Pollin, Director
National Institute on Drug Abuse
Parklawn Building
Room 10-05
5600 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.

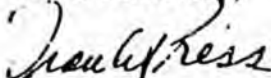
What must be understood by the public, the media, and all who read the Committee's report is that its decision to endorse a policy change was not fashioned from scientific information--old or new--alone. Rather it was the analysis of a combination of factors which affect policy decisions, including the 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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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.

Despite its long history, the use of cannabis as an intoxicant was relatively unknown in the United States until the latter part of the nineteenth century, and even then its use as a drug was restricted to a tiny fraction of the population, primarily immigrants from Mexico. The first efforts to restrict its use in this country did not occur until 1911, when Congress, which at that time was considering proposals for federal antinarcotics legislation, listened to arguments that cannabis should be included in the list of illegal drugs. That effort failed, but during the next two decades a number of state legislatures moved to prohibit the possession of marijuana unless prescribed by a physician. It was not until 1937, when the Marijuana Tax Law was enacted, that the federal government became involved in the attempt to control its use. Even this law recognized the industrial uses of hemp and also exempted the seeds of the plant, which were then being sold as bird feed. In 1956, Congress included marijuana in the Narcotics Act of that year and, in 1961, the United Nations adopted the Single Convention on Narcotic Drugs, the terms of which state that each participating country could "adopt such measures as may be necessary to prevent misuse of, and illicit traffic in, the leaves of the cannabis plant." Congress approved participation in the convention in 1967 and three years later passed the Comprehensive Drug Abuse Prevention and Control Act, which provides the basis for current federal prohibitions regarding marijuana use.

Despite this history it was not until the 1960s that most Americans became aware of marijuana. The political and cultural protests of that period focused public attention on young people, their life-styles, and their use of drugs, including marijuana. That period created the context in which public policies regarding marijuana use have been debated since the early 1970s. As Abel (1980) points out, for the first time marijuana use was not restricted to minority groups and fringe elements of society: many of the new users were native-born, middle-class, white college students. Without doubt, the political and cultural context in which marijuana emerged as an issue of national concern has strongly influenced the subsequent policy debate about its use.

The policy debate about marijuana use has also brought into sharp focus two conflicting but deeply held beliefs of large and overlapping segments of the American population. To many, the use of drugs of any kind solely for

the purpose of producing states of intoxication is abhorrent, entirely apart from any presumed health effects. At the same time, many people strongly defend the right of individuals to privately indulge their desires, so long as others are not adversely affected. Adding to the complexity of the issues are continuing uncertainties about the health and developmental consequences of marijuana use, concern over the growing number of adolescent users, the social consequences of prosecuting otherwise law-abiding citizens for possession and use of marijuana, the relationship between the distribution of marijuana and that of other illegal drugs, the costs of enforcement of current laws, and the economic implications of the persistence of very large illegal markets.

The next section of this report presents a brief summary of existing evidence regarding the health consequences of marijuana use, drawing heavily on the recently completed study by the Institute of Medicine. The third section summarizes existing federal and state laws relating to the supply and use of marijuana. The fourth section of the report reviews the conclusions of the report of the National Commission on Marijuana and Drug Abuse (1972). The next two sections deal, respectively, with policies regarding the use and the supply of marijuana. The two final sections present a summary of the committee's conclusions regarding major policy options and recommendations for research needed to more adequately assess those options.

THE DANGERS OF MARIJUANA

Marijuana is not a harmless drug. Although available evidence suggests that marijuana may be less likely than opiates, barbiturates, or alcohol to induce psychological and physical dependence in its users, it has the capacity to reduce the effective functioning of individuals under its influence, and prolonged or excessive use may cause serious harmful biological and social effects in many users.

The recent report, Marijuana and Health, of the Institute of Medicine (1982:5 [reproduced in the appendix]) concludes:

The scientific evidence published to date indicates that marijuana has a broad range of psychological and biological effects, some of

which, at least under certain conditions, are harmful to human health. Unfortunately, the available information does not tell us how serious this risk may be.

Overall, the report concludes (p. 5):

{W}hat little we know for certain about the effects of marijuana on human health--and all that we have reason to suspect--justifies serious national concern.

The complete summary of the Institute of Medicine report appears as the appendix to this report.

Over the past 40 years, marijuana has been accused of causing an array of antisocial effects, including: in the 1930s, provoking crime and violence; in the early 1950s, leading to heroin addiction; and in the late 1960s, making people passive, lowering motivation and productivity, and destroying the American work ethic in young people. Although beliefs in these effects persist among many people, they have not been substantiated by scientific evidence.

Concerns about how marijuana affects citizenship, motivation, and job performance have become less salient in recent years as marijuana has moved more into the mainstream of society and has become less exclusively associated with radicals, hippies, or disadvantaged minorities. Though there is still widespread belief that heavy marijuana use may be incompatible with a responsible, productive life, evidence that marijuana has not adversely affected either the productivity or the sense of social responsibility of some groups of users (see, e.g., Hochman and Brill, 1973) has tempered earlier fears of a widespread "amotivational syndrome." Research that correlates marijuana use with undesirable behavior, such as alienation or inattention to school studies, has not established the direction of causality or ruled out spurious associations (see, e.g., Beachy et al., 1979). This issue, however, continues to be the subject of lively controversy and the Institute of Medicine report (1982:125) concludes that "it appears likely that both self-selection and authentic drug effects contribute to the 'motivational' problems seen in some chronic marijuana users."

Recently, a body of literature has accumulated that reports on links between marijuana use and such health

impairments as lung disease, chromosome damage, reduced reproductive function, and brain dysfunction (summarized in Institute of Medicine, 1982, and National Institute on Drug Abuse, 1980). In some areas--for example, effects on the nervous system and behavior and on the cardiovascular and respiratory systems--there is clear evidence that marijuana produces acute short-term effects (Institute of Medicine, 1982:2,3):

With a severity directly related to dose, marijuana impairs motor coordination and affects tracking ability and sensory and perceptual functions important for safe driving and the operation of other machines. . . . [It also] increases the work of the heart, usually by raising the heart rate and, in some persons, by raising blood pressure.

There is as yet no such clear evidence on the possible long-term effects in these areas, or of other potential health consequences of marijuana use; further research is needed. In addition, most studies on human populations have been laboratory studies of young, healthy adult males. Differential effects of marijuana use on the elderly, on pregnant women, on groups that are psychiatrically vulnerable or at risk for disease or dysfunction, and particularly on adolescents have not been studied systematically.

In our view, the most troublesome aspects of marijuana use are its potential effects on the development of adolescents. Parents as well as a number of clinicians and researchers are concerned that the social and intellectual development of teenagers may be harmed by chronic marijuana use. There is good evidence that intoxication may seriously impair such important skills as comprehension and retention of newly presented educational materials (Institute of Medicine, 1982). Rapidly growing tissues have been shown to be particularly vulnerable to some, although by no means all, toxic agents, and there is at least a possibility that toxic effects may be subtle and not clearly manifest until adulthood. Scientifically, these are difficult relationships to identify, and the research to date is still insufficient to strongly support any relationship.

Perhaps more significant than any lasting biological effect is the effect of the drug in different patterns of use on emotional development, on the formation of habits, and on the acquisition of coping skills for

stress situations. Indeed, although the many issues raised by the use of intoxicants to escape stressful challenge have not been systematically studied, the evident attractiveness of marijuana to many adolescents, and its possible dose-related interference with the study and hard work needed for intellectual development in the crucial high school years, make this a special matter for concern. This is particularly so in light of the fact that, unlike alcohol, marijuana is used by many adolescents during school hours. Finally, reports of the effects of marijuana use on automobile driving skills are worrisome.

This Committee has reviewed the scientific literature surveys of marijuana effects on health and behavior, including the major recent study conducted by the Institute of Medicine (1982) and those by the National Institute on Drug Abuse (1979; 1980), Tashkin et al. (1978), Nahas (1977), and Fried (1977). We agree with the conclusion of the Institute of Medicine report that it is likely that long-term heavy marijuana use will be shown to result in measurable damage to health, just as long-term chronic tobacco and alcohol use have proven to cause such damage. It is evident that the full impact of marijuana use on human health will not be clear without careful epidemiological studies involving substantial populations of users--a matter of some decades--even though it is predictable that this drug--like all others--will cause harm in some of its users, particularly in its heaviest users, and among these, in its heaviest adolescent users. At this time, however, our judgment as to behavioral and health-related hazards is that the research has not established a danger both large and grave enough to override all other factors affecting a policy decision.

OVERVIEW OF CURRENT MARIJUANA POLICIES

Current federal and state marijuana laws are in part governed by international treaty. The major federal law relevant to marijuana is the Comprehensive Drug Abuse Prevention and Control Act of 1970, which repealed all prior federal legislation and reduced federal penalties for possession and sale. Although marijuana possession and sale are still prohibited, possession has been reduced from a felony to a misdemeanor offense; the maximum penalty for a first offense is \$5,000 and one year's

imprisonment. The Act also provides for conditional discharge, by which first offenders found guilty of simple possession or casual transfer (which is treated as simple possession) may be placed on probation for up to one year (Congressional Digest, 1979).

The Uniform Controlled Substance Act of 1970, drafted by the National Conference of Commissioners on Uniform State Laws, was designed to make state laws more compatible with the new federal law. Like the federal act, the Uniform Act reclassified marijuana as a hallucinogen rather than a narcotic and reduced the penalty for possession from the felony to the misdemeanor level; a majority of the states have adopted the Uniform Act. Eleven states have withdrawn the criminal sanction from possession for personal use. In these states, arrest has been replaced with a traffic-ticket type of citation, and a small fine is the sole allowable penalty. About 30 states include some provision for conditional discharge of first offenders, and about a dozen of them provide for all records of the offense to be expunged. The Alaska Supreme Court ruled in 1975 that possession for personal use by adults at home was protected by the constitutional right to privacy and hence was not subject to any penalty (Rosenthal, 1979).

State penalties for second-offense possession and for selling marijuana are extremely variable. (See National Organization for the Reform of Marijuana Laws and Center for Study of Non-Medical Drug Use, 1979, for summary tables of state marijuana laws.) Sale is almost always a felony, with maximum sentences ranging from two years to life, although casual transfer, or "accommodation," is sometimes exempt from felony treatment. All but 15 jurisdictions punish cultivation as heavily as they do sale; the Uniform Act includes the two in the same classification (manufacture), with the same penalty provisions.

Federal prohibition of small-scale possession is virtually unenforced. At the March 1977 House of Representatives hearings on decriminalization, the chief of the criminal division of the Department of Justice testified that the federal government no longer effectively prosecutes the use of marijuana, "nor do we, under any conceivable way, in the Federal Government have the resources to do so" (Select Committee on Narcotics Abuse and Control, 1977:13). In terms of its effects from a law enforcement point of view, the present official federal policy of complete prohibition does not differ in

fact from a policy of prohibition of supply only. Complete prohibition is the federal law, but partial prohibition is the practice. However, the law, even though partly unenforced, has probably had a restraining influence on the willingness of states to adopt policies of less than complete prohibition. The states traditionally have followed the federal lead in drug abuse legislation, although they are not legally required to do so (see the testimony of Jay Miller, American Civil Liberties Union, to the Select Committee on Narcotics Abuse and Control, 1977). In summary, in most states and according to federal law, U.S. marijuana policy is one of complete prohibition--that is, prohibition of both supply and use.

Major alternatives to complete prohibition include prohibition of supply only--called partial prohibition--and regulation.* Prohibition of supply only means having no penalty (or only civil penalties) for use, possession, or, sometimes, "casual transfer" of small quantities of marijuana, while having criminal penalties for manufacture, importation, or commercial sale of marijuana. Regulation means not only eliminating penalties for use but also allowing controlled production and distribution.

Within each of the three broad policy options--complete prohibition, prohibition of supply only, and regulation--numerous subsidiary policy choices exist. For example, a policy of complete prohibition necessitates decisions about the resources to be devoted to enforcement, the appropriate penalties to be imposed for violations, and whether marijuana should be made available for any medical uses. Under a policy of prohibition of supply only, decisions must still be made about penalties and permitted medical uses. In addition, one must also determine how to distinguish between users

*In this discussion, we use the terms "complete prohibition," and "prohibition of supply and use" interchangeably. We also use the terms "partial prohibition," "prohibition of supply only," and "decriminalization" as equivalent. We generally prefer the terms "partial prohibition," or "prohibition of supply only" since many people seem to regard decriminalization as the equivalent of legalization or regulation--which it most certainly is not. (The policy of partial prohibition has also been called the vice model.) Finally, we use "regulation" and "legalization" as equivalent terms.

and suppliers; whether cultivation should be permitted; how stronger preparations of the cannabis plant, such as hashish, should be treated; whether to criminalize small-scale casual transfers, made with or without payment; and what should be done about certain specific behaviors, such as the public use of marijuana and the operation of motor vehicles under the influence of the drug. Under a policy of regulation, some of the issues to be decided are the type of control system (e.g., state monopoly or licensed sale), the rules as to potency and quality, and appropriate penalties for violation of the system's rules.

The variety of choices within each of the broad policy options suggests that none can be characterized in a monolithic way. Some regulatory systems could be so stringent as to have results similar to prohibitory laws: e.g., a regulatory system that raised the price drastically above what the illegal market charges. Similarly, lack of enforcement could strongly reduce the impact of a prohibitory option. As we have already noted, this latter effect has already occurred in some jurisdictions in which the law provides for complete prohibition but users are not in fact prosecuted.

A REVIEW OF THE REPORT OF THE NATIONAL COMMISSION ON MARIJUANA AND DRUG ABUSE

An attempt to describe a full array of policy options together with associated benefits and detriments of each of them was made by the National Commission on Marijuana and Drug Abuse in its 1972 report, Marijuana: A Signal of Misunderstanding. With respect to the major policy choices, the Commission did a thorough job. The members and staff recognized the limited knowledge base for their deliberations and subsequently recommended that a second commission be appointed to review the situation four years later. Such a follow-up commission was never appointed. It seems appropriate, then, that this Committee reappraise the Commission's work in light of subsequent research findings, especially those relating to recent changes in marijuana policies.

The Commission examined the spectrum of social policies available to control marijuana use and the benefits and detriments of implementing each policy. The legal alternatives presented included those identified above: complete prohibition; prohibition of supply only; and

regulatory approaches. The Commission emphasized that choosing among the three approaches requires consideration of the social milieu, cultural values, and practicalities of implementation. The Commission considered such social conditions particularly important in examining marijuana controls because both use of the drug and the laws prohibiting supply and use had symbolic importance, representing a clash of values between a dominant culture that opposed marijuana use and a large minority that either used marijuana or condoned its use. The probable effects of the various policies considered by the Commission include changes in use patterns, enforcement costs, and influence on related social concerns such as the marketing of other illicit drugs and general respect for law.

The Commission commented on all three broad policy options. It suggested first that total prohibition has resulted in costly enforcement, alienation of the young, discrimination through selective enforcement, some deterrence of supply (especially to middle-aged and middle-class potential users), but minimal deterrence of use by those with access to the drug. Second, the Commission stated its belief that prohibition of supply only would support the official policy of discouraging use, but at the same time would recognize the practical difficulties of attempting to eliminate use. The report listed a number of choices that might be made under a system of partial prohibition and described some of the practical problems they might entail (e.g., the need to distinguish between casual and commercial distributors). Finally, the Commission described regulation as a policy that only mildly disapproved of occasional use and that concentrated on controlling excessive use, but was mostly designed to lower the costs of prohibiting the drug. The Commission argued that marijuana consumption would increase considerably if complete prohibition were replaced by regulation. In addition, the Commission considered a major drawback of any regulatory system to be that its elimination of the main symbol of society's disapproval--criminal sanctions--would cause resentment among the nonuser majority of the population. Marijuana was described as being symbolic of countercultural lifestyles: "the drug's symbolism creates a risk of strong political reaction to any liberalization of the present laws by older members of the society" (National Commission on Marijuana and Drug Abuse, 1972, Appendix Volume II:1149).

On balance, the Commission concluded that, since the threat of punishment had not apparently deterred the millions of people who had already used marijuana, the replacement of complete by partial prohibition would not produce a significant increase in marijuana use. Consequently, the Commission recommended that individual marijuana users should not be subject to criminal prosecution for their private use or possession of small amounts of the drug, and that, on balance, the best policy was one of prohibition of supply only. In accordance with this view, the Commission recommended that federal and state laws should be amended to achieve partial prohibition. In the decade since the Commission report, a number of states have changed their laws in varying ways. These legal changes can be viewed as natural experiments, and one can use the data from them to reassess the Commission's conclusions regarding these policies.

THE USE OF MARIJUANA: COMPARING COMPLETE AND PARTIAL PROHIBITION

To compare the two types of marijuana control policies presently used in the United States--prohibition of supply and use and prohibition of supply only--we need to consider only the one particular in which they differ: the application of criminal sanctions against marijuana users. To compare the effects of the two policies, we can examine the effects of the prohibition of use and determine whether prohibition results in more costs than benefits or vice versa.

In recent years the prohibition of marijuana use has come under increasing criticism. Many students of the U.S. marijuana situation, including the National Commission on Marijuana and Drug Abuse, members of Congress, political analysts, and legal experts, have suggested that existing laws prohibiting marijuana use be repealed. These suggestions have been prompted by the failure of current policies to deter large numbers of users, the consequent criminalization of large numbers of young Americans, and the high social costs of such law enforcement. A number of professional associations and agencies have also gone on record in support of the removal of all criminal penalties for the private possession and use of marijuana as a means of reducing the economic costs of law enforcement and the social costs of arrest or imprisonment (criminalization) of young

people who are otherwise not criminally involved or labeled. The organizations and agencies that have expressed this view include the American Medical Association, the American Bar Association, the American Public Health Association, the Canadian Commission of Inquiry into the Non-Medical Use of Drugs, the National Council of Churches, the National Advisory Commission on Criminal Justice Standards and Goals, the National Commission on Marijuana and Drug Abuse, among others. Eleven states, with one-third of the nation's population, have adopted some version of partial prohibition or "decriminalization." (In Oregon, Alaska, Maine, Colorado, California, Ohio, Minnesota, Mississippi, New York, North Carolina, and Nebraska, citations and small fines have replaced arrests and incarceration for use-only marijuana-related offenses.)

At first glance, criminalizing the selling of marijuana might appear inconsistent with failing to punish its purchase. But in the drafting of laws, a line is often drawn between legal and illegal conduct so that the maximum reduction in the proscribed behavior can be gained at minimum social cost. Frequently it turns out that laws aimed solely at suppressing sales are more cost-effective in reducing both the possession and use of a substance than are laws that attempt to suppress possession directly. There are several reasons for this. First, there are fewer sellers than buyers; this permits a concentration of law enforcement efforts where they do the most good. Second, juries are likely to be more sympathetic to a "mere" user, who may be ill-advised, than to a dealer making a profit from the weaknesses of others. Offenses treated under the vice model (partial prohibition) range from gambling--the person who takes illegal bets is guilty of a crime while the person who places them is not--to the offense of selling new automobiles not equipped with seat belts--the seller, not the buyer, is guilty of an offense. Even Prohibition in 1919 never criminalized the possession or use of alcohol, only its manufacture and sale.

Effects of Partial Prohibition

Probably the most important fact about a policy of prohibition of supply only is that where it has been adopted it has apparently not led to appreciably higher levels of marijuana use than would have existed if use

were also prohibited. The National Commission on Marijuana and Drug Abuse's speculations about the lack of change in use patterns resulting from repeal of prohibitions on use have been confirmed by data since 1972. Reports from California, Oregon, and Maine indicate no appreciable increase in use following decriminalization of use, at least in the short term.

Oregon, the first state to repeal prohibition of use (in October 1973) has been studied in a series of Drug Abuse Council surveys (National Governors' Conference, 1977). Surveys in 1974 and 1975 showed no major increase following decriminalization. While the percentage of adults who were current users had increased by January 1977 (from 20 to 24 percent), use had increased similarly nationwide in the same period, suggesting that the causes for the adult increase in Oregon were the same as those for increases in the rest of the country rather than the result of changes in the law. Indeed, the percentage of adult ever-users in Oregon in 1976 (24 percent) was lower than the average percentage of adult ever-users in the western United States (28 percent) in 1975-1976, although higher than the national average (21.3 percent). (It should be noted that aggregate use rates in the western United States are heavily weighted by use rates in California, the largest western state, which had relatively high rates even prior to the state repeal of prohibition of use.) That the increase in use in Oregon from 1973 to 1976 was probably not due to the new law is suggested by other survey data. Only a small proportion of non-users said fear of legal prosecution was a reason for nonuse in 1974, 1975, and 1976 (National Governors' Conference, 1977). On the question of the fear of health dangers, Drug Abuse Council survey data show that such fear decreased significantly over those years but has increased since 1976.

The state of Maine, which repealed criminal penalties for marijuana use in May 1976, surveyed the effects of legislation in July and August 1978 (State of Maine Department of Human Services, 1979). Its study concluded that the change from criminal to civil penalties has not caused a large increase in marijuana use; less than 1 percent of all adults and 3.1 percent of all high school students reported any increase in their use as a result of the new law; 3.5 percent of adult regular users and 7 percent of high school regular users reported any increase in their use directly attributable to the change in the law. There is also preliminary evidence, based on

a nationwide study of high school students between 1975 and 1979, that "any increase in marijuana use in the decriminalized states, taken as a group, was equal to or less than the increases being observed in the rest of the country where decriminalization was not taking place" (Johnston, 1980:5). It could be argued that because de facto repeal of prohibition of use has been taking place throughout the country, one should not expect to see larger increases in use in states that legally decriminalize than in others. Even if this is true, however, the important point is that the legal change to decriminalization does not, in itself, appear to lead to increases in use.

This lack of change is not particularly surprising. The statistical chance that any person would be apprehended for his or her use is, in fact, extremely low throughout the United States (though, as we note below, the large number of users is sufficient to generate a substantial volume of arrests in states that do prohibit use). As a result, it is hard to imagine that the deterrent effect of prohibition laws on any given user would be very great.

It has been suggested that repeal of government prohibitions might change attitudes related to health or morals, perhaps symbolizing that health officials certify marijuana use to be safe. The absence of large increases in marijuana use in repeal states, however, indicates that either the change in policy has not had such a symbolic effect, or that, if it has, its causal significance is not appreciable--though it must be acknowledged that changes of this type might take generations to occur.

Costs of Prohibition of Use

The costs of policies directed at the user are not negligible, although actual savings in law enforcement costs attributable to repeal of prohibition of use per se are difficult to estimate. The difficulty arises in part because marijuana arrests have decreased nationally in recent years, reflecting the overall tendency to relax enforcement of marijuana laws, and that change could lead to inaccurate estimates of the impact of repeal. Nevertheless, reduced law enforcement activities seem to have led to substantial savings in states that have repealed laws that prohibit use.

California made a careful study of the economic impact of its law repealing prohibition of use, which went into effect in January 1976 (State Office of Narcotics and Drug Abuse, 1977). The law reduced the penalty for personal possession of one ounce or less of marijuana from a possible felony to a citable misdemeanor, punishable as an infraction with a maximum fine of \$100 without regard to prior possession offenses. Criminal custody, booking, and pretrial incarceration procedures were eliminated. Possession of more than one ounce was also made a misdemeanor, with a maximum fine of \$500, six months in jail, or both. According to the study, these changes resulted in a 74 percent reduction in what the state had been spending yearly to enforce its marijuana laws. (Estimates of what the state had been spending ranged from \$35 million to more than \$100 million yearly; see National Governors' Conference, 1977.)

In addition to its economic benefits, repealing prohibition of use saves the social costs of criminalizing the marijuana user. In recent years, close to 400,000 people have been arrested each year for marijuana-related offenses despite the general nonenforcement of criminal sanctions for use (Federal Bureau of Investigation, 1980). Only a small fraction of the arrests are made under federal law, largely for importation of marijuana. About 85 percent of all marijuana-related arrests are for possession, usually of one ounce or less (see, e.g., State Office of Narcotics and Drug Abuse, 1977).

A study by the National Commission on Marijuana and Drug Abuse of a sample consisting of some 3,000 of the people arrested for marijuana-related offenses in 1970 indicated that the marijuana arrest was usually the arrestee's first experience with the criminal justice system, particularly among juveniles (National Commission on Marijuana and Drug Abuse, 1972). Yet, "it is standard practice for law enforcement agencies to report such offenses to prospective employers, licensing agencies, and other authorities as 'narcotic drug arrests'" (testimony of Jay Miller, American Civil Liberties Union, to the Select Committee on Narcotics Abuse and Control, 1977). Thus young users, who are often otherwise law-abiding people, are subject to an arrest record, or even a prison term, with implications extending into many aspects of their lives.

Alienation from the rule of law in democratic society may be the most serious cost of current marijuana laws. The National Commission on Marijuana and Drug Abuse was

concerned that young people who see no rational basis for the legal distinction between alcohol and marijuana may become cynical about America's political institutions and democratic process. The American Bar Association report (printed in Select Committee on Narcotics and Drug Abuse, 1977) concurs in the view that marijuana laws that criminalize the millions of Americans who have used marijuana engender disrespect for the law.

Public Attitudes Toward Partial Prohibition

Although the National Commission on Marijuana and Drug Abuse concluded that prohibition of supply only would be a better policy than prohibition of supply and use, it felt that a serious disadvantage of such a course would be the upset and moral outrage such a policy would engender. Hindsight now shows that the Commission was mistaken in predicting a strong uniform public reaction to the adoption of partial prohibition policies. Experience since 1973 has shown that repeal of criminal penalties for use of marijuana has not been accompanied by massive public protest in the states in which it occurred and, in fact, has had the approval of the majority of citizens in those states (National Governors' Conference, 1977).

Nationally, attitude trends are consistent with the experience of the repeal states. Roffman (1978) reports that public opinion surveys indicate a slowly increasing preference for a reduction in penalties for marijuana offenses; a 1975 national survey (National Institute on Drug Abuse, 1975-1976) found that 52 percent of American adults favored only a fine or probation for small marijuana offenses; and a 1977 Gallup poll showed that 28 percent of the public favored legalization, compared with 12 percent in 1969.

THE SUPPLY OF MARIJUANA: COMPARING PROHIBITED AND REGULATED MARKETS

Policy implementation does not occur in an ideal world. Prohibition of supply has not, in practice, meant that no one has had access to marijuana--though this may have been the intent of those who framed that law. Similarly, regulation of supply does not mean that everyone who uses marijuana will use it moderately, minimizing its harm. Prohibition of supply does make marijuana less

accessible than it might otherwise be to a large number of Americans, and thus it almost certainly reduces the total amount of the drug used and the number of users. Such reduction is the purpose of a partial prohibition policy and to some extent it is accomplished. Arguments for a regulated, legal supply of marijuana are largely based on the social costs and incomplete effectiveness of prohibition of supply and on the belief that regulating rather than prohibiting the supply would not lead to an unacceptably large increase in use.

Under a regulatory policy, the cultivation, importation, manufacture, distribution, retailing, and, of course, use of marijuana would no longer be illegal per se. Within this broad category, specific policy options range from a virtual withdrawal of the government from marijuana control (allowing the drug to be freely produced, advertised, and sold, very much as coffee is today--but protecting the consumer against harmful adulterants), to a carefully controlled system of licensing, to a government monopoly on retail sales, wholesale distribution, or manufacture of marijuana. Thus, controls might be placed on such factors as quality, potency, amount purchased, time and place of sales, age of buyers, etc. If marijuana were regulated as is alcohol, restrictions would derive from federal, state, or local statutes, with the majority of them not at the federal level. Regulations might also include legally fixed prices--as in state-controlled alcohol beverage retailing or as a consequence of the levying of excise taxes.

The specific form and content of any proposed regulatory system are very important for those faced with the decision as to whether and under what conditions to remove penalties for the distribution of marijuana, but such details are beyond the scope of this report.

The advantages of a policy of regulation include the disappearance of most illegal market activity, the savings in economic and social costs of law enforcement directed against illegal supply systems, better controls over the quality and safety of the product, and, possibly, increased credibility for warnings about risks. The major disadvantages are a consequence of increased marijuana use--increases in harm to physical health and to individual development and behavior.

Costs of Prohibition of Supply

The number of arrests for violations related to supply is much lower than for those related to use. But enforcement of prohibition of supply is far more costly per arrest. Long undercover investigations, the purchase of expensive hardware, and the major consumption of trial and correctional resources are largely attributable to the prohibition of supply.

The National Institute on Drug Abuse (1975) estimated that in 1974 costs for enforcement of marijuana laws totaled \$600 million for state and local agencies. If we extrapolate from the California data (State Office of Narcotics and Drug Abuse, 1977), about three-fourths of the total is spent enforcing the law against marijuana supply. The total federal drug abuse law enforcement budget was more than \$400 million in 1979, about half of which was the budget for the Drug Enforcement Administration. At the federal level, authorities do not break down their expenditures on enforcement between marijuana and other drugs; virtually all of the federal resources that are allocated to marijuana are spent in attempting to enforce the laws against supply.

The task of attempting to make the prohibition of supply effective is, of course, formidable. In 1969 Operation Intercept demonstrated the practical difficulty of sealing off the Mexican border. In the weeks the operation lasted, hundreds of thousands of vehicles and passengers were searched every day; ensuing traffic jams caused expenditures by U.S. tourists and commuters to Mexico to drop 50-70 percent below normal (Kaplan, 1971). The situation was intolerable and the program was halted. However, the federal government has continued efforts to improve border surveillance and to penetrate trafficking networks. The White House Strategy Council on Drug Abuse (1979) notes that more than 5.6 million pounds of marijuana was seized at the Mexican border over a 12-month period in 1977-1978; a large increase over the 1.5 million pounds seized during the previous 12 months, "but a fraction of marijuana entering the country." Recently, the Council has suggested strengthening border surveillance by cooperative efforts of the Drug Enforcement Administration, the Customs Service, the Coast Guard, and the Department of State and by the use of the detection capabilities of the armed forces as well.

In our view, the prospects for major success in these ventures are not great. Nor is there much likelihood

that some recently suggested measures against marijuana production outside the U.S. would make future prohibition of supply more effective. For example, the White House Strategy Council on Drug Abuse has supported crop eradication programs, provided that the proposed method of eradication is evaluated for possible health and environmental consequences and that a readily distinguishable marker is added to any chemical herbicides that are used, but the political obstacles to this course would be significant. Entirely apart from the views of producer nations, which are likely to be quite negative, the public is unlikely to support the use of chemicals of unknown toxicity on an import product, legal or not, that may be used by large numbers of Americans. And irrespective of the degree of success of controlling imports, the problem of domestic production under a policy of partial prohibition remains. Although the illegal domestic industry is thought to account for only about 15 percent of American marijuana consumption, marijuana grows easily in many parts of the United States. The National Commission on Marijuana and Drug Abuse cited a Department of Agriculture estimate that in 1972 there were 5 million acres containing wild marijuana in the United States and an undetermined but obviously growing number of acres under cultivation.

Law enforcement costs are by no means the only costs of prohibition of supply. There are large amounts of money being made in marijuana--which, like any illegal business, carries with it the likelihood of corruption of public officials and the loss of tax dollars. Violence is also a cost of attempting to prohibit marijuana supply; this problem is not confined to illegal marijuana production abroad. There has been violence in marijuana-growing regions in the United States. The extent of such violence is not known with any precision, but there have been popular press reports of kidnappings, assaults, burglaries, and homicides known to be connected with the marijuana business in northern California and elsewhere.

Another major cost of attempts to prohibit the supply of marijuana is related to the fact that many illegal sellers of marijuana also sell other illegal drugs, e.g., PCP, amphetamine, and barbiturates (Blum, 1971). It is likely, therefore, that prohibition of the supply of marijuana increases access to and use of other illegal drugs through the creation of an illegal marketing system for all drugs. Little is known about the structures and activities of illicit drug markets. It is clear,

TABLE 1 Lifetime Prevalence and Use in Past Month of Marijuana, 1971-1979,
by Category of User (percentage)

Category of User	1971	1972	1974	1976	1977	1979
Youth: Ages 12-17						
Ever used	14.0	14.0	23.0	22.4	28.0	30.9
Used in past month	6.0	7.0	12.0	12.3	16.6	16.7
Young Adults: Ages 18-25						
Ever used	39.3	47.9	52.7	52.9	59.9	68.2
Used in past month	17.3	27.8	25.2	25.0	27.4	35.4
Older Adults: Ages 26+						
Ever used	9.2	7.4	9.9	12.9	15.3	19.6
Used in past month	1.3	2.5	2.0	3.5	3.3	6.0
(Number)	(3,186)	(3,265)	(4,022)	(3,576)	(4,594)	(7,224)

SOURCE: Fishburne et al. (1980).

however, that there are many small-scale marijuana dealers, that many sellers service only their friends and acquaintances, and that those who sell marijuana are thereby more likely to come into contact with users and sellers of more dangerous drugs, to use such drugs, and to make them available to their clientele (Blum, 1971). Moreover, there is reason to believe that marijuana sellers may become socialized into other illegal activities.

Costs of Regulating Supply

The wide availability and use of marijuana are not only major factors in the cost of attempts to prohibit the supply of the drug, they also have implications for the likely magnitude of increases in use that could be expected under a regulatory policy. Greater use of marijuana under a regulatory policy is regarded as the most significant cost of such a policy. In an analysis of this potential cost, however, it is important to note that under the present policy of prohibition, prevalence and frequency of marijuana use are substantial and have increased in recent years.*

A National Institute on Drug Abuse general household survey (Fishburne et al., 1980) shows that 35.4 percent of the 18-25-year-olds in the United States report having used marijuana in the month preceding the survey. Yearly surveys show a steady increase from 1971 to 1979 in the percentage of people who report having ever used marijuana as well as in the percentage of people who report being current users (see Table 1). These survey results (Fishburne et al., 1980) also indicate that between 1976 and 1977, the percentage of current users among 12-17-year-olds increased from 12.3 to 16.6 percent; this trend

*The data indicating rates of use are based on self-reports; as such, their reliability and validity may be questioned. Nevertheless, as Radosevich et al. (1979) indicate, studies of questions on drug use have consistently demonstrated reliable responses within the same instrument and over time. Furthermore, there are indications that most drug surveys do not have serious validity problems (see Whitehead and Smart and Abelson and Atkinson, both cited in Radosevich et al., 1979; Johnston et al., 1982).

TABLE 2 Trends in Prevalence of Marijuana Use by High School Seniors (percentage)

Prevalence	Class						
	1975	1976	1977	1978	1979	1980	1981
Ever used	47.3	52.8	56.4	59.2	60.4	60.3	59.5
Used in last 12 months	40.0	44.5	47.6	50.2	50.8	48.8	46.1
Used in last 30 days	27.1	32.2	35.4	37.1	36.5	33.7	31.6
Used daily in last 30 days ^a	6.0	8.2	9.1	10.7	10.3	9.1	7.0

^aDaily use defined as using marijuana on 20 or more occasions in the last 30 days.

SOURCE: Johnston et al. (1982).

had leveled off by 1979 and has since shown a decline. In an annual survey of national samples of some 17,000 high school seniors, Johnston et al. (1982) found that 7.0 percent of the class of 1981 reported daily marijuana use, compared with 6.0 percent in 1975 and 10.7 percent in 1978, the peak year (see Table 2). There has been a similar trend in initial use at younger ages.

Although the present policy of prohibition of supply is not preventing the current levels of marijuana use, including use among the very young, it is probable that most strategies under a regulatory policy would result in an overall increase in use. Even more important than overall use rates, however, are likely changes in consumption patterns; such patterns are the most difficult changes to predict. The smallest increases in numbers of users can be expected to occur among those to whom marijuana is now most readily available--the young. Johnston et al. (1982) found that close to 90 percent of the high school seniors in their national sample survey report that marijuana is "fairly easy" or "very easy" for them to get. This percentage remained relatively stable over the seven years, 1975-1981. At the same time, the reported availability of most other illegal drugs (except cocaine) declined considerably. For example, while 46.2 percent of the 1975 high school seniors said that LSD would be "fairly easy" or "very easy" to get, only 32.2 percent of the class of 1978 gave those responses. It would appear, therefore, that the reports of easy availability are not due to a tendency of adolescents to report any illegal drug as easy to get, but reflect their actual access to the drug. It might also be noted that only 13.9 percent of the class of 1978 reported having no friends who smoke marijuana; thus it is reasonable to expect that at least 86 percent have a factual basis for estimating the availability of the drug.

Other survey data corroborate these findings.

Radosevich et al. (1979) report that a 1975 national survey by the Drug Abuse Council found that at least 70 percent of the high school students in their sample reported marijuana "easy to get," and O'Donnell et al. (1976) found similar results. There are no contrary reports for recent years. In sum, one can be reasonably confident that, at least with respect to older adolescents, the prohibition against supply does not succeed in suppressing access to marijuana. (The effect on price is discussed below.)

Regulation could be expected to provide the greatest increase in availability to those to whom the drug is now least available, i.e., older adults who are not in contact with marijuana sellers or a drug-using subculture and who are most likely to avoid illegal "connections."

It has been argued that a serious cost of the adoption of a regulatory policy for marijuana is the likelihood that such a change might delude many people into believing that the drug is safe. As noted above, there is no indication that the elimination of penalties for marijuana use has caused the drug to be regarded as any less dangerous. Moreover, alcohol and tobacco are almost universally regarded as involving risks to health, and these drugs are already made available under regulatory systems.

To the extent that marijuana use causes harm, one is necessarily concerned about policy changes that will lead to increases in use. As we have noted, however, it is a fact that marijuana is already widely available despite the legal prohibition of supply and that, despite the best efforts of government under any foreseeable set of conditions, it will continue to be. Though a regulatory policy would increase the availability of the drug, estimates of the size of these increases, and associated increases in harm, must be weighed against estimates of the costs and weaknesses of continuing prohibitions of supply. In pragmatic terms, the issue is whether more harm would be done, overall, by retaining the partly effective, costly prohibition of supply or by moving to a system of legalized regulated sales--wherein presumably more people would use more marijuana, but some of the costs imposed by prohibition of supply would be removed.

Regulatory Systems: Some Concrete Aspects

To this point, a policy of regulation has been discussed rather abstractly in contrast with the more concrete discussion of prohibition policies. Experimentation with varying systems of regulation followed by adjustment and readjustment based on experience would be necessary before those most appropriate for particular circumstances could be developed. This can be a complex matter. For instance, U.S. alcohol policy, developed with the repeal of Prohibition, consists of an umbrella of national policy and a wide variety of supporting state and local regulation. The national policy umbrella includes

controls on importation, taxation, potency, packaging, labeling, advertising, use in federal jurisdictions (e.g., parks, military installations), and use in systems regulated by the federal government (e.g., air transportation); it also provides funds and guidelines for the treatment of casualties of excessive use. Under the umbrella policy, states and local jurisdictions regulate taxes, retail sales, hours of availability, age limits, and the like, where supply is legal, or prohibit sales entirely. Some states have monopoly systems for package sales, others use licensed private stores. Historically, under this system, the strictness of controls has reflected local sentiment about the consumption of alcohol. Although few "dry" jurisdictions exist today, various degrees of local "dryness" were quite widespread until very recently (National Research Council, 1981).

Controlling Use

A regulated system of marijuana sale might attempt to moderate use by inhibiting the frequency of use and the amounts used as well as by prescribing conditions of purchase and use. However, it is likely that under a regulatory system consumption would in great part be controlled by informal social norms--as it is today.

Manipulating the price of the drug is an obvious means of inhibiting use. It has been argued that most adults would be willing to pay a higher price for legal marijuana than they currently pay for illegal supplies in return for not having to seek out "connections" and being relieved of the feeling that they may be supporting organized crime. A high price would be comparatively more restrictive for young people--precisely those whom one would most want to discourage from use--since, though they seem affluent compared with young people in previous times, their budgets are in fact more constrained than those of adults. The possibility of illegal markets selling to young people remains, but today's kind of illegal market for marijuana would probably shrink greatly under a regulatory system in the same way that illegal alcohol distribution systems have become so scarce. Young users would be much more likely to gain access to marijuana by diversion from the legal market--as they do today for alcohol--or from homegrown plants than from a wholly illegal chain of distributors. Such a development would make marijuana selling a less profitable and status-producing occupation among the young.

It has been suggested that if legal limits were imposed on the potency of legally available marijuana, a substantial illegal market for high-potency forms of the drug, including hashish, would still exist. Since it is likely that there would continue to be some users who prefer high-potency forms of cannabis, this is a reasonable concern. But there is no compelling a priori reason to believe that a legal structure for retail marijuana sales, which includes limits on potency, would result in any increase in the availability and use of high-potency products.

Home Cultivation

Cultivation of marijuana by users is another issue that would have to be confronted in devising a regulatory system. Growing marijuana without payment of a tax might be treated as a revenue offense. Without criminal penalties or vigorous enforcement, however, deterrent effects would be minimal since marijuana can be grown indoors anywhere in the United States using artificial light--and at comparatively little expense. A recent British study of options for marijuana control (Logan, 1979) suggests that, from a law enforcement perspective, it is not feasible to attempt to control home cultivation. Whether users would take the trouble to grow their own marijuana would depend in part on the legal price. The relatively high prices that might be charged in order to discourage use and to increase revenues would also tend to encourage home cultivation. Whatever its disadvantages, however, the use of homegrown marijuana at least would not bring users into contact with those who illegally sell the drug. With respect to young people, moreover, marijuana under cultivation is much harder for children to hide from parents than is the purchased prepared drug, and cultivation by juveniles could remain illegal if age limits on use were imposed. Nonetheless, the treatment of home cultivation represents a major issue for the design of a regulatory system.

Public Education

Excessive use may be discouraged by policies aimed at public education and at the use of the media, including a ban on commercial advertising. Although information

on how to use drugs, on drug hazards, and on the attributes of drugs is passed along most effectively through informal channels (see, e.g., Hanneman, 1972), media and education programs can make such information far more readily available.

Research on the communication of messages to the public has identified source credibility as a major factor contributing to the persuasive power of a message (McGuire, 1969). It appears that the public is now extremely wary of some government information programs that attempt to influence health behaviors. The credibility of the federal government may be especially suspect when it issues health warnings about an illegal substance that it is clearly trying to prohibit. Rosenthal (1979) asserts that distrust of the government and the medical establishment has grown because of past exaggerations and distortions of the effects of some mind-altering drugs.

Informal Social Controls

In an assessment of possibilities for governmental controls under a regulatory system, the operation of informal norms for controlling substance use practices must be taken into account (Maloff et al., 1980). National experience with alcohol use, for example, provides evidence that there are informal rituals and sanctions that generally encourage moderation in the use of recreational drugs. Moreover, moderation is encouraged when a drug is introduced gradually, that is, to a growing population of users, like marijuana in the 1960s and early 1970s. One might expect that when a new drug is introduced into a society, governmental control would be particularly important since no informal controls for teaching people appropriate rules for use would have developed. If a potent drug is made widely available precipitously and very cheaply to a novice population, severe societal disruptions may occur: for example, the gin epidemics of early eighteenth-century England (see Clark, 1976). Because in the past two decades informal norms for controlling marijuana use have spread in the United States under conditions of greatly increased availability of marijuana, there is reason to believe that widespread uncontrolled use would not occur under regulation. Indeed, regulation might facilitate patterns of controlled use by diminishing the "forbidden fruit" aspect of the

drug and perhaps increasing the likelihood that an adolescent would be introduced to the drug through families and friends who practice moderate use, rather than through their heaviest-using, most drug-involved peers.

Relations Among States

As has historically been the case with respect to alcohol, state governments differ in their approaches to marijuana. So long as present federal law continues to prohibit cultivation and distribution of marijuana, states cannot adopt a regulatory system, although they are legally free to reduce or eliminate their own penalties for sale and are not compelled to enforce federal laws. If federal law were changed, however, the institution of a regulatory system in one state would have reverberations in other states. Residents of states that continued to prohibit marijuana could be expected to cross state lines to purchase the drug in a state with a regulated system, thus further compromising the ability of states to enforce prohibition of supply among its residents. Furthermore, states that attempted to curtail consumption by raising prices might find their populations turning to lower-cost marijuana from neighboring states with lower prices. This is a familiar situation. Large numbers of both cigarettes and guns are smuggled illegally into New York from other states. Moreover, New Yorkers may travel to New Jersey to gamble in a casino, or Virginians to the District of Columbia to buy cheaper liquor. It is difficult to see how state prohibitions could remain effective if the number of states with regulatory systems grew very large unless the changes occurred in only one region of the country. However, there may be advantages in permitting a state-by-state approach. Conditions governing the costs and benefits both of partial prohibition and of regulation vary among the states. In this area of uncertainty, we may learn from experiment. If one regulatory system proved successful, other states would be more likely to adopt similar systems; similarly, if it worked poorly in one state, other states would be less inclined to adopt a regulatory policy.

Effects on Foreign Relations

The 1961 Single Convention on Narcotic Drugs, which now obligates the U.S. government to prevent the importation of marijuana and to prohibit the adoption of a licensing system by any state, is a serious (although not an insurmountable) obstacle to the adoption of a federal regulatory policy and the development of state licensing. The treaty allows a signatory to terminate its adherence to the agreement at any time after two years from the date of the convention. Of course the general impact of any move to withdraw from the convention includes a broad foreign policy context, which is beyond the expertise of this Committee to judge.

CONCLUSIONS

For the last decade, concern with health hazards attributable to marijuana has been rising. The hearts, lungs, reproductive functions, and mental abilities of children have been reported to be threatened by marijuana, and such threats are not to be taken lightly. Heavy use by anyone or any use by growing children should be discouraged. Although conclusive evidence is lacking of major, long-term public health problems caused by marijuana, they are worrisome possibilities, and both the reports and the a priori likelihood of developmental damage to some young users makes marijuana use a cause for extreme concern.

At the same time, the effectiveness of the present federal policy of complete prohibition falls far short of its goal--preventing use. An estimated 55 million Americans have tried marijuana, federal enforcement of prohibition of use is virtually nonexistent, and 11 states have repealed criminal penalties for private possession of small amounts and for private use. It can no longer be argued that use would be much more widespread and the problematic effects greater today if the policy of complete prohibition did not exist: The existing evidence on policies of partial prohibition indicates that partial prohibition has been as effective in controlling consumption as complete prohibition and has entailed considerably smaller social, legal, and economic costs. On balance, therefore, we believe that a policy of partial prohibition is clearly preferable to a policy of complete prohibition of supply and use.

We believe, further, that current policies directed at controlling the supply of marijuana should be seriously reconsidered. The demonstrated ineffectiveness of control of use through prohibition of supply and the high costs of implementing such a policy make it very unlikely that any kind of partial prohibition policy will be effective in reducing marijuana use significantly below present levels. Moreover, it seems likely to us that removal of criminal sanctions will be given serious consideration by the federal government and by the states in the foreseeable future. Hence, a variety of alternative policies should be considered.

At this time, the form of specific alternatives to current policies and their probable effect on patterns of use cannot be determined with confidence. It is possible that, after careful study, all alternatives will turn out to have so many disadvantages that none could command public consensus. To maximize the likelihood of sound policy for the long run, however, further research should be conducted on the biological, behavioral, developmental, and social consequences of marijuana use, on the structure and operation of drug markets, and on the relations of various conditions of availability to patterns of use.

RECOMMENDATIONS FOR RESEARCH

Health and Behavior

The persistent concern about the health-related effects of marijuana requires both an immediate and a continuing response. First, as the report of the Institute of Medicine (1982:5) recommends, there should be "a greatly intensified and more comprehensive program of research into the effects of marijuana on the health of the American people." An important goal of this research program should be the identification of subgroups at high risk for physiological and psychological damage in relation to patterns of use and doses of marijuana. The report presents a detailed agenda of needed research. Second, to the extent that potential health hazards are identified, policy research should address possible safeguards and precautions to protect the user.

If marijuana use can be scientifically shown to entail grave risks--to the brain, the cardiovascular and respiratory systems, or to reproductive functions, for

example--that are currently not known, it can be argued that, as was the case with cigarette smoking, knowledge of those effects will be more effective than criminal enforcement as a deterrent to use.

Drug Markets

Research on the price elasticity of demand in legal and illegal markets is a clear priority. The result of such research will be important in determining the likelihood of controlling heavy use through price mechanisms and in computing the amount of money--if any--that could be realized in taxation of marijuana.

Present knowledge of the structure and activities of drug markets and networks is insufficient to allow prediction of the effects of policy changes on them. Research in this area is difficult but the questions are important. If many dealers who sell cocaine, PCP, amphetamines, and barbiturates as well as marijuana would be put out of business if marijuana were available through legal channels, it might result in a curtailed market for a variety of other drugs. On the other hand, it is also possible that the market structure is so loosely organized, and dealers so transiently involved, that removing marijuana from the illegal markets would have little effect. To be sure, much research on some of these questions could not be conducted unless a regulatory system were in place in some state. Nonetheless, some research, particularly ethnographic and economic studies, should be undertaken now to discover the importance of marijuana profits to drug-dealing networks; the transiency, size, and nature of such networks; etc. It is essential for research in this area to be supported by appropriate government agencies.

Effects on Use

Although many questions remain to be answered before the most informed choices can be made between prohibiting and regulating supply, there are many things that cannot be known unless some jurisdiction tries a regulatory policy. Although adoption of a regulatory policy is likely to result in increased use, little is known about changes in patterns of use that are likely to result. If federal laws prohibiting supply are changed to allow

states to license marijuana sales, epidemiological research programs must be ready to monitor any changes in use and their consequences. To do so, research should be organized and operating well in advance of any such policy changes in order to determine rates of use before the change. Although the shift in the law from complete to partial prohibition in 11 states has apparently had little effect on consumption patterns there, we do not know the degree to which legally available marijuana would attract a larger market. The impact on use of educational campaigns, health warnings, and informal social controls under a regulatory system should be investigated.

In the absence of the opportunity for states to adopt regulatory policies, there can only be educated guesses about which age groups are likely to increase use or whether individuals who now use marijuana will use more, etc. Meanwhile, every bit of analysis to predict the answers to these questions, by surveying public attitudes, assessing past experiences with the spread of drug use in society (e.g., alcohol use following the repeal of Prohibition), and critically reviewing the experience of other societies in which marijuana is more readily available, will be valuable.

Marijuana regulation would permit systematic provision of comprehensive, clearly communicated health warnings on package inserts or covers, in public health education, by medical practitioners, and by public health interest groups as well as by the government. The extent to which such warnings would have more credibility for users than current health warnings, generated in an atmosphere of prohibition, is an important subject for research. Despite widespread pessimism about the failures of drug education campaigns, there are encouraging results in educational approaches based on the Stanford Heart Disease Prevention Program experience. With appropriate, research-based models and techniques, public health education may be an attractive means for limiting excessive use (see, e.g., Maccoby, 1979).

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APPENDIX: SUMMARY OF MARIJUANA AND HEALTH

The Institute of Medicine (IOM) of the National Academy of Sciences has conducted a 15-month study of the health-related effects of marijuana, at the request of the Secretary of Health and Human Services and the Director of the National Institutes of Health. The IOM appointed a 22-member committee to:

- analyze existing scientific evidence bearing on the possible hazards to the health and safety of users of marijuana;
- analyze data concerning the possible therapeutic value and health benefits of marijuana;
- assess federal research programs in marijuana;
- identify promising new research directions, and make suggestions to improve the quality and usefulness of future research; and
- draw conclusions from this review that would accurately assess the limits of present knowledge and thereby provide a factual, scientific basis for the development of future government policy.

This assessment of knowledge of the health-related effects of marijuana is important and timely because marijuana is now the most widely used of all the illicit drugs available in the United States. In 1979, more than 50 million persons had tried it at least once. There has been a steep rise in its use during the past decade, particularly among adolescents and young adults, although there has been a leveling-off in its overall use among high school seniors in the past 2 or 3 years and a small decline in the percentage of seniors who use it frequently. Although substantially more high school students have used alcohol than have ever used marijuana, more high school seniors use marijuana on a daily or near-daily basis (9 percent) than alcohol (6 percent). Much of the heavy use of marijuana, unlike alcohol, takes place in school, where effects on behavior, cognition, and psychomotor performance can be particularly disturbing. Unlike alcohol, which is rapidly metabolized and eliminated from the body, the psychoactive components of marijuana persist in the body for a long time. Similar to alcohol, continued use of marijuana may cause tolerance and dependence. For all these reasons, it is imperative that we have reliable and detailed information about the effects of marijuana use on health, both in the long and short term.

What, then, did we learn from our review of the published scientific literature? Numerous acute effects have been described in animals, in isolated cells and tissues, and in studies of human volunteers; clinical and epidemiological observations also have been reported. This information is briefly summarized in the following paragraphs.

EFFECTS ON THE NERVOUS SYSTEM AND ON BEHAVIOR

We can say with confidence that marijuana produces acute effects on the brain, including chemical and electrophysiological changes. Its most clearly established acute effects are on mental functions and behavior. With a severity directly related to dose, marijuana impairs motor coordination and affects tracking ability and sensory and perceptual functions important for safe driving and the operation of other machines; it also impairs short-term memory and slow learning. Other acute effects include feelings of euphoria and other mood changes, but there also are disturbing mental phenomena, such as brief periods of anxiety, confusion, or psychosis.

There is not yet any conclusive evidence as to whether prolonged use of marijuana causes permanent changes in the nervous system or sustained impairment of brain function and behavior in human beings. In a few unconfirmed studies in experimental animals, impairment of learning and changes in electrical brain-wave recordings have been observed several months after the cessation of chronic administration of marijuana. In the judgment of the committee, widely cited studies purporting to demonstrate that marijuana affects the gross and microscopic structure of the human or monkey brain are not convincing; much more work is needed to settle this important point.

Chronic relatively heavy use of marijuana is associated with behavioral dysfunction and mental disorders in human beings, but available evidence does not establish if marijuana use under these circumstances is a cause or a result of the mental condition. There are similar problems in interpreting the evidence linking the use of marijuana to subsequent use of other illicit drugs, such as heroin or cocaine. Association does not prove a causal relation, and the use of marijuana may merely be symptomatic of an underlying

disposition to use psychoactive drugs rather than a "stepping stone" to involvement with more dangerous substances. It is also difficult to sort out the relationship between use of marijuana and the complex symptoms known as the amotivational syndrome. Self-selection and effects of the drug are probably both contributing to the motivational problems seen in some chronic users of marijuana.

Thus, the long-term effects of marijuana on the human brain and on human behavior remain to be defined. Although we have no convincing evidence thus far of any effects persisting in human beings after cessation of drug use, there may well be subtle but important physical and psychological consequences that have not been recognized.

EFFECTS ON THE CARDIOVASCULAR AND RESPIRATORY SYSTEMS

There is good evidence that the smoking of marijuana usually causes acute changes in the heart and circulation that are characteristic of stress, but there is no evidence to indicate that a permanently deleterious effect on the normal cardiovascular system occurs. There is good evidence to show that marijuana increases the work of the heart, usually by raising heart rate and, in some persons, by raising blood pressure. This rise in workload poses a threat to patients with hypertension, cerebrovascular disease, and coronary atherosclerosis.

Acute exposure to marijuana smoke generally elicits broncho-dilation; chronic heavy smoking of marijuana causes inflammation and pre-neoplastic changes in the airways, similar to those produced by smoking of tobacco. Marijuana smoke is a complex mixture that not only has many chemical components (including carbon monoxide and "tar") and biological effects similar to those of tobacco smoke, but also some unique ingredients. This suggests the strong possibility that prolonged heavy smoking of marijuana, like tobacco, will lead to cancer of the respiratory tract and to serious impairment of lung function. Although there is evidence of impaired lung function in chronic smokers, no direct confirmation of the likelihood of cancer has yet been provided, possibly because marijuana has been widely smoked in this country for only about 20 years, and data have not been collected systematically in other countries with a much longer history of heavy marijuana use.

EFFECTS ON THE REPRODUCTIVE SYSTEM AND ON CHROMOSOMES

Although studies in animals have shown that delta-9-THC (the major psychoactive constituent of marijuana) lowers the concentration in blood serum of pituitary hormones (gonadotropins) that control reproductive functions, it is not known if there is a direct effect on reproductive tissues. Delta-9-THC appears to have a modest reversible suppressive effect on sperm production in men, but there is no proof that it has a deleterious effect on male fertility. Effects on human female hormonal function have been reported, but the evidence is not convincing. However, there is convincing evidence that marijuana interferes with ovulation in female monkeys. No satisfactory studies of the relation between use of marijuana and female fertility and child-bearing have been carried out. Although delta-9-THC is known to cross the placenta readily and to cause birth defects when administered in large doses to experimental animals, no adequate clinical studies have been carried out to determine if marijuana use can harm the human fetus. There is no conclusive evidence of teratogenicity in human offspring, but a slowly developing or low-level effect might be undetected by the studies done so far. The effects of marijuana on reproductive function and on the fetus are unclear; they may prove to be negligible, but further research to establish or rule out such effects would be of great importance.

Extracts from marijuana smoke particulates ("tar") have been found to produce dose-related mutations in bacteria; however, delta-9-THC, by itself, is not mutagenic. Marijuana and delta-9-THC do not appear to break chromosomes, but marijuana may affect chromosome segregation during cell division, resulting in an abnormal number of chromosomes in daughter cells. Although these results are of concern, their clinical significance is unknown.

THE IMMUNE SYSTEM

Similar limitations exist in our understanding of the effects of marijuana on other body systems. For example, some studies of the immune system demonstrate a mild, immunosuppressant effect on human beings, but other studies show no effect.

THERAPEUTIC POTENTIAL

The committee also has examined the evidence on the therapeutic effects of marijuana in a variety of medical disorders. Preliminary studies suggest that marijuana and its derivatives or analogues might be useful in the treatment of the raised intraocular pressure of glaucoma, in the control of the severe nausea and vomiting caused by cancer chemotherapy, and in the treatment of asthma. There also is some preliminary evidence that a marijuana constituent (cannabidiol) might be helpful in the treatment of certain types of epileptic seizures, as well as for spastic disorders and other nervous system diseases. But, in these and all other conditions, much more work is needed. Because marijuana and delta-9-THC often produce troublesome psychotropic or cardiovascular side-effects that limit their therapeutic usefulness, particularly in older patients, the greatest therapeutic potential probably lies in the use of synthetic analogues of marijuana derivatives with higher ratios of therapeutic to undesirable effects.

THE NEED FOR MORE RESEARCH ON MARIJUANA

The explanation for all of these unanswered questions is insufficient research. We need to know much more about the metabolism of the various marijuana chemical compounds and their biologic effects. This will require many more studies in animals, with particular emphasis on subhuman primates. Basic pharmacologic information obtained in animal experiments will ultimately have to be tested in clinical studies on human beings.

Until 10 or 15 years ago, there was virtually no systematic, rigorously controlled research on the human health-related effects of marijuana and its major constituents. Even now, when standardized marijuana and pure synthetic cannabinoids are available for experimental studies, and good qualitative methods exist for the measurement of delta-9-THC and its metabolites in body fluids, well-designed studies on human beings are relatively few. There are difficulties in studying the clinical effects of marijuana in human beings, particularly the effects of long-term use. And yet, without such studies the debate about the safety or hazard of marijuana will remain unresolved. Prospective

cohort studies, as well as retrospective case-control studies, would be useful in identifying long-term behavioral and biological consequences of marijuana use.

The federal investment in research on the health-related effects of marijuana has been small, both in relation to the expenditure on other illicit drugs and in absolute terms. The committee considers the research particularly inadequate when viewed in light of the extent of marijuana use in this country, especially by young people. We believe there should be a greater investment in research on marijuana, and that investigator-initiated research grants should be the primary vehicle of support.

The committee considers all of the areas of research on marijuana that are supported by the National Institute on Drug Abuse to be important, but we did not judge the appropriateness of the allocation of resources among those areas, other than to conclude that there should be increased emphasis on studies in human beings and other primates. Recommendations for future research are presented at the end of Chapters 1-7 of this report.

CONCLUSIONS

The scientific evidence published to date indicates that marijuana has a broad range of psychological and biological effects, some of which, at least under certain conditions, are harmful to human health. Unfortunately, the available information does not tell us how serious this risk may be.

The major conclusion is that what little we know for certain about the effects of marijuana on human health--and all that we have reason to suspect--justifies serious national concern. Of no less concern is the extent of our ignorance about many of the most basic and important questions about the drug. Our major recommendation is that there be a greatly intensified and more comprehensive program of research into the effects of marijuana on the health of the American people.



National Academy Press

The National Academy Press was created by the National Academy of Sciences to publish the reports issued by the Academy and by the National Academy of Engineering, the Institute of Medicine, and the National Research Council, all operating under the charter granted to the National Academy of Sciences by the Congress of the United States.



American Civil Liberties Union

Alaska Civil Liberties Union -Legislative Committee-217 Second St. #204-Juneau, Alaska 99801

ACLU POSITION ON MARIJUANA AND THE RIGHT TO PRIVACY

The Alaska Civil Liberties Union is the local affiliate of the American Civil Liberties Union, representing approximately 900 members in Alaska. The ACLU opposes proposed legislation to recriminalize the personal possession and consumption of marijuana.

The use of marijuana involves protected constitutional rights, including the right to privacy which is explicitly guaranteed in Article I, Section 22 of the Alaska Constitution. Intrusion by government on such a constitutionally protected act places a burden of justification upon government. That burden has not been met with respect to federal and state laws that impose penalties on the use and possession of personal use quantities of marijuana.

ACLU opposes the definition of behavior as criminal when such behavior, engaged in either alone or with other consenting adults, does not in and of itself harm another person or force another person to act unwillingly in any way. Private personal possession and consumption of marijuana falls within this protected sphere of private personal activity.

The showings of government interest in regulating marijuana use, upon which the proposed legislation rests, are neither clear nor conclusive, as the Alaska Supreme Court has ruled in the case of Ravin v. State. The present state of scientific knowledge fully supports the rationale of the Ravin decision; there have been no scientific developments since Ravin which would change the constitutional basis for that decision. The medical findings contained in HB 55 and SB 32 are inaccurate, selective, and misleading. The sentences of imprisonment and large fines called for under the proposed legislation are excessive and unconstitutional interventions into personal and private rights.

The sale of marijuana to adults over 18 should not be subject to criminal penalties. However, reasonable regulation and taxation of the sale of marijuana does not in and of itself constitute a violation of civil liberties. ACLU strongly supports educational efforts aimed at teaching all persons, and in particular minors, about the dangers of drug use and abuse.

The ACLU opposes laws which criminalize the possession, use and sale of marijuana, for these reasons:

1. They impose arbitrary, often harsh, and cruel penalties for private conduct for which no criminal penalty at all is appropriate.
2. They impose all of the hardships of an arrest, and arrest record, and often a prison term on otherwise law-abiding young people.
3. They are selectively enforced.
4. Their enforcement relies on entrapment, illegal searches, and other police conduct which violates civil liberties.
5. They encourage police corruption.
6. They divert law enforcement money and manpower from the enforcement of laws against serious crimes.
7. They engender contempt for the law.
8. They interfere with honest efforts to educate young people about the dangers of drug use and to combat the problems of drug abuse.

ACLU urges the defeat of legislation which would impose criminal penalties for the use or possession of marijuana.

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

Bill Version: SB 32
Publish Date:

REQUEST: _____

Revision Date:
Title: An act relating to marijuana

Agency Affected: Alaska Court System
BRU: Trial Courts

Sponsor: Fischer
Requestor: Senate Judiciary

Components:

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

FUNDING:		(Thousands of Dollars)				
	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	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	155.1	143.6	143.6	143.6	143.6

POSITIONS:						
	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
Division: Alaska Court System

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

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

Date: 4-23-87

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

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.

ALASKA COURT SYSTEM
SB 32 - Fiscal Analysis

Personal Services:

	Salary	Benefits	Total
2 - Court Clerk II, Range 10B, Anchorage, PFT - 12 months	\$45,672	\$16,580	\$62,252
1 - Court Clerk II, Range 10B, Fairbanks, PFT - 12 months	25,740	8,936	34,676
1 - Court Clerk II, Range 10B, Juneau, PFT - 12 months	22,836	8,290	31,126
1 - Court Clerk II, Range 10B, Ketchikan, PPT - 6 months	11,418	4,145	15,563 -----
Total Personal Services			143,617

Equipment: (one-time cost)

Desk, chair, typewriter, and filing cabinet for each new position	11,540 -----
Total First-Year Cost	
	\$155,157 =====



TONY KNOWLES
MAYOR

ANCHORAGE POLICE DEPARTMENT

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



RONALD L. OTTE
CHIEF

March 13, 1987

MAR 18 1987

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

Dear Senator Fischer,

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

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

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

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

Sincerely,

Del Smith

Del Smith
Deputy Chief of Operations

DS:d1

Statements of Support



**City of
Ketchikan**

334 Front Street
Ketchikan, Alaska 99901
907-225-3111

Police Department

February 24, 1987

Senator Paul Fisher
Chairman, Hess Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Fisher:

Substance abuse problems of all types are significant in Ketchikan as well as throughout the State of Alaska. The attached figures - obtained from the Alaska Department of Public Safety - represents arrests for substance abuse problems and provide some indicators of the scope of the problems.

For a number of years, law enforcement officers throughout the state have been concerned that a contributing factor to substance abuse has been the permissive Alaska State Statutes allowing the possession and use of marijuana in certain circumstances. Those statutes are inconsistent with Federal marijuana laws. The primary reason for law enforcement concern is that those inconsistencies provide conflicting messages to the public regarding the acceptability of the use of illegal substances.

Senate Bill 32 supports recriminalization of marijuana in the state of Alaska which will make state drug law consistent with the rest of the United States. That recriminalization is supported by the Alaska Association of Chiefs of Police and the Alaska Peace Officers Association as well as this Department. I would urge your support of SB32 and request your action to get the bill out of committee to the floor for a vote. If I can provide any further information in support of this bill, please contact me.

Sincerely,



D. A. Anslinger, III
Chief of Police

DAA:mp
Attachments

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

SUBSTANCE ABUSE ARREST SUMMARY

SOUTHEAST ALASKA

CONTROLLED SUBSTANCE AND ALCOHOL OFFENSES

	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>*1986</u>
<u>Ketchikan P.D.</u>								
Controlled Substance	23	12	43	34	74	70	56	93
Alcohol	<u>219</u>	<u>235</u>	<u>443</u>	<u>322</u>	<u>306</u>	<u>358</u>	<u>398</u>	<u>548</u>
<u>TOTAL Ketchikan P.D.</u>	<u>242</u>	<u>247</u>	<u>486</u>	<u>356</u>	<u>380</u>	<u>428</u>	<u>454</u>	<u>641</u>
<u>Juneau P.D.</u>								
Controlled Substance	27	43	23	34	43	30	48	
Alcohol	<u>273</u>	<u>348</u>	<u>379</u>	<u>428</u>	<u>328</u>	<u>352</u>	<u>396</u>	
<u>TOTAL Juneau P.D.</u>	<u>300</u>	<u>391</u>	<u>402</u>	<u>462</u>	<u>371</u>	<u>382</u>	<u>444</u>	
<u>Sitka P.D.</u>								
Controlled Substance	30	12	27	2	5	5	4	
Alcohol	<u>261</u>	<u>263</u>	<u>185</u>	<u>212</u>	<u>280</u>	<u>197</u>	<u>115</u>	
<u>TOTAL Sitka P.D.</u>	<u>291</u>	<u>275</u>	<u>212</u>	<u>214</u>	<u>285</u>	<u>202</u>	<u>119</u>	
<u>Wrangell P.D.</u>								
Controlled Substance	10	6	14	11	12	-	6	
Alcohol	<u>87</u>	<u>81</u>	<u>114</u>	<u>84</u>	<u>83</u>	<u>72</u>	<u>83</u>	
<u>TOTAL Wrangell P.D.</u>	<u>97</u>	<u>87</u>	<u>128</u>	<u>95</u>	<u>95</u>	<u>72</u>	<u>89</u>	
<u>Petersburg P.D.</u>								
Controlled Substance	1	2	2	10	14	3	4	
Alcohol	<u>46</u>	<u>39</u>	<u>42</u>	<u>34</u>	<u>30</u>	<u>69</u>	<u>49</u>	
<u>TOTAL Petersburg P.D.</u>	<u>47</u>	<u>41</u>	<u>44</u>	<u>44</u>	<u>44</u>	<u>72</u>	<u>53</u>	

* NOTE 1986 SUMMARIES NOT AVAILABLE FOR CITIES OTHER THAN KETCHIKAN

PD00000001/MEMOSDEPTS/MGRSEC

SUBSTANCE ABUSE ARREST ANALYSIS

SOUTHEAST ALASKA

CONTROLLED SUBSTANCE AND ALCOHOL OFFENSES

	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>*1986</u>
<u>Ketchikan P.D.</u>								
Juvenile Controlled Substance								18
Marijuana	8	1	12	7	11	15	13	
Cocaine	-	-	-	-	-	-	-	
Other	-	-	2	1	1	2	-	
Adult Controlled Substance								75
Marijuana	6	6	12	12	51	39	35	
Cocaine	5	2	11	12	6	12	8	
Other	4	3	6	2	5	2	-	
Juvenile DWI	2	5	6	4	8	3	8	8
Adult DWI	82	86	127	130	133	134	107	115
Juvenile Alcohol	71	74	152	92	71	94	125	185
Adult Alcohol	64	72	131	96	94	127	158	240
<u>TOTAL Ketchikan P.D.</u>	<u>242</u>	<u>247</u>	<u>486</u>	<u>356</u>	<u>380</u>	<u>428</u>	<u>454</u>	<u>641</u>
<u>Juneau P.D.</u>								
Juvenile Controlled Substance								
Marijuana	17	17	5	9	11	8	13	
Cocaine	-	-	-	3	-	1	2	
Other	-	2	-	-	-	2	1	
Adult Controlled Substance								
Marijuana	10	21	17	15	19	19	32	
Cocaine	-	-	-	6	13	-	-	
Other	-	3	1	1	-	-	-	
Juvenile DWI	6	4	4	6	2	3	2	
Adult DWI	91	82	70	133	137	172	103	
Juvenile Alcohol	98	166	161	138	100	89	93	
Adult Alcohol	78	96	144	151	89	88	108	
<u>TOTAL Juneau P.D.</u>	<u>300</u>	<u>391</u>	<u>402</u>	<u>462</u>	<u>371</u>	<u>382</u>	<u>444</u>	
<u>Sitka P.D.</u>								
Juvenile Controlled Substance								
Marijuana	9	1	2	1	3	-	2	
Cocaine	1	1	1	-	-	-	-	
Other	1	-	1	-	-	-	-	
Adult Controlled Substance								
Marijuana	10	7	3	1	2	3	-	
Cocaine	3	3	14	-	-	2	2	
Other	6	-	6	-	-	-	-	
Juvenile DWI	4	11	3	10	6	4	1	
Adult DWI	87	142	92	81	123	126	59	
Juvenile Alcohol	108	84	48	78	102	30	25	
Adult Alcohol	62	26	42	43	49	37	30	
<u>TOTAL Sitka P.D.</u>	<u>291</u>	<u>275</u>	<u>212</u>	<u>214</u>	<u>285</u>	<u>202</u>	<u>119</u>	

Mayor and City Council
 Substance Abuse Arrest Analysis
 January 2, 1987

	1979	1980	1981	1982	1983	1984	1985	*1986
<u>Wrangell P.D.</u>								
Juvenile Controlled Substance								
Marijuana	2	4	7	3	2	-		6
Cocaine	-	-	-	-	-	-		-
Other	4	-	-	-	-	-		-
Adult Controlled Substance								
Marijuana	4	2	4	4	8	-		-
Cocaine	-	-	3	3	2	-		-
Other	-	-	-	1	-	-		-
Juvenile DWI	-	-	-	-	2	1		-
Adult DWI	5	7	13	36	55	32		22
Juvenile Alcohol	57	58	88	32	15	22		32
Adult Alcohol	25	17	13	16	11	17		29
<u>TOTAL Wrangell P.D.</u>	<u>97</u>	<u>87</u>	<u>128</u>	<u>95</u>	<u>95</u>	<u>72</u>		<u>89</u>
<u>Petersburg P.D.</u>								
Juvenile Controlled Substance								
Marijuana	-	1	-	4	11	-		-
Cocaine	-	-	-	-	-	-		-
Other	-	-	-	-	-	-		-
Adult Controlled Substance								
Marijuana	1	1	2	3	1	3		2
Cocaine	-	-	-	3	-	-		1
Other	-	-	-	-	2	-		1
Juvenile DWI	1	-	-	6	-	3		1
Adult DWI	18	18	25	19	18	24		25
Juvenile Alcohol	21	16	14	-	5	28		8
Adult Alcohol	6	5	3	9	6	14		15
<u>TOTAL Petersburg P.D.</u>	<u>47</u>	<u>41</u>	<u>44</u>	<u>44</u>	<u>44</u>	<u>72</u>		<u>53</u>

* NOTE 1986 ANALYSIS NOT AVAILABLE FOR CITIES OTHER THAN KETCHIKAN



KETCHIKAN GATEWAY BOROUGH SCHOOL DISTRICT

Darroll Hargraves
SUPERINTENDENT

Resolution No. 210
Ketchikan Gateway Borough School District

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

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

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

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

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

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

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

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

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

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

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

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

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

President of the Board

Clerk-Treasurer of the Board

AMENDED AND APPROVED

Date: 12-9-86

Submitted by: Assemblyman
Brad Bradley

Prepared by: Assemblyman
Brad Bradley

For Reading: November 25, 1986

AR No. 86-284

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

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

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

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

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

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

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

ANCHORAGE ASSEMBLY

POSITION PAPER
SB 32

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

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

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

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

DATE: March 4, 1987

BILL NO: SB 32

DATE: 1/21/87

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

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

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

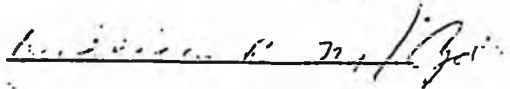
Presently the state law allows up to four ounces of marijuana for personal use. This is in direct conflict with the existing Federal law. This in effect encourages the violation of Federal law.

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

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

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

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



William R. Nix
Acting Commissioner

DEPARTMENT OF
PUBLIC SAFETY

RECEIVED
FEB 1 1987

POSITION PAPER

SB 32

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

Fiscal impact: _____ None See attached fiscal note X

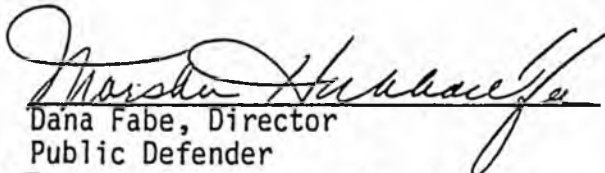
Program impact: _____ None See analysis below X

Constitutional impact: _____ None See analysis below X

This bill recriminalizes the use of marijuana in the home.

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

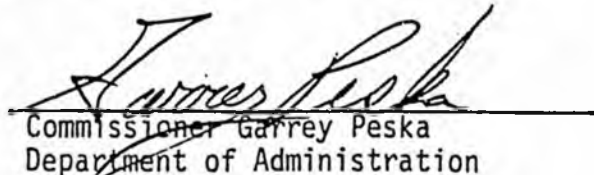
Furthermore, in a time of declining revenues, this bill may divert costly law enforcement, prosecution, defense and court resources from more serious cases.


Dana Fabe, Director
Public Defender

3/5/87
Date


Brant McGee, Director
Office of Public Advocacy

3/5/87
Date


Commissioner Garrey Peska
Department of Administration

3/6/87
Date

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 32
Publish Date: _____

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

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

1/26
2/1/87 Prepared by: Francis C. Allan *F.C.A.*
Division: Alaska State Troopers

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

Approved by Commissioner: *[Signature]*

Date: 1/26/87

Agency: Public Safety

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

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: Senate Bill 32
Publish Date: _____

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

Agency Affected: Department of Corrections
BRU: _____

Sponsor: Senator Paul Fischer
Requestor: Senator Paul Fischer

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Suzie Riley, Budget Analyst Phone: 465-3376
Division: Administrative Services Date: 01/26/87
Approved by Commissioner: William W. Ladwig Date: 01/26/87
Agency: Department of Corrections

Distribution (by preparer):

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

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: SB 32

Publish Date: _____

Revision Date: _____

Agency Affected: Department of Law

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

BRU: Prosecution

Sponsor: Sen. Fischer

Components: Third Judicial District,

Requestor: Sen. Fischer

Fourth Judicial District, Admin. &

Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		237.1	217.1	198.0	204.0	210.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Please see attached analysis.

Richard L. 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

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
	<hr style="width: 50px; margin: 0 auto;"/>	<hr style="width: 50px; margin: 0 auto;"/>	<hr style="width: 50px; margin: 0 auto;"/>
	73.7	73.7	147.4

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. 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
		<hr style="width: 10%; margin: 0 auto;"/>
		46.8

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis - (cont'd)

3. Public Education

Admin. & Support Component/Prosc. BRU

<u>Object</u>	<u>Total</u>
Contractual Services - one time writing, layout, typesetting, publication and distribution of public notices and information brochures describing the changes in the law.	18.0 18.0
	<hr/>
	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
	<hr/>	<hr/>	<hr/>	<hr/>
	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
Justification				
<p>These two full-time attorney positions are required at Anchorage to handle the influx of new cases that will result when marijuana violations, or any use of marijuana, which is not now a violation, become misdemeanor offenses. Prosecutors expect that at least a few hundred such offenses will occur each year as a result of the enactment of this bill. These positions will be responsible for prosecuting those new cases that are brought in the Third Judicial District and handling appellate briefs and appeals hearings. Because these new cases will be classed as misdemeanor offenses, allocation of the positions to the Attorney III level is appropriate.</p>				
Type of Expenditure:		Amount		
1	2	3		
Salary	98,380			
Benefits	26,834			
Premium Pay				
Other				
Total Personal Services		125,214		
Travel		3,600		
Contractual		7,200		
Commodities		8,400		
Equipment		3,000		
Other				
Total Cost		147,414		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	147,414		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Department of Law
 BRU Prosecution
 Component Third Judicial District

Page 1 of 2
 Revised Date

FY 88

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

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
New Position**

Agency Department of Law
 BRU Prosecution
 Component Fourth Judicial District

FY 88

Page 2 of 2
 Revised Date

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: *Farvey Peck*
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 Attorney III			No. of Positions 1	Range/Step 22A	Barg. Unit PX	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12.0	RP Number	Location Anchorage		Election District 92	Leg.		
Type of Expenditure			Amount					
1			2			3		
Salary			49,140					
Benefits			16,980					
Premium Pay								
Other								
Total Personal Services						66,120		
Travel						-0-		
Contractual						22,500		
Commodities						1,000		
Equipment						1,500		
Other								
Total Cost						91,120		
Receipt Code		Funding Source						
		Federal Receipts 1002						
		G. F. Match 1003						
		General Funds 1004		91,120				
		I-A Receipts 1005						
		Program Receipts 1028						
		CIP Receipts 1061						
		Other						
For B&M Use Only Key Number _____								

Justification

This bill would result in a significant increase in criminal prosecutions as it would apply to any amount of marijuana in any location. The Public Defender Agency is requesting an Attorney III for Anchorage plus an additional 17.5 (one time) in contractual to litigate the constitutionality of this bill.

**Request For
New Position**

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

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Position Title Attorney III			No. of Positions 1	Range/Step 22A	Barg. Unit 34	Gov.	Approv.	Disapp
Time Status PFT	Staff Months 12.0	RP Number	Location Fairbanks		Election District 94	Leg		
Type of Expenditure			Justification					
		Amount	<p>This bill would result in a significant increase in criminal prosecutions as it would apply to any amount of marijuana in any location. The Public Defender Agency is requesting an Attorney III for Fairbanks to respond to the anticipated increased caseload.</p>					
1	2	3						
Salary	56,244							
Benefits	18,551							
Premium Pay								
Other								
Total Personal Services		74,795						
Travel		-0-						
Contractual		5,000						
Commodities		1,000						
Equipment		1,500						
Other								
Total Cost		82,295						
Receipt Code	Funding Source							
	Federal Receipts 1002							
	G. F. Match 1003							
	General Funds 1004		82,295					
	I-A Receipts 1005							
	Program Receipts 1028							
	CIP Receipts 1061							
	Other							
<div style="border: 1px solid black; padding: 5px; width: fit-content;"> For B&M Use Only Key Number _____ </div>								

**Request For
New Position**

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

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STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version : SB 32
Publish Date : _____

Revision Date: _____

Agency Affected: Administration
BRU: Office of Public Advocacy

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

Sponsor: Fischer, Faiks

Components : _____

Requestor: Senate Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

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

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

Approved by Commissioner: Garrey Peska
Agency: Department of Administration

Date: 3/6/87

Distribution (by preparer):

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

↓
Public Advocacy

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB32

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

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

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

Personal Services

Anchorage

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

Contractual

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

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

Office furniture & equipment for one professional position at 2,429 and one secretary at 6,838		<u>9.3</u>
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Total:		164.7
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Position Title Attorney III		No. of Positions 1	Range/Step 22/A	Org. Unit X
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8
Type of Expenditure		Amount		
1	2	3		
Salary	49,140			
Benefits	14,058			
Premium Pay				
Other				
Total Personal Services		63,198		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		63,198		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	63,198		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
Justification				
<p>The Anchorage OPA office presently has 3 attorney positions devoted to criminal defense. These attorneys are also handling several major cases outside the Anchorage area as staff coverage and travel is more cost effective than contracting major cases to private attorneys in rural areas. Current caseloads indicate that these three attorneys cannot absorb the additional cases which would result from this legislation. It is necessary that an additional attorney be added to the Anchorage staff to cover the resultant increased caseload.</p>				

**Request For
New Position**

Agency Administration
 BRU Office of Public Advocacy
 Component _____

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

**Request For
New Position**

Agency Administration
 BRU Office of Public Advocacy
 Component _____

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BILL NO: CSSB 32 (HESS)

DATE: 4/6/87 APR 9 1987

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

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

DEPARTMENT OF
PUBLIC SAFETY

PROPERTY

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

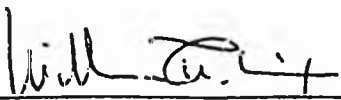
During past years, the crime of possession of marijuana has been a felony, a misdemeanor, a violation and presently, legal for possession of certain amounts in the home. The intent of this legislation is to recriminalize possession of any amount.

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

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

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

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



William R. Nix
Acting Commissioner