HOUSE JOINT RESOLUTION NO. 21

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES GUTTENBERG, Drummond, Tarr, Kawasaki

Introduced: 4/16/17
Referred: State Affairs

A RESOLUTION

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

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

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

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

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

WHEREAS the United States Department of Justice issued a memorandum on "Guidance Regarding Marijuana Enforcement" (Cole Memo) on August 29, 2013, and the United States Department of the Treasury issued related guidance on the "Bank Security Act's
Expectations Regarding Marijuana-Related Businesses" (FIN-2014-G001 Memo) on February 14, 2014, which provide the foundation for state regulatory systems on marijuana and are vital to the ability of states to maintain control over marijuana; and

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

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

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

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

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

COPIES of this resolution shall be sent to the Honorable Donald J. Trump, President of the United States; the Honorable Jeff Sessions, Attorney General of the United States; and the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the
1  Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.