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<th>Resolution No.</th>
<th>Sponsor</th>
<th>Title</th>
<th>Date Intro</th>
<th>Date of Presentation</th>
<th>Date Referred</th>
<th>Committee / Ofc Referred</th>
<th>Date Adopted</th>
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</thead>
<tbody>
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<td>201-32 (LS)</td>
<td>T. R. Muña Barnes</td>
<td>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.</td>
<td>08/12/13 4:29 p.m.</td>
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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.

BE IT RESOLVED BY I MINA ‘TRENTAI DOS NA LIHESLATURAN GUÅHAN:

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

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

WHEREAS, The Justice Department Memorandum states in part: “As a general matter, pursuit of (significant traffickers of illegal drugs, including
marijuana, and the disruption of illegal drug manufacturing and trafficking networks) should not focus federal resources in your States on individuals whose actions are in clear and unambiguous compliance with existing state laws providing for the medical use of marijuana. For example, prosecution of individuals with cancer or other serious illnesses who use marijuana as part of a recommended treatment regimen consistent with applicable state law, or those caregivers in clear and unambiguous compliance with existing state law who provide such individuals with marijuana is unlikely to be an efficient use of limited federal resources”; and

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

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

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

WHEREAS, Since 1973, the District of Columbia and 26 states -- Alaska, Arizona, California, Colorado, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Rhode Island, Vermont, Washington and Wisconsin -- in which about half of the U.S. population
reside -- have passed a variety of laws to decriminalize Cannabis Sativa or Indica (marijuana or marihuana) and to permit the use of the plant for medicinal purposes; and

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

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

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

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

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

WHEREAS, According to research studies, legalizing cannabis would save $7.7 billion per year in government expenditures on enforcement of prohibition, and would yield tax revenue of $2.4 billion annually if cannabis were taxed like all other goods. The total cost and revenue lost is estimated to be at least $10.1 billion annually. In a recent year, more people (about 829,000) were arrested for cannabis-based crimes, than the combined total arrested for all violent crimes, including murder, rape, robbery and aggravated assault; and
WHEREAS, cannabis continues to be illegal in many jurisdictions, which promotes illegal and on rare occasions, violent activities, that could be virtually eliminated through decriminalization. Despite strict cannabis laws in a number of states, the United States has the largest number of cannabis consumers of any country. Surveys taken across the United States have found that nearly a third (1/3) of the population, (about 100 million people) have acknowledged that they have used cannabis, and some 15 million consume cannabis each month; and

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

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

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

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

WHEREAS, relaxed laws do not increase use. National Research Council studies of states where cannabis is decriminalized show little apparent relationship
between severity of sanctions and the rate of consumption. Liberalized laws have neither contributed to an increase in cannabis consumption, nor negatively impacted adolescent attitudes toward drug use; and

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

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

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

WHEREAS, Nobel Laureate Economist Milton Friedman and 553 other distinguished economists and educators support the Miron report and have appealed for officials to take action. In an open letter in 2005 to then-President of the United States George W. Bush, the U.S. Congress, State Governors, and State Legislatures they wrote: “We therefore urge the country to commence an open and
honest debate about marijuana prohibition. We believe such a debate will favor a regime in which marijuana is legal but taxed and regulated like other goods”; and

WHEREAS, as evidenced by these facts I Liheslaturan Guåhan finds that:

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

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

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

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

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

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

(g) The compassionate national trend of relaxing laws relative to medicinal cannabis offers needed assistance and relief to many people across our country; and
(h) *Lihslaturan Guahan*, as the lawmaking body for the people of Guam, has the duty to regulate laws relating to public safety priorities, personal freedom, regulations involving health care, and well-being; and

WHEREAS, based on the statement of facts cited in this Resolution, it is the intent of *Lihslaturan* to:

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

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

(c) Change the inclusion of "cannabis (marijuana or marihuana)" from Guam's Schedule I list of Controlled Substances to Guam's Schedule V list of Controlled Substances.

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

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

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

i. possession on school grounds;

ii. relative to minors;

iii. relative to chemical production;

iv. Relative to loitering to commit a crime or acts not authorized by law;

v. Relative to driving while under the influence;

vi. Relative to contributing to the delinquency of a minor; or
(b) Affect the application or enforcement of the laws of Guam prohibiting use of controlled substances in the workplace or by specific persons whose jobs involve public safety.

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

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

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

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

RESOLVED, that the Speaker certify, and the Legislative Secretary attest to, the adoption hereof, and that copies of the same be thereafter transmitted to; the

Honorable Edward J.B. Calvo, I Maga'Itaken Guåhan.

DULY AND REGULARLY ADOPTED BY I MINA'TRENТАI DOS NA LIHERSЛATURAN GUÅHAN ON THE 13th August, 2013.