

SUPREME COURT OF ALASKA

Charles H. Rollins, Jr. v. Fran Ulmer, Lt. Governor, State of Alaska,
Sandra Stout, Director, Elections, State of Alaska, Jim Kentch, and
Alaskans for Medical Rights

15 P.3d 749 (Alaska 2001) · No. S-9197 · Decided January 12, 2001

SUMMARY

The Supreme Court of Alaska considered whether Alaska's medical marijuana registration requirements violated the constitutional right to privacy. The court held that the confidential registry, limited access, and restricted governmental uses did not impermissibly infringe privacy rights, and it affirmed the superior court's judgment declaring the law constitutional.

CASE DETAILS

COURT	Supreme Court of Alaska
WRITING FOR THE COURT	Bryner, Justice; Matthews, Chief Justice; Eastaugh, Justice; Fabe, Justice; Carpeneti, Justice
JURISDICTION	Alaska
DECIDED	January 12, 2001
DOCKET	S-9197
DISPOSITION	affirmed
PROCEDURAL POSTURE	Rollins appealed from the superior court's grant of summary judgment to the State and Alaskans for Medical Rights, which declared Alaska's medical marijuana law constitutional.
STANDARD OF REVIEW	De novo review of the superior court's summary judgment and constitutional ruling.
PRECEDENTIAL VALUE	Published Alaska Supreme Court opinion; precedential.
PARTIES	Charles H. Rollins, Jr. v. Fran Ulmer, Lt. Governor, State of Alaska, Sandra Stout, Director, Elections, State of Alaska, Jim Kentch, Alaskans for Medical Rights

TOPICS

- constitutional law
- medical records privacy
- health law
- election law

PRACTICE AREAS

constitutional law

health law

election law

civil rights

QUESTIONS PRESENTED

1. Whether Alaska's medical marijuana registration and confidential registry requirements violate the constitutional right to privacy by requiring disclosure of sensitive medical information.
2. Whether the registry and registration requirement impermissibly burden the constitutional right to make independent medical treatment choices.
3. Whether the law's regulation of marijuana possession and use implicates the Alaska Constitution's privacy protection for activities in the home.

HOLDINGS

1. The medical marijuana law does not violate the constitutional right to privacy because the registry is closed to public access, contains no requirement that users disclose details of their medical conditions, and limits authorized governmental access to specified legitimate purposes.
2. The law does not violate the constitutional right to make independent medical choices because it leaves patients and physicians broad freedom to choose marijuana as treatment, and any incidental deterrence caused by the confidential registration requirement is insufficient, standing alone, to establish a constitutional violation.
3. The Alaska Constitution's privacy clause does not establish a right to use marijuana, and the law's regulation of possession and use outside the sanctity of the home does not violate that provision.

KEY QUOTATIONS

“the individual's privacy interest in protecting sensitive personal information from public disclosure” (752)

“the registry and the information contained within it are not a public record” (753)

“Requiring such disclosures to representatives of the State having responsibility for the health of the community, does not automatically amount to an impermissible invasion of privacy.” (754)

FACTUAL BACKGROUND

In 1998, Alaska voters approved a medical marijuana initiative codified as AS 17.37.010. The law permits qualified Alaskans with debilitating medical conditions to use marijuana for medical purposes upon physician certification and requires users to register with the Department of Health and Social Services. The registry is confidential, is not a public record, and may be accessed by law-enforcement officials only for specified verification purposes. Rollins argued that the registration requirement violated constitutional privacy rights by exposing sensitive medical information and deterring medical treatment choices.

PROCEDURAL HISTORY

After Alaska voters approved Ballot Measure 8, Rollins filed a superior court action asserting procedural and constitutional challenges to the initiative. He later withdrew his procedural claims and pursued only his

constitutional privacy claim. The superior court granted the State's motion for summary judgment and declared the law constitutional; the Alaska Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Falcon v. Alaska Public Offices Commission, 570 P.2d 469 (Alaska 1977)
- Whalen v. Roe, 429 U.S. 589 (1977)
- Roe v. Wade, 410 U.S. 113 (1973)
- Doe v. Bolton, 410 U.S. 179 (1973)
- Griswold v. Connecticut, 381 U.S. 479 (1965)
- Ravin v. State, 537 P.2d 494 (Alaska 1975)
- Cleland v. State, 759 P.2d 553 (Alaska App. 1988)