

# 29<sup>TH</sup> ALASKA STATE LEGISLATURE



## HOUSE JUDICIARY COMMITTEE

### House Bill 79

#### **Summary of Changes from Version P to version G**

All references to “preparations, compounds, mixtures, or substances” have been replaced with “marijuana” to conform with the definition as stated in the initiative, AS 17.38.900

Former section 32 – conforming language dealing with AS 12.55.135(j), related to sentencing for certain marijuana crimes, is deleted and repealed-this section was superfluous as misdemeanors listed in the bill do not require jail time over one year so a bail schedule is unnecessary

Section 44 – added 17.38.020 from the ballot initiative, amended to remove the language NOTWITHSTANDING ANY OTHER PROVISION OF LAW

Section 50 – added 17.38.110 from the ballot initiative, local option provision, amended to specify that established villages have the ability to opt out of commercial marijuana operations

Section 51 – removed the crime of possession of more than 4 ounces;

- Changed the prohibition of manufacture with a substance other than vegetable glycerin to prevent a person other than a registered marijuana establishment from producing a marijuana concentrate or extract using a volatile or explosive gas;
- Made certain exceptions for a medical marijuana patient registered under AS 17.37 who is at least 18 years old to enter a marijuana establishment and purchase marijuana;
- Removed the crime of possession of more than one ounce and less than four ounces;
- Removed AS 17.38.270, a proposed section which dealt with rehabilitation;
- Removed AS 17.38.260, a proposed section which established weight calculations for marijuana plants;
- Changed “marijuana overdose” to “significant adverse marijuana reaction;”
- Removed AS 17.38.290, which allowed for forfeitures and seizures;
- Added 17.38.280 which allows for the confidentiality of court records of minors;
- Added 17.38.290-340 which allow and define local option procedures for exemptions from commercial marijuana use;
- Made a 3<sup>rd</sup> degree marijuana misconduct violation punishable by a \$300 fine;
- Limited the fine for a 4<sup>th</sup> degree marijuana misconduct violation punishable by a \$100 fine;

- Added exceptions for marijuana misconduct crimes for people “acting in the person’s capacity as an officer, agent, or employee of the marijuana establishment”;
- Added to 1<sup>st</sup> degree marijuana misconduct the crime of manufacturing more than six marijuana plants, not more than three of which are mature;
- Added “usable marijuana” to the possession limit of 1 ounce of marijuana

Section 53 – defined established village as used in sections 50 and 51

- Defined usable marijuana to accommodate the removal of the weight calculation of live marijuana plants

Former section 77-78 – deleted amendments to AS 23.30.120 (a) & AS 23.30.235, pertaining to workers’ compensation

Former section 88 – deleted an amendment to AS 28.15.176 to correct a drafting error which only changed a catchline in current law

Section 116 – removed language that allowed testing of a minor’s blood or urine for the purpose of determining the marijuana content of the minor’s blood or urine

Section 119, 121 – deleted “blood or urine” from these sections, which relate to a minor’s refusal of a chemical test

Section 130 – added “possess” so that the commissioner of corrections can prohibit a prisoner from using, consuming AND possessing marijuana or marijuana products

Section 134 – technical changes

Former section 141 – deleted amendments to AS 17.38.220(a)(3) relating to crimes for which juveniles may be punished as adults, now conflicting with the 17.38.280

Section 142 – added the Dept. of Administration to the list of departments the Dept. of Health & Social Services must consult with in establishing and conducting programs designed to deal with the problem of persons operating a motor vehicle while under the influence of an alcoholic beverage, marijuana, inhalant, or controlled substance