

I Mina' Trentai Dos Na Liheslaturan Guåhan

Resolutions Log Sheet

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Referred	Committee / Ofc Referred	Date Adopted
201-32 (LS)	T. R. Muña Barnes	RELATIVE TO CALLING FOR THE DECRIMINALIZATION OF CANNABIS SO THAT LOCAL LAW ENFORCEMENT AND CORRECTIONS CAN FOCUS MORE RESOURCES ON THE INCREASE IN VIOLENT CRIMES INCLUDING MURDER, RAPE, ROBBERY, AND AGGRAVATED ASSAULT AND ALSO TO ENHANCE INDIVIDUAL, PERSONAL AND POLITICAL FREEDOM AND LIBERTY.	08/12/13 4:29 p.m.				

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2013 (FIRST) Regular Session

2013 AUG 12 PM 4:29  
T. R. Muña Barnes

Resolution No. 201-32(15)

Introduced by:

T. R. Muña Barnes

**RELATIVE TO CALLING FOR THE DECRIMINALIZATION OF CANNABIS SO THAT LOCAL LAW ENFORCEMENT AND CORRECTIONS CAN FOCUS MORE RESOURCES ON THE INCREASE IN VIOLENT CRIMES INCLUDING MURDER, RAPE, ROBBERY, AND AGGRAVATED ASSAULT AND ALSO TO ENHANCE INDIVIDUAL, PERSONAL AND POLITICAL FREEDOM AND LIBERTY.**

2013 AUG 12 PM 4:29

1 **BE IT RESOLVED BY *I MINA'TRENTAI DOS NA LIHESLATURAN***  
2 ***GUÅHAN*:**

3 **WHEREAS,** The United States Justice Department has issued guidelines  
4 ordering federal drug agents to cease arresting or charging patients, caregivers or  
5 suppliers who conform to state laws on medical cannabis. Attorney General Eric  
6 Holder has stated that under the Obama administration, users and suppliers who are  
7 involved in only medicinal cannabis supply and use should be safe from Federal  
8 prosecution; and

9 **WHEREAS,** On October 19, 2009, Deputy Attorney General David W.  
10 Ogden released a “Memorandum for Selected United States Attorneys” concerning  
11 “Investigations and Prosecutions in States Authorizing the Medical Use of  
12 Marijuana”; and

13 **WHEREAS,** The Justice Department Memorandum states in part: “As a  
14 general matter, pursuit of (significant traffickers of illegal drugs, including

1 marijuana, and the disruption of illegal drug manufacturing and trafficking  
2 networks) should not focus federal resources in your States on individuals whose  
3 actions are in clear and unambiguous compliance with existing state laws  
4 providing for the medical use of marijuana. For example, prosecution of  
5 individuals with cancer or other serious illnesses who use marijuana as part of a  
6 recommended treatment regimen consistent with applicable state law, or those  
7 caregivers in clear and unambiguous compliance with existing state law who  
8 provide such individuals with marijuana is unlikely to be an efficient use of limited  
9 federal resources”; and

10       **WHEREAS**, On October 20, 2009, the Los Angeles Times reported on the  
11 new guidelines: “The Justice Department’s guidelines ended months of uncertainty  
12 over how far the Obama White House planned to go in reversing the Bush  
13 administration’s position, which was that federal drug laws should be enforced  
14 even in states like California, with medical marijuana laws on the books; and

15       **WHEREAS**, “The new guidelines tell prosecutors and federal drug agents  
16 they have more important things to do than to arrest people who are obeying state  
17 laws that allow some use or sale of medical marijuana”; and

18       **WHEREAS**, Attorney General Holder said in a statement: “It will not be a  
19 priority to use federal resources to prosecute patients with serious illnesses or their  
20 caregivers who are complying with state laws on medical marijuana, but we will  
21 not tolerate drug traffickers who hide behind claims of compliance with state law  
22 to mask activities that are clearly illegal”; and

23       **WHEREAS**, Since 1973, the District of Columbia and 26 states – Alaska,  
24 Arizona, California, Colorado, Hawaii, Illinois, Maine, Maryland, Massachusetts,  
25 Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New  
26 Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Rhode Island,  
27 Vermont, Washington and Wisconsin -- in which about half of the U.S. population

1 reside -- have passed a variety of laws to decriminalize *Cannabis Sativa* or *Indica*  
2 (marijuana or marihuana) and to permit the use of the plant for medicinal purposes;  
3 and

4 **WHEREAS**, Colorado, and Washington State have pursued ballot  
5 initiatives that have legalized cannabis and is now allowing the state governments  
6 to capture million of dollars in revenue by taxing and regulating cannabis; and

7 **WHEREAS**, the evidence is overwhelming that cannabis can relieve certain  
8 types of pain, nausea, vomiting and other symptoms caused by such illnesses as  
9 multiple sclerosis, cancer and AIDS -- or by the harsh drugs sometimes used to  
10 treat them. And it can do so with remarkable safety. Indeed, cannabis is less toxic  
11 than many of the drugs that physicians prescribe every day; and

12 **WHEREAS**, there is very little evidence that smoking cannabis as a means  
13 of taking it represents a significant health risk. Although cannabis has been smoked  
14 widely in Western countries for more than four decades, there have been no  
15 reported cases of lung cancer or emphysema attributed to cannabis; and

16 **WHEREAS**, studies have shown cannabis to be safer than either alcohol or  
17 cigarettes, both of which are legal and available for adult consumption; and

18 **WHEREAS**, as cannabis is far less addictive than alcohol and nicotine.  
19 Cannabis is not physically addictive, it does not have long-term toxic effects on the  
20 body, and it does not cause its consumers to become violent; and

21 **WHEREAS**, According to research studies, legalizing cannabis would save  
22 \$7.7 billion per year in government expenditures on enforcement of prohibition,  
23 and would yield tax revenue of \$2.4 billion annually if cannabis were taxed like all  
24 other goods. The total cost and revenue lost is estimated to be at least \$10.1 billion  
25 annually. In a recent year, more people (about 829,000) were arrested for cannabis-  
26 based crimes, than the combined total arrested for all violent crimes, including  
27 murder, rape, robbery and aggravated assault; and

1           **WHEREAS**, cannabis continues to be illegal in many jurisdictions, which  
2 promotes illegal and on rare occasions, violent activities, that could be virtually  
3 eliminated through decriminalization. Despite strict cannabis laws in a number of  
4 states, the United States has the largest number of cannabis consumers of any  
5 country. Surveys taken across the United States have found that nearly a third (1/3)  
6 of the population, (about 100 million people) have acknowledged that they have  
7 used cannabis, and some 15 million consume cannabis each month; and

8           **WHEREAS**, the percentage of Americans, and presumably Guamanians,  
9 consuming cannabis is double the percentage of those that consume cannabis in the  
10 Netherlands, where the selling and possession of cannabis is legal; and

11           **WHEREAS**, despite many decades and the arrest of many millions of non-  
12 violent cannabis consumers, laws have failed to deter cannabis users from  
13 consumption, or control cannabis, or reduce its availability; and

14           **WHEREAS**, One need only to look at America's history in the first half of  
15 the 20<sup>th</sup> Century for guidance on the results of forced prohibition: On January 16,  
16 1920, the Eighteenth Amendment to the U.S. Constitution banned the sale,  
17 manufacture, and transportation of alcohol for consumption in America, which led  
18 to a rise in alcohol smuggling, caused an exponential growth in bootlegging,  
19 increased the power of organized crime gangs and syndicates, and cost our nation  
20 many lives while wasting many billions of dollars in futile attempts to prevent the  
21 consumption of alcohol; and

22           **WHEREAS**, On December 5, 1933, the ratification of the Twenty-First  
23 Amendment repealed prohibition, making the consumption of alcohol by adults  
24 legal once again, giving rise to the lawful, legally controlled, financially profitable  
25 and taxable adult beverage market that exists today; and

26           **WHEREAS**, relaxed laws do not increase use. National Research Council  
27 studies of states where cannabis is decriminalized show little apparent relationship

1 between severity of sanctions and the rate of consumption. Liberalized laws have  
2 neither contributed to an increase in cannabis consumption, nor negatively  
3 impacted adolescent attitudes toward drug use; and

4 **WHEREAS**, surveys show that most Americans and most Guamanians  
5 favor decriminalizing or legalizing cannabis. A national survey within the 48 states  
6 by the Pew Research Center for the People & the Press, conducted March 10-14,  
7 2010 among 1,500 adults on landlines and cell phones, revealed that 73% favor  
8 allowing the sale and use of cannabis for medicinal purposes; and

9 **WHEREAS**, a research report published in 2005 by Harvard University  
10 Economics Professor Jeffrey A. Miron examined the budgetary implications of  
11 taxing and regulating cannabis like other goods across the country and at the  
12 federal level, and estimated that legalizing cannabis would save \$7.7 billion per  
13 year in government expenditures on enforcement of prohibition, and that \$5.3  
14 billion of this savings would accrue to state and local governments (including the  
15 Government of Guam), while \$2.4 billion would accrue to the federal government;  
16 and

17 **WHEREAS**, Miron's report also estimated that legalization would yield tax  
18 revenue of \$2.4 billion annually if cannabis were taxed like all other goods, and  
19 \$6.2 billion annually if it were taxed at rates comparable to taxes on alcohol and  
20 tobacco. Miron concluded: "Whether cannabis legalization is a desirable policy  
21 depends on many factors other than the budgetary impacts, but these (budgetary)  
22 impacts should be included in a rational debate about cannabis policy"; and

23 **WHEREAS**, Nobel Laureate Economist Milton Friedman and 553 other  
24 distinguished economists and educators support the Miron report and have  
25 appealed for officials to take action. In an open letter in 2005 to then-President of  
26 the United States George W. Bush, the U.S. Congress, State Governors, and State  
27 Legislatures they wrote: "We therefore urge the country to commence an open and

1 honest debate about marijuana prohibition. We believe such a debate will favor a  
2 regime in which marijuana is legal but taxed and regulated like other goods”; and

3 **WHEREAS**, as evidenced by these facts I *Liheslaturan Guðhan* finds that:

4 (a) Laws criminalizing cannabis (marijuana or marihuana) have  
5 failed to control, reduce or eliminate usage;

6 (b) Many citizens in need of the therapeutic medicinal effects of  
7 cannabis have been denied this treatment because of outmoded laws;

8 (c) The federal government’s former “prohibition” policies, and  
9 efforts to enforce criminal sanctions and penalties on users of cannabis, have  
10 proven to be a tremendous waste of criminal justice resources that could be  
11 better expended on more serious crimes;

12 (d) The Obama administration’s progressive cannabis policy  
13 implemented in October, 2009, which calls for Federal officials to stop  
14 arresting or charging patients, caregivers or suppliers who conform with  
15 state laws on medical cannabis, sends a clear signal to those jurisdictions  
16 without medicinal cannabis laws that they should begin to consider assisting  
17 their citizens who can be comforted through the use of this drug;

18 (e) For a number of years, efforts have been, and are being made in  
19 jurisdictions across the United States to implement a more sensible policy  
20 relative to cannabis usage;

21 (f) Medical and legal professionals have spoken out in favor of the  
22 medicinal use of cannabis;

23 (g) The compassionate national trend of relaxing laws relative to  
24 medicinal cannabis offers needed assistance and relief to many people across  
25 our country; and

1 (h) *I Liheslaturan Guahan*, as the lawmaking body for the people of  
2 Guam, has the duty to regulate laws relating to public safety priorities,  
3 personal freedom, regulations involving health care, and well-being; and

4 **WHEREAS**, based on the statement of facts cited in this Resolution, it is  
5 the intent of *I Liheslaturan* to:

6 (a) Eliminate penalties for the simple possession, growing or use of  
7 cannabis by individuals 18 or more years of age, in the amounts and under  
8 the conditions delineated in this act;

9 (b) Provide restrictions on the public use of cannabis; and

10 (c) Change the inclusion of “cannabis (marijuana or marihuana)”  
11 from Guam’s Schedule I list of Controlled Substances to Guam’s Schedule  
12 V list of Controlled Substances.

13 (d) Hold public hearings on this resolution to discuss potential  
14 laws, ballot initiatives and the public policy surrounding the potential  
15 decriminalization, cultivation, taxation and regulation of cannabis on Guam;  
16 and

17 **WHEREAS**, it is not the intention of *Liheslaturan Guahan* to:

18 (a) Affect the application or enforcement of the laws of Guam  
19 relating to public health and safety or protection of children and others  
20 relative to the following:

- 21 i. possession on school grounds;
- 22 ii. relative to minors;
- 23 iii. relative to chemical production;
- 24 iv. Relative to loitering to commit a crime or acts not authorized by  
25 law;
- 26 v. Relative to driving while under the influence;
- 27 vi. Relative to contributing to the delinquency of a minor; or



1 (b) Affect the application or enforcement of the laws of Guam  
2 prohibiting use of controlled substances in the workplace or by specific  
3 persons whose jobs involve public safety.

4 **WHEREAS**, twelve years into the 21<sup>st</sup> century the time has come, at long  
5 last, to have an open, mature, and productive discussion with, policy makers,  
6 veterans groups, health care providers, tax regulators, executive branch officials,  
7 judicial branch officials and citizens about ways to insure that the personal,  
8 religious, spiritual and medical freedoms, with respect to cannabis are restored and  
9 preserved; and

10 **WHEREAS**, in the interest of allowing local law enforcement to focus more  
11 resources on the increase in violent crimes, including murder, rape, robbery and  
12 aggravated assaults, to free up much needed prison space for violent offenders and  
13 to enhance individual freedom and personal liberty, find and declare that the use  
14 and cultivation of marijuana should be decriminalized for persons 21 years of age  
15 or older; and

16 **WHEREAS**, nothing in this policy resolution proposes or intends to require  
17 any individual or entity to engage in any conduct that violates federal law, or  
18 exempt any individual or entity from any requirement of federal law, or pose any  
19 obstacle to federal enforcement of federal law; now therefore be it further

20 **RESOLVED**, that *I Mina'Trentai Dos Na Liheslaturan Guåhan* does  
21 hereby, on behalf of the people of Guam; and be it further

22 **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest  
23 to, the adoption hereof, and that copies of the same be thereafter transmitted to; the  
24 Honorable Edward J.B. Calvo, *I Maga'lahen Guåhan*.

**DULY AND REGULARLY ADOPTED BY I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN ON THE 13th August, 2013 .**

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**JUDITH T. WON PAT, Ed.D.**  
Speaker

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**THOMAS C. ADA**  
Acting Chairperson, Committee on Rules

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**TINA ROSE MUÑA BARNES**  
Legislative Secretary