

**SUBJECT: City of Wasilla Opposing Ballot Measure No. 5, Initiative No.:  
99HEMP, Legalizing the Uses of Hemp, Including Marijuana**

REQUESTED BY: Administration

PREPARED BY: Administration

DATE: October 3, 2000

FOR AGENDA OF: October 9, 2000

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**SUMMARY:**

I believe passage of Ballot Measure 5, legalizing marijuana in the State of Alaska, would adversely affect our community.

Please consider Resolution 00-47. Please also see the attached resolution passed by the Alaska State Chamber of Commerce that opposes Ballot Measure 5.

**FISCAL IMPACT:**  No  Yes, amount requested: Fund:

**RECOMMENDED ACTION:**

Council adopt Resolution No. 00-47.

  
Reviewed by: SARAH PALIN, Mayor

Attachments: Resolution Serial No. 00-47  
Petition ID: 99HEMP Proposed Bill  
Alaska State Chamber of Commerce Resolution



## Alaska Division of Elections

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# INITIATIVE PETITION BILL LANGUAGE

## by Petition Sponsors

### Petition ID: 99HEMP

### Bill Legalizing Hemp (Marijuana)

Posted 7/28/99

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#### Proposed Bill:

#### BE IT ENACTED BY THE PEOPLE OF THE STATE OF ALASKA:

- I. Add the following section to the criminal code of the State of Alaska, any laws or policies to the contrary notwithstanding:
  1. Persons, 18 years or older, shall not be prosecuted, be denied any right or privilege, nor be subject to criminal or civil penalties for the possession, cultivation, distribution, or consumption of:
    - a. Industrial hemp products. Hemp farmers and manufacturers of industrial hemp products shall not be subject to any special zoning or licensing fees that are discriminatory or prohibitive.
    - b. Hemp medicinal preparations.
    - c. Hemp products for nutritional use.
    - d. Hemp products for personal use in private. No permit or license may be required for non-commercial cultivation, transportation, distribution or consumption of any hemp product.
  2. Definitions:
    - a. The term "hemp" means hemp, cannabis, or marijuana, or any part or preparation of the plant cannabis sativa, cannabis indica, cannabis americana, or any variety of cannabis.
    - b. The term "industrial hemp products" mean all products made from hemp, cannabis, or marijuana, that are not designed or intended for human consumption, and includes, but is not limited to: paper, fiber, fuel, plastics, paint, seed for cultivation, animal feed, veterinary

medicine, oil, plants used for crop rotation, erosion control, or weed control.

- c. The term "hemp medicinal preparations" means all products made from hemp, cannabis, or marijuana, that are designed, intended, or used for human consumption, for the treatment of any disease, the relief of pain, or for any healing purpose including the treatment or relief of asthma, glaucoma, arthritis, anorexia, migraine, multiple sclerosis, epilepsy, nausea, stress, for use as an antibiotic, an antiemetic, or as any healing agent, or as an adjunct to any medical procedure or herbal treatment.
- d. The term "hemp products for nutritional use" means the use of any hemp product intended for human consumption as food, for example, but not limited to: seed protein, seed oil, seed cake, or gruel, or any preparation thereof.
- e. The term "personal use" means the use of any product or preparation of hemp, cannabis, or marijuana, intended for any relaxational, ritual, spiritual, or other personal purpose.
- f. The term "hemp intoxication products" means any hemp product other than industrial hemp products, hemp medicinal preparations, or hemp products for nutritional use.

3. Hemp medicinal preparations are hereby restored to the available list of medicines in Alaska. Licensed physicians shall not be penalized for or restricted from prescribing hemp preparations for medical purposes to patients of any age.
4. Hemp intoxicating products shall be regulated in a similar manner to alcoholic beverages. For the purpose of distinguishing personal versus commercial production, one-half ounce of cured hemp flowers and/or leaves shall be considered equivalent to one gallon of dry wine.
5. The manufacturing, marketing, distribution or sales between adults of equipment or accessories designed or marketed for use in the planting, cultivation, harvesting, curing, processing, packaging, storing, analyzing, consumption, or transportation of hemp, industrial hemp products, hemp medicinal preparations, hemp products for nutritional use, or hemp products for personal use shall not be prohibited.
6. The enactment of this initiative is to be retroactive in its application to include amnesty and clearing of all criminal records for all cannabis/marijuana-related acts which are hereby no longer illegal. The Attorney General, within sixty (60) days of the effective date of this initiative, shall develop and distribute a one-page application, providing for the destruction of all criminal records in Alaska for cannabis/marijuana-related acts which are no longer illegal. Such forms shall be distributed to all district and city attorneys and all police departments in the State of Alaska, and be made available to persons hereby affected. Upon filing such form with the Attorney General and payment of a fee no greater than fifteen (15) dollars, all pertinent records anywhere in the State of Alaska shall be destroyed. Such persons may truthfully state that they have never been convicted of cannabis/marijuana acts which are no longer illegal.

II. The Legislature is authorized to enact legislation, using reasonable standards to determine impairment, to regulate or prohibit persons under the influence of hemp from operating a motor vehicle, heavy machinery, or otherwise engaging in conduct which may affect public safety. Testing for inert cannabis metabolites shall not be required for employment or insurance, nor be considered in determining impairment.

III. The Legislature is authorized to enact legislation, using reasonable standards, limiting the use of hemp

intoxicating products in public places.

- IV. No Alaska law enforcement personnel or funds shall be used to assist enforcement of federal cannabis/marijuana laws governing cannabis/marijuana-related acts which are no longer illegal in the State of Alaska.
- V. The Legislature, the Governor and the Attorney General are directed to challenge federal cannabis/marijuana prohibitions which conflict with this initiative.
- VI. Severability: If any provision of this initiative, or the application of such provision to any person or circumstance, shall be held invalid by any court, the remainder of this initiative to the extent that it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this end the provisions of this initiative are severable.
- VII. If any rival or conflicting initiative regulating any matter addressed by this initiative receives the higher affirmative vote, then all non-conflicting parts of this initiative shall become operative.
- VIII. Within one hundred twenty (120) days following the effective date of this initiative, or by the end of the current legislative session, whichever occurs first, the Legislature shall fund, from law enforcement savings hereby generated, an advisory panel to study the feasibility and methods of making restitution to all persons who were imprisoned, fined or had private personal or real properties forfeited as a result of criminal or civil actions for cannabis/marijuana-related acts which are hereby no longer illegal. This advisory panel shall consist of thirteen (13) members to be appointed in the following manner: Seven public sector members, one appointed by the Governor, one appointed by the Lieutenant Governor, one appointed by the Attorney General, two appointed by the Speaker of the House, two appointed by the President Pro-tem of the Senate; and the remaining six to be chosen from the private sector by the Legislature, three by the House of Representatives and three by the Senate. The advisory panel will hold a minimum of six (6) meetings which will be open to the public. A preliminary report shall be submitted to the Legislature within six (6) months of the formation of the advisory panel. A final report shall be submitted to the legislature and the public within one year of the formation of the advisory panel.
- IX. Purpose of Initiative: Construction.  
This initiative is an exercise of the powers of the State for the promotion and protection of the safety, welfare, health and privacy of the people, and the environment of the State, to allow for the industrial and medicinal type uses of hemp, to eliminate the evils associated with unlicensed and unlawful cultivation, selling and dispensing of hemp, and to promote temperance in the consumption of hemp as an intoxicant. It is hereby declared that the subject matter of this initiative involves in the highest degree, the economic, social and moral well-being and the safety of the State and of all its people. All provisions of this initiative shall be liberally construed for the accomplishment of these purposes.
- X. Effective Date.  
This initiative shall be effective when enacted according to law.



**Initiative Petition Status Report**



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**Alaska State Chamber of Commerce  
Resolution Opposing Ballot Measure 5  
& the Legalization of Marijuana in Alaska**

**Whereas**, Ballot Measure 5 will legalize marijuana use, since the initiative defines hemp as hemp, cannabis or marijuana, or any part or preparation of the plant cannabis sativa, cannabis americana, or any variety of cannabis;

**Whereas**, persons 18 years or older will be able to possess, cultivate, distribute, and consume any hemp/marijuana product for personal, industrial, medicinal and nutritional use, even though an individual must be 19 to smoke cigarettes and 21 to drink alcohol;

**Whereas**, intoxicating hemp products will be regulated similar to alcohol, making marijuana readily available and socially acceptable.

**Whereas**, manufacturing, marketing, distribution and sale of equipment used for planting, cultivating, harvesting, curing, processing, packaging, storing, analyzing, consuming, or transporting marijuana will be legal;

**Whereas**, retroactive amnesty will be granted to those convicted of acts which involved marijuana that are no longer illegal with the passage of this initiative. Drug dealers and users will be eligible for restitution for their prior criminal convictions, for their jail time and for seized drugs and paraphernalia. Previous offenders' records will be destroyed and they may truthfully state that they have never been convicted of marijuana-related crimes.

**Whereas**, testing for marijuana will not be required for employment or insurance, nor be considered in determining impairment, thereby destroying drug free workplaces;

**Whereas**, no Alaska law enforcement personnel or funds will be allowed to assist enforcement of federal marijuana laws;

**Whereas**, the legislature, governor, and attorney general are directed to challenge federal marijuana prohibitions conflicting with this initiative, putting the state of Alaska in a fruitless and expensive legal battle with the federal government;

**Whereas**, the legislature will be directed to divert money from law enforcement to evaluate compensation to convicted marijuana growers and dealers and reimbursement for offenders' private, personal, or real properties seized as a result of criminal or civil actions for marijuana-related acts;

**Therefore, be it resolved,**  
That the Alaska State Chamber of Commerce is strongly opposed to Ballot Measure 5, a dangerous and misleading initiative that legalizes marijuana in the state of Alaska, endangers safe business workplaces, and sends a harmful message to Alaskan youth.

ADOPTED

September 28, 2000

BY Pamela La Bolle  
Pamela La Bolle  
President

BY Dennis Brandon  
Dennis Brandon  
Chairman