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NEWS RELEASE



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**Attorney General Makes Recommendation on Alaska's
Medical Marijuana Registration Act**

(Anchorage) - Attorney General David Márquez has advised the Alaska Department of Health and Social Services that the recent United States Supreme Court decision in *Gonzales v. Raich*, 125 S.Ct. 2195 (2005), does not prohibit the state from registering medical marijuana users.

In *Raich*, the United States Supreme Court upheld the authority of federal drug laws to prohibit possession and trafficking of marijuana that occurs solely within state borders. The decision thus allows the federal government to stop the large commercial enterprises in California that were selling large amounts of marijuana under the guise of 'medical' use.

"The *Raich* decision addressed the narrow constitutional question of whether the federal government has authority to regulate certain types of intrastate activity under the Commerce Clause of the United States Constitution," said Márquez. "We start with the presumption that our state statutes are valid. Absent a clear statement in *Raich* that federal law preempts a state's ability to regulate the possession and use of marijuana for medical purposes, Alaska's registration scheme should continue to remain in effect."

However, individuals should be aware that under *Raich* the federal government can criminally prosecute Alaskans for the possession, distribution, or use of marijuana under federal law even if the person has registered with the state.

"Aside from the issue of federal preemption," Márquez added, "today's marijuana is highly potent and its use remains widespread throughout the state, particularly by juveniles. Governor Frank H. Murkowski has introduced legislation to address this destructive problem in our communities and we will continue to make passage of this important bill a priority in the upcoming session."

The Governor's legislation, Senate Bill 74, would make possession of any amount of marijuana at home illegal under Alaska law. This bill would not affect registered users of medical marijuana who comply with state law. The most recent version of SB 74 can be found at: <http://www.legis.state.ak.us/PDF/24/Bills/SB0074B.PDF>. Talking points discussing the dangers of marijuana have been provided with this release and will be available online at: www.law.state.ak.us.

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