

Seventeenth Northern Marianas Commonwealth Legislature

IN THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_ Session, 2011

H. B. 17-175

A BILL FOR AN ACT

1 To allow individuals 21 years old or older to possess, cultivate, or transport  
2 marijuana for personal use; permit the regulation and taxation of the commercial  
3 production and sale of marijuana to people 21 years old or older; prohibit the  
4 possession of marijuana on school grounds, prohibit the use of marijuana while  
5 minors are present; amend 6 CMC Section 2114 subsections (c) (13) and (20) and  
6 repeal 6 CMC Section 2142 subsection (c) (3); and for other purposes.  
7

BE IT ENACTED BY THE SEVENTEENTH NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:

8           **Section 1. Short Title.** This Act may be cited as the Legalization,  
9 Regulation, and Taxation of Cannabis Act of 2011.

10           **Section 2. Findings and Purpose.** The Legislature finds that the fiscal  
11 costs associated with prosecuting, incarcerating, and monitoring individuals for  
12 violating laws governing cannabis or marijuana, are extremely high. Furthermore,  
13 when the money tied up in law enforcement appears to be ineffective, the time has  
14 come to question the economic sense of prosecuting, incarcerating, and  
15 monitoring typically non-violent users, some of them terminally ill. An open-  
16 minded look at the cost-benefit analysis relating to marijuana points to one  
17 conclusion: legalization.

1           The Legislature finds that if cannabis was legal, the Commonwealth would  
2 stand to earn significant sums in the form of taxes, fees, and other forms of  
3 positive revenue related to the production and sale of marijuana products that  
4 could be used on education, scholarships, infrastructure, and public health. As set  
5 forth herein, legislation that focuses on the taxation and regulation of the use and  
6 sale of marijuana is necessary because the Commonwealth's laws criminalizing  
7 cannabis (marijuana) have failed and need to be reformed. Moreover, the  
8 economic benefits associated with legalization are sufficient at this point to justify  
9 the elimination of costs associated with ineffective law enforcement.

10           Whether the people of the Commonwealth like it or not, cannabis  
11 consumption is simply a fact of life for a large percentage of Americans. Studies  
12 cited within the recently proposed California initiative which is on the ballot this  
13 November 2010, point out that roughly 100 million Americans (around 1/3 of the  
14 country's population) acknowledge that they have used cannabis, 15 million of  
15 those Americans having consumed cannabis within one month. It is not  
16 unreasonable therefore, to believe that a legitimate market for cannabis would be  
17 worth developing to take advantage of the demand. This market could focus on  
18 tourists and even create new interest in visiting the Commonwealth.  
19 Establishments properly licensed to sell cannabis to these tourists would then pay  
20 fees and taxes.

1           In addition to benefitting the economy through the tourism industry,  
2 legalization may also benefit the CNMI by increasing land values. This is so  
3 because apart from its use as a drug, marijuana in the form of hemp is a  
4 commercially viable crop. Thus, hemp, which requires few pesticides and no  
5 pesticides, could be grown within the CNMI for industrial purposes, just like it is  
6 in Canada, France, and China. And the CNMI could export hemp to the United  
7 States, the leading importer of industrial hemp, to make products such as paper,  
8 biodegradable plastics, construction materials, health foods, and fuel.

9           Conceivably, textiles, which are commonly made from hemp could also be  
10 used to create fabrics in the now abandoned garment factories. This is in turn  
11 would generate revenue while reducing the dangers and costs associated with  
12 abandoned structures. Furthermore, for the sake of clarity, the  
13 tetrahydrocannabinol (THC) content in industrial hemp is normally a minute  
14 amount and typically not enough for any physical or psychological effects if one  
15 were to attempt to use industrial hemp as a drug. In fact, industrial hemp contains  
16 below 0.3% THC, while *Cannabis* grown for marijuana can contain anywhere  
17 from 6 to over 20%.

18           With regard to the policy question of law enforcement, the Legislature also  
19 finds that despite having some of the strictest cannabis laws in the world, the  
20 United States has the largest number of cannabis consumers. Furthermore, the  
21 percentage of our citizens who consume cannabis is double that of the percentage

1 of people who consume cannabis in the Netherlands, a country where the selling  
2 and adult possession of cannabis is allowed. According to The National Research  
3 Council's recent study of the 11 U.S. states where cannabis is currently  
4 decriminalized, there is little apparent relationship between severity of sanctions  
5 and the rate of consumption. In other words, legalization, will not create drug  
6 users, it will simply decriminalize them.

7           Whether the legalization of cannabis is moral or not, is not the question.  
8 From a health and medical standpoint, cannabis has fewer harmful effects than  
9 either alcohol or cigarettes, which are both legal for adult consumption. And  
10 unlike nicotine and tobacco and alcohol, cannabis is not physically addictive. Its  
11 continued use has not been proven to cause long term toxic effects on the body.  
12 In terms of effects, cannabis, unlike alcohol, does not cause its consumers to  
13 become violent. Accordingly, the relevant question that should be addressed from  
14 opponents is: why is a 100% natural herb that decreases ocular pressure and eases  
15 the symptoms of diabetes treated as a harmful and heavily stigmatized insidious  
16 drug?

17           In enacting this legislation, the Legislature candidly admits that the  
18 primary reason for this Act is not to reduce nor eliminate the use of cannabis but  
19 rather reduce if not totally eliminate all illegal cannabis transactions within the  
20 Commonwealth which likely amounts to significant sums each year. Taxing and  
21 regulating cannabis, as if it were alcohol and cigarettes, will generate funds for

1 infrastructure development, education, and health care. Thus, schools and  
2 libraries, roads, and more worthwhile projects will receive funding from a  
3 presently untapped source.

4           The Commonwealth wastes significant sums each year targeting, arresting,  
5 trying, convicting, and imprisoning non-violent citizens for cannabis related  
6 offenses. The Legislature finds that this money would be better used to combat  
7 violent crimes and government corruption. Presently, the illegality of cannabis  
8 enables the continuation of an out-of-control criminal market, which in turn  
9 spawns other illegal and often violent activities. Establishing legal, regulated  
10 sales outlets would reduce the number of dangerous street dealers doing business.

11           This Act intends to create Commonwealth-wide cannabis laws in a way  
12 that will benefit our islands by regulating cannabis in the same manner as alcohol:  
13 Thus, while this Act will allow adults to possess and consume small amounts of  
14 cannabis for personal use, the Act more importantly will implement a legal  
15 regulatory framework to give the Commonwealth more control over the  
16 cultivation, processing, transportation, distribution, and sales of cannabis. Once a  
17 legal regulatory framework is in place to regulate it and prevent access to cannabis  
18 by minors, then crime indirectly related to cannabis will decrease. In turn, the  
19 medical use of cannabis, which will now be legal, will provide easier, safer access  
20 for patients who need cannabis for medical purposes.

1           Based on the foregoing, the Legislature hereby exercises its sole authority  
2 under 6 CMC section 2111 (c) to delete substances from 6 CMC section 2114 for  
3 purposes of legalizing cannabis and removing all attendant penalties and fines  
4 under 6 CMC section 2142.

5           **Section 3. Amendment.** 6 CMC section 2114 subsection (c) is amended  
6 to strike clauses (13) and (20) and to read as follows:

7           (c) Any material, compound, mixture or preparation which contains any  
8 quantity of the following hallucinogenic substances, their salts, isomers and salts  
9 of isomers, unless specifically excepted, whenever the existence of salts,  
10 isomers, and salts of isomers is possible within the specific chemical  
11 designation:

12           (1) through (12) unchanged

13           (13) ~~Marijuana;~~ reserved

14           (14) through (19) unchanged

15           (20) ~~Tetrahydrocannabinol;~~ (reserved)  
16

17           **Section 4. Repealer and Re-enactment.** 6 CMC section 2142  
18 subsections (b) and (c) are hereby repealed and re-enacted. Section 2142 is hereby  
19 renumbered to read as follows:

20           6 CMC § 2142. Possession; Penalties.

21           (a) It is unlawful for any person knowingly or intentionally to  
22 possess a controlled substance, unless the substance was obtained  
23 directly from, or pursuant to, a valid prescription or order of a

1 practitioner while acting in the course of his or her professional  
2 practice, or except as otherwise authorized by this chapter.

3 (b) Any person who violates subsection (a) of this section with  
4 respect to any controlled substance ~~except marijuana~~ shall be  
5 sentenced to a term of imprisonment of not more than five years  
6 not subject to suspension, parole or probation, and a fine of \$2,000.

7 ~~(c) Any person who violates subsection (a) of this section with~~  
8 ~~respect to marijuana may be penalized as follows:~~

9 ~~(1) Any person who possesses one ounce or less shall be fined not~~  
10 ~~more than \$50.~~

11 ~~(2) Any person possessing more than one ounce but less than 2.2~~  
12 ~~pounds may be sentenced to a term of imprisonment of not more~~  
13 ~~than three months, a fine of not more than \$500, or both.~~

14 ~~(3) Any person possessing 2.2 pounds or more of marijuana may be~~  
15 ~~sentenced to a term of not more than one year, a fine of not more~~  
16 ~~than \$1,000, or both. The possession of 2.2 pounds or more of~~  
17 ~~marijuana by any person creates a rebuttable presumption of the~~  
18 ~~crime of trafficking under 6 CMC 2141(b)(2).~~

19 (d) (c) Any person who violates subsection (a) of this section with  
20 respect to methamphetaminehydrochloride, cocaine, or heroin may

1           be penalized, in addition to the penalties described in subsection  
2           (b) of this section as follows:

3           (1)    Any person found guilty of a first offense of possession of  
4           one gram or less shall be sentenced to a term of imprisonment of  
5           not less than 30 days. Any person convicted of a second offense of  
6           possession of less than one gram shall be sentenced to a term of not  
7           less than 60 days. Having been convicted of a second offense, any  
8           person convicted of subsequent offenses of possession of less than  
9           one gram shall be sentenced to a term of imprisonment of not less  
10          than 90 days.

11          (2)    Any person possessing one gram or more but less than five  
12          grams shall be sentenced to a term of imprisonment of not less than  
13          60 days. Any person found guilty of a second offense of possession  
14          of not more than five grams shall be sentenced to a term of  
15          imprisonment of not less than 90 days. Having been convicted of a  
16          second offense of possession of more than one gram but less than  
17          five grams, any person convicted for subsequent possession of a  
18          controlled substance shall be sentenced to a term of imprisonment  
19          of not less than six months.

20          (3)    Any person possessing five grams or more shall be  
21          sentenced to a term of imprisonment of not less than one year. The



1 possession of five grams or more by any person creates a rebuttable  
2 presumption of the crime of trafficking under 6 CMC 2141(b)(2).

3 (4) Any person possessing any quantity of a controlled  
4 substance and found to be in possession of an illegal firearm shall  
5 be sentenced to a mandatory five-year term of imprisonment not  
6 subject to suspension, probation or parole.

7 (5) Any person possessing any quantity of a controlled  
8 substance and found to have discharged any legal or illegal firearm  
9 in connection with that possession or subsequent apprehension for  
10 that possession shall be sentenced to a term of imprisonment of not  
11 less than five years, not subject to probation, parole, or suspension,  
12 to be served consecutively with any other terms of imprisonment  
13 imposed for that possession.

14 **Section 5. Enactment.** Subject to proper codification by the Law  
15 Revision Commission, Title 6 of the Commonwealth Code is hereby amended to  
16 add the following provisions:

17 Section 101. Lawful Activities. Personal Regulation and Controls.

18 Notwithstanding any other provision of law, it is lawful and shall not be a  
19 public offense under Commonwealth law for any person 21 years of age or older  
20 to:

- 1           a)     personally possess, process, share, or transport not more than one  
2           ounce of cannabis, solely for that individual's personal consumption, and  
3           not for sale.
- 4           b)     Cultivate, on private property by the owner, lawful occupant, or  
5           other lawful resident or guest of the private property owner or lawful  
6           occupant, cannabis plants for personal consumption only, in an area of not  
7           more than twenty-five square feet per private residence or, in the absence  
8           of any residence, the parcel. Cultivation on leased or rented property may  
9           be subject to approval from the owner of the property. Provided that,  
10          nothing in this section shall permit unlawful or unlicensed cultivation of  
11          cannabis on any public lands.
- 12          c)     Possess on the premises where grown the living and harvested  
13          plants and results of any harvest and processing of plants lawfully  
14          cultivated for personal consumption.
- 15          d)     Possess objects, items, tools, equipment, products and materials  
16          associated with activities permitted under this subsection.
- 17          e)     "Personal consumption" shall include but is not limited to  
18          possession and consumption, in any form, of cannabis in a residence or  
19          other non-public place, and shall include licensed premises open to the  
20          public authorized to permit on-premises consumption of cannabis.
- 21

1           f)       “Personal consumption” shall not include, and nothing in this Act  
2           shall permit cannabis: (i) possession for sale regardless of amount, except  
3           by a person who is licensed or permitted to do so under the terms of an  
4           ordinance; (ii) consumption in public or in a public place; (iii)  
5           consumption by the operator of any vehicle, boat or aircraft while it is  
6           being operated, or that impairs the operator; (iv) smoking cannabis in any  
7           space while minors are present.

8           Section 102. Commercial Regulations and Controls.

9           Notwithstanding any other provision of state or local law, a local  
10          government may adopt ordinances, regulations, or other acts having the force of  
11          law to control, license, regulate, permit or otherwise authorize, with conditions,  
12          the following:

13           (a)       cultivation, processing, distribution, the safe and secure  
14           transportation, sale and possession for sale of cannabis, but only by  
15           persons and in amounts lawfully authorized;

16           (b)       retail sale of not more than one ounce per transaction, in licensed  
17           premises, to persons 21 years or older, for personal consumption and not  
18           for resale;

19           (c)       appropriate controls on cultivation, transportation, sales, and  
20           consumption of cannabis to strictly prohibit access to cannabis by persons  
21           under the age of 21;

- 1 (d) age limits and controls to ensure that all persons present in,  
2 employed by, or in any way involved in the operation of, any such licensed  
3 premises are 21 or older;
- 4 (e) consumption of cannabis within licensed premises;
- 5 (f) safe and secure transportation of cannabis from a licensed premises  
6 for cultivation or processing, to a licensed premises for sale or on-premises  
7 consumption of cannabis;
- 8 (g) prohibit and punish through civil fines or other remedies the  
9 possession, sale, possession for sale, cultivation, processing, or  
10 transportation of cannabis that was not obtained lawfully from a person  
11 pursuant to this Act;
- 12 (h) appropriate controls on licensed premises for sale, cultivation,  
13 processing, or sale and on-premises consumption, of cannabis, including  
14 limits on zoning and land use, locations, size, hours of operation,  
15 occupancy, protection of adjoining and nearby properties and persons from  
16 unwanted exposure, advertising, signs and displays, and other controls  
17 necessary for protection of the public health and welfare;
- 18 (i) appropriate environmental and public health controls to ensure that  
19 any licensed premises minimizes any harm to the environment, adjoining  
20 and nearby landowners, and persons passing by;

1 (j) appropriate controls to restrict public displays, or public  
2 consumption of cannabis;

3 (k) appropriate taxes or fees pursuant to this Act;

4 (l) such larger amounts as the local authority deems appropriate and proper  
5 under local circumstances, than those established under this Act for  
6 personal possession and cultivation, or under this Act for commercial  
7 cultivation, processing, transportation and sale by persons authorized to do  
8 so under this section;

9 (m) any other appropriate controls necessary for protection of the public  
10 health and welfare.

11 Section 103. Imposition and Collection of Taxes and Fees.

12 (a) Any ordinance, regulation or other act adopted pursuant to this Act  
13 may include imposition of appropriate general, special or excise, transfer  
14 or transaction taxes, benefit assessments, or fees, on any activity  
15 authorized pursuant to such enactment, in order to permit the local  
16 government to raise revenue, or to recoup any direct or indirect costs  
17 associated with the authorized activity, or the permitting or licensing  
18 scheme, including without limitation: administration; applications and  
19 issuance of licenses or permits; inspection of licensed premises and other  
20 enforcement of ordinances adopted under this Act, including enforcement  
21 against unauthorized activities. Provided further that any and all fees that

1 are collected shall be used for education, scholarships, infrastructure, and  
2 public health.

3 (b) Any licensed premises shall be responsible for paying all federal,  
4 state and local taxes, fees, fines, penalties or other financial responsibility  
5 imposed on all or similarly situated businesses, facilities or premises,  
6 including without limitation income taxes, business taxes, license fees, and  
7 property taxes, without regard to or identification of the business or items  
8 or services sold.

9 Section 104. Seizure.

10 (a) Notwithstanding any other provision of law, no state or local law  
11 enforcement agency or official shall attempt to, threaten to, or in fact seize  
12 or destroy any cannabis plant, cannabis seeds or cannabis that is lawfully  
13 cultivated, processed, transported, possessed, possessed for sale, sold or  
14 used in compliance with this Act or any local government ordinance, law  
15 or regulation adopted pursuant to this Act.

16 Section 105. Effect of Act and Definitions.

17 (a) This Act shall not be construed to affect, limit or amend any statute  
18 that forbids impairment while engaging in dangerous activities such as  
19 driving, or that penalizes bringing cannabis to a school enrolling pupils in  
20 any grade from kindergarten through 12, inclusive.

21 (b) Nothing in this Act shall be construed or interpreted to permit

1 interstate or international transportation of cannabis. This Act shall be  
2 construed to permit a person to transport cannabis in a safe and secure  
3 manner from a licensed premises to a licensed premises notwithstanding  
4 any other law or the lack of any such ordinance in the intervening  
5 jurisdictions.

6 (c) No person shall be punished, fined, discriminated against, or be  
7 denied any right or privilege for lawfully engaging in any conduct  
8 permitted by this Act or authorized pursuant to this Act. Provided  
9 however, that the existing right of an employer to address consumption  
10 that actually impairs job performance by an employee shall not be  
11 affected.

12 (d) Definitions. For purposes of this Act:

13 (i) "Marijuana" and "cannabis" are interchangeable terms that mean  
14 all parts of the plant Genus Cannabis, whether growing or not; the resin extracted  
15 from any part of the plant; concentrated cannabis; edible products containing  
16 same; and every active compound, manufacture, derivative, or preparation of the  
17 plant, or resin.

18 (ii) "One ounce" means 28.5 grams.

19 (iii) For purposes of this Act "cannabis plant" means all parts of a  
20 living Cannabis plant.

21 (iv) In determining whether an amount of cannabis is or is not in excess

1 of the amounts permitted by this Act, the following shall apply: (a) only the active  
2 amount of the cannabis in an edible cannabis product shall be included; (b) living  
3 and harvested cannabis plants shall be assessed by square footage, not by weight  
4 in determining the amounts set forth herein; (c) in a criminal proceeding a person  
5 accused of violating a limitation in this Act shall have the right to an affirmative  
6 defense that the cannabis was reasonably related to his or her personal  
7 consumption.

8 (v) "residence" means a dwelling or structure, whether permanent or  
9 temporary, on private or public property, intended for occupation by a person or  
10 persons for residential purposes, and includes that portion of any structure  
11 intended for both commercial and residential purposes.

12 (vi) "local government" means the Commonwealth and/or a  
13 municipality.

14 (vii) "licensed premises" is any commercial business, facility, building,  
15 land or area that has a license, permit or is otherwise authorized to cultivate,  
16 process, transport, sell, or permit on-premises consumption, of cannabis pursuant  
17 to any ordinance or regulation adopted by a law, or any subsequently enacted  
18 statute or regulation.



1           Section 106. Prohibition on Furnishing Marijuana to Minors.

2           (a)     Every person 21 years of age or over who hires, employs, or uses a  
3           minor in transporting, carrying, selling, giving away, preparing for sale, or  
4           peddling any marijuana, who unlawfully sells, or offers to sell, any  
5           marijuana to a minor, or who furnishes, administers, or gives, or offers to  
6           furnish, administer, or give any marijuana to a minor under 21 years of  
7           age, or who induces a minor to use marijuana in violation of law shall be  
8           punished by imprisonment for a period of no more than five years.

9           (b)     Every person 21 years of age or over who furnishes, administers, or  
10          gives, or offers to furnish, administer, or give, any marijuana to a minor 21  
11          years of age or older shall be punished by imprisonment for a period of  
12          three, four, or five years.

13          (c)     Every person 21 years of age or over who knowingly furnishes,  
14          administers, or gives, or offers to furnish, administer or give, any  
15          marijuana to a person aged 18 years or older, but younger than 21 years of  
16          age, shall be punished by imprisonment for a period of up to six months  
17          and be fined up to \$1,000 for each offense.

18          (d)     In addition to the penalties above, any person who is licensed,  
19          permitted or authorized to perform any act pursuant to this Act, who while  
20          so licensed, permitted or authorized, negligently furnishes, administers,  
21          gives or sells, or offers to furnish, administer, give or sell, any marijuana

1 to any person younger than 21 years of age shall not be permitted to own,  
2 operate, be employed by, assist or enter any licensed premises authorized  
3 under this Act for a period of one year.

4 **Section 6. Preemption.** In the case of conflict with current law, this Act  
5 shall supersede any statute, regulation, rule, or common law provision for the  
6 period it remains in effect.

7 **Section 7. Severability.** If any provision of this Act or the application of  
8 any such provision to any person or circumstance should be held invalid by a  
9 Commonwealth court of competent jurisdiction, i.e., non-federal district court, the  
10 remainder of this Act or the application of its provisions to persons or  
11 circumstances other than those to which it is held invalid shall not be affected  
12 thereby.

13 **Section 8. Savings Clause.** This Act and any repealer contained herein  
14 shall not be construed as affecting any existing right acquired under contract or  
15 acquired under statutes repealed or under any rule, regulation, or order adopted  
16 under the statutes. Repealers contained in this Act shall not affect any proceeding  
17 instituted under or pursuant to prior law. The enactment of the Act shall not have  
18 the effect of terminating, or in any way modifying, any liability, civil or criminal,  
19 which shall already be in existence on the date this Act becomes effective.

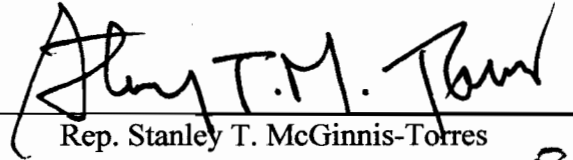
1 **Section 9. Effective Date.** This Act shall take effect upon its approval by the  
2 Governor or becoming law without such approval.

Introduced: Mar. 28, 2011

Prefiled\*:

Date:

Introduced By:

  
Rep. Stanley T. McGinnis-Torres

3.28.11

\*Submitted by author without review for legal sufficiency in accordance with House Rule IX sections 4 (e) and 8 (a) for immediate assignment by Speaker to the appropriate committee.

# **Seventeenth Northern Marianas Commonwealth Legislature**

## **IN THE HOUSE OF REPRESENTATIVES**

### **LEGALIZATION, REGULATION AND TAXATION OF MARIJUANA**

#### **PRIVILEGED SPEECH**

**BY**

**REPRESENTATIVE STANLEY T. MCGINNIS TORRES**

**3/21/11**

The legalization, regulation and taxation of cannabis in the Commonwealth will be the **Best Marijuana Law in America**. This Act is scientifically and socially driven to help the CNMI to live better and safely with marijuana in our society. As our nation is shifting towards legalization and minor citations for users, this Act will put the CNMI far ahead of other states in learning how to best deal with marijuana within our community. It is vital that we pave the way to end the endless war against marijuana and to begin finding a solution to solve this dilemma, so we can best co-exist with the many attributes of marijuana. Marijuana will never be totally eliminated by any means and people will continue to plant it and use it!

The time has come to decriminalize marijuana to the lowest level of misdemeanor crime that can be committed within our Commonwealth.

Putting subjective matters and personal opinions aside, an objective analysis of this issue reveals that if supply cannot meet the demand, and there is a big demand for marijuana, then crime and violence will frequently enter the picture in the use of non-regulated marijuana. As demonstrated

through everyday experiences, marijuana that is legally restricted has provided the motivation to perpetuate violent crimes and/or the use of weapons to seize and to use it.

The absence of restrictions that institute jail time and felony convictions would greatly diminish the serious crimes associated with marijuana. For example: If marijuana had the same legal status as betel nut or tuba, anyone with minimal skills could grow it practically anywhere that was non-intrusive on neighbors and literally for free. Then the supply of marijuana could meet its demand, virtually destroying the motivation to steal it, kill for it, or carry illegal firearms to protect it and caused dangerous situations.

I also recognize that opponents of medical marijuana argue that marijuana has not been FDA approved because it is too dangerous to use, and that the use of various FDA-approved drugs make marijuana unnecessary.

However, please consider the high cost of FDA-approved drugs and some of their dangerous after effects. Whereas marijuana is more affordable and less likely to cause dangerous side effects.

There are no comparisons legitimate enough to say marijuana is dangerous when it is used successfully to help people with cancer, diabetes, glaucoma, AIDS, mental disease, etc. We have many people here in the CNMI who find marijuana to be helpful in their pain control, but they are forced to do one of two things: live with the pain and agony, or obtain it illegally for their relief at the risk of arrest and jail time. Even in the past, when the most a younger islander could expect was a spanking with a cow tail whip, now we are convicting our young people with serious crimes that

can ruin their lives and make them even more dangerous criminals. This Legislature has a moral duty to help these people, especially when other states have granted the legalization of marijuana for their use.

Marijuana should never be placed in the same category with hard drugs like Ice, Cocaine, and Heroine, since the effects of these hard drugs are much more dramatic and dangerous than marijuana.

People have been using marijuana ever since it was learned that it could positively alter your state of mind, and it will continue to be used as long as the roots of marijuana exist, or until the end of time. Doesn't alcohol alter peoples' minds, but some say with very bad side effects of bad behavior, fights, spousal and child abuse. Marijuana users have never been classified as abusive: like Bert Laniyo's song says that his friends gather around drinking beer and smoking marijuana until some of them bend their heads down and go to sleep. Education is our best hope to fairly compare the illegal use of marijuana with the legal use of similar drugs like alcohol and tobacco.

Many social scientists, researchers, and law enforcement leaders have equated the criminalization of marijuana with the same mistake America made with the Prohibition of Alcohol in the early 1900's. People kept drinking, but it created dangerous cartels of mobsters and crooked politicians in America, and now we have even more dangerous drug cartels in a never-ending drug war that has been slaughtering innocent people, government officials and law enforcement officials like DEA agents and border patrol officers.

The time has come to end this needless drug war involving marijuana, and learn how to best live safely with it in our society by lowering the threshold for punishment in the cultivation and use of marijuana.

It is very interesting to note that the latest federal guidelines of the United States Justice Department are now ordering federal drug agents to cease arresting or charging patients, caregivers or suppliers who conform to state laws on medical cannabis. 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. U.S. Attorney General Eric 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."

Reports published in the Guam media quoted Federal Prosecutor Fred Black as saying: "... the U.S. Attorney's office really would rather focus on cracking down on the most dangerous drugs on Guam like methamphetamine hydrochloride or 'ice...'" Mr. Black also said that it is very clear that marijuana is not as dangerous or destructive as ice or even alcohol, and that if local law allowed medicinal use, his office would follow the federal policy of not prosecuting people who are allowed to use marijuana for medicinal purposes. Black said that if a proposed medicinal marijuana bill became law, "It is unlikely you would see any prosecutions for medical marijuana on Guam."

The Legislature finds that since 1973, the District of Columbia, and 24 states - Alaska, Arizona, California, Colorado, Guam, Hawaii, Maine,

Maryland, Massachusetts, Michigan, Minnesota, Mississippi, 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 reduce penalties or to decriminalize *Cannabis Sativa* or *Indica* (marijuana or marihuana) including, in some locations, permitting the use of the plant for medicinal purposes. In most cases in these jurisdictions, doctors, suppliers and users of cannabis face neither jail time nor arrest or criminal records, for the recommending, certifying, possession, dispensing or use of a small amount of cannabis, often limited to one ounce for medicinal purposes.

On October 29, 2002, the Ninth Circuit Court of Appeals unanimously upheld the right of doctors to recommend cannabis to their patients.

Criminalizing marijuana was a bad law to start with and we must change the existing law in order to begin learning how to best live safely with marijuana use in our islands. We must approach the cultivation and use of marijuana from a more objective and scientific prospective of the social sciences, and stop passing the buck to law enforcement personnel to punish people when it is obvious the present laws are plainly not working.

Accordingly, I find that the fiscal costs associated with prosecuting, incarcerating, and monitoring individuals for violating laws governing cannabis or marijuana, are extremely high. Furthermore, when the money tied up in law enforcement appears to be ineffective, the time has come to question the economic sense of prosecuting, incarcerating, and monitoring typically non-violent users, some of them terminally ill. An open-minded



look at the cost-benefit analysis relating to marijuana points to one conclusion: legalization.

If cannabis/marijuana was legal, the Commonwealth would stand to earn significant sums in the form of taxes, fees, and other forms of positive revenue related to the production and sale of marijuana products that could be used on education, scholarships, infrastructure, and public health. As set forth herein, legislation that focuses on the taxation and regulation of the use and sale of marijuana is necessary because the Commonwealth's laws criminalizing cannabis (marijuana) have failed and need to be reformed. Moreover, the economic benefits associated with legalization are sufficient at this point to justify the elimination of costs associated with ineffective law enforcement.

Whether the people of the Commonwealth like it or not, marijuana consumption is simply a fact of life for a large percentage of Americans. Studies cited within the recently proposed California initiative which is on the ballot this November 2010, point out that roughly 100 million Americans (around 1/3 of the country's population) acknowledge that they have used cannabis/marijuana, 15 million of those Americans having consumed marijuana within one month. It is not unreasonable therefore, to believe that a legitimate market for cannabis would be worth developing to take advantage of the demand. This market could focus on tourists and even create new interest in visiting the Commonwealth. Establishments properly licensed to sell marijuana to these tourists would then pay fees and taxes.

In addition to benefiting the economy through the tourism industry, legalization may also benefit the CNMI by increasing land values. This is so because apart from its use as a drug, marijuana in the form of hemp is a commercially viable crop. Thus, hemp, which requires few pesticides and

no pesticides, could be grown within the CNMI for industrial purposes, just like it is in Canada, France, and China. And the CNMI could export hemp to the United States, the leading importer of industrial hemp, to make products such as paper, biodegradable plastics, construction materials, health foods, and fuel.

Conceivably, textiles, which are commonly made from hemp could also be used to create fabrics in the now abandoned garment factories. This in turn would generate revenue while reducing the dangers and costs associated with abandoned structures. Furthermore, for the sake of clarity, the tetra-hydro-canna-bi-nol (THC) content in industrial hemp is normally a minute amount and typically not enough for any physical or psychological effects if one were to attempt to use industrial hemp as a drug. In fact, industrial hemp contains below 0.3% THC, while *Cannabis* grown for marijuana can contain anywhere from 6 to over 20%.

With regard to the policy question of law enforcement, researchers also find that despite having some of the strictest cannabis laws in the world, the United States has the largest number of cannabis/marijuana consumers. Furthermore, the percentage of our citizens who consume cannabis is double that of the percentage of people who consume cannabis in the Netherlands, a country where the selling and adult possession of cannabis is allowed. According to The National Research Council's recent study of the 11 U.S. states where cannabis is currently decriminalized, there is little apparent relationship between severity of sanctions and the rate of consumption. In other words, legalization, will not create drug users, it will simply decriminalize them.

Whether the legalization of cannabis is moral or not, is not the question. From a health and medical standpoint, marijuana has fewer

harmful effects than either alcohol or cigarettes, which are both legal for adult consumption, and which minors are often caught using them. And unlike nicotine and tobacco and alcohol, cannabis is not physically addictive. Its continued use has not been proven to cause long term toxic effects on the body. In terms of effects, cannabis, unlike alcohol, does not cause its consumers to become violent. Accordingly, the relevant question that should be addressed from opponents is: why is a 100% natural herb that decreases ocular pressure and eases the symptoms of diabetes treated as a harmful and heavily stigmatized insidious drug?

In enacting this legislation, I candidly admit that the primary reason for this Act is not to reduce nor eliminate the use of marijuana but rather reduce if not totally eliminate all illegal cannabis/marijuana transactions within the Commonwealth which likely amounts to significant sums each year. Taxing and regulating cannabis, as if it were alcohol and cigarettes, will generate funds for infrastructure development, education, and health care. Thus, schools and libraries, roads, and more worthwhile projects will receive funding from a presently untapped source.

The Commonwealth wastes significant funding each year targeting, arresting, trying, convicting, and imprisoning non-violent citizens for cannabis related offenses. The Legislature finds that this money would be better used to combat violent crimes and government corruption. Presently, the illegality of cannabis enables the continuation of an out-of-control criminal market, which in turn spawns other illegal and often violent activities. Establishing legal, regulated sales outlets would reduce the number of dangerous street dealers doing business.

This Act intends to create Commonwealth-wide cannabis laws in a way that will benefit our islands by regulating cannabis in the same manner

as alcohol: Thus, while this Act will allow adults to possess and consume small amounts of cannabis for personal use, the Act more importantly will implement a legal regulatory framework to give the Commonwealth more control over the cultivation, processing, transportation, distribution, and sales of cannabis. Once a legal regulatory framework is in place to regulate it and prevent access to cannabis by minors, then crime indirectly related to cannabis will decrease. In turn, the medical use of cannabis, which will now be legal, will provide easier, safer access for patients who need cannabis for medical purposes.

My goal was to make this Act the **BEST Marijuana Law in America** possible for all the above reasons, and I truly believe that we can accomplish this goal with your cooperation and support.

Thank you my fellow colleagues for your patience and attention to this important issue, and I look forward to this Act being approved, thereby making the Commonwealth a safer and saner place for both the marijuana users and the rest of our island residents.

Mr. Speaker, I hereby introduce and submit an un-numbered House Bill without review for legal sufficiency, in accordance with House Rule IX, Section 4(e) and 8(a), for your immediate assignment to the appropriate committee.

### **A BILL FOR AN ACT**

To allow individuals 21 years old or older to possess, cultivate, or transport marijuana for personal use; permit the regulation and taxation of the commercial production and sale of marijuana to people 21 years old or older; prohibit the possession of marijuana on school grounds, prohibit the use of marijuana while minors are present;

amend 6 CMC Section 2114 subsections (c) (13) and (20) and repeal 6 CMC Section 2142 subsection (c) (3); and for other purposes.

**THANK YOU!**