

September 15, 2014

Deborah Williams  
Big Marijuana, Big Mistake  
P.O. Box 240111  
Anchorage, AK 99524

Re: Ballot Measure 2 means less local control of marijuana

Dear Ms. Williams:

It's come to my attention that Alaska voters have been told that the marijuana initiative in Ballot Measure 2 will allow communities local control over marijuana, just like they are allowed to control alcohol. That is plainly false, based on a legal analysis of the initiative, and of current Alaska Statutes.

***Under Ballot Measure 2, many isolated villages would have no authority whatsoever over marijuana. And even incorporated municipalities would have much less authority to control marijuana than they have to control alcohol.***

Under Alaska Statutes, a community has several options to limit alcohol being sold, imported or possessed in their locality. AS 04.11.491. This "local option" authority applies both to incorporated municipalities, as well as to unincorporated, often isolated, "established villages," as defined under AS 04.11.080.

These local options have been adopted by the votes of residents in over 100 communities all across Alaska. Currently, 43 communities ban sale and importation, and 34 more also ban possession of alcohol. Most of these communities have no formal police department. See the list of local option communities on the website of the Alaska Beverage Control Board.

In contrast, the section of Ballot Measure 2 labeled "Local control," allows local governments to only ban commercial growing and manufacturing, and retail selling of marijuana. Proposed Sec. 17.38.110(a) reads as follows:

(a) A local government may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or by a voter initiative.

Therefore, unlike the local options available for alcohol, even if municipalities exercised the maximum control allowed by the initiative, it would still be legal for anyone to import marijuana into the city, to possess marijuana, to give marijuana

to others, and to grow marijuana as long as not for commercial purposes. See the long list of permissible activities regarding marijuana in proposed Sec. 17.38.020.

As importantly, Ballot Measure 2 defines “local government” to include *only* incorporated municipalities. There is no provision in the ballot measure allowing unincorporated villages to adopt any kind of local control.

Ballot Measure 2 is publicly touted as intended to regulate marijuana like alcohol. However, its provisions for “local control,” are far more limited than the local options that exist for control of alcohol in Alaska.

Sincerely,



Dean J. Guaneli