



Department of Law

Criminal Division

Policy Questions Surrounding Marijuana Legalization

Definition of Marijuana

- Once PSUM becomes effective there will be *three* different definitions of marijuana in statute.
- Medical Marijuana:
 - "usable marijuana" means the seeds, leaves, buds, and flowers of the plant (genus) cannabis, but **does not include the stalks or roots.** (AS 17.37.070(12)).

- Drug Offense Statutes:
 - "marijuana" means the seeds, and leaves, buds, and flowers of the plant (genus) Cannabis, whether growing or not; **it does not include the resin or oil extracted from any part of the plants, or any compound, manufacture, salt, derivative, mixture, or preparation from the resin or oil, including hashish, hashish oil, and natural or synthetic tetrahydrocannabinol; it does not include the stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the stalks, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination; (AS 11.71.900(14)).**

- PSUM
- "marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate; **"marijuana" does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products;** (AS 17.38.900(6)).

Concentrates

- PSUM includes “marijuana concentrate” in the definition of marijuana.
- What is a “marijuana concentrate?”

Underage Possession/Consumption

- Under PSUM:
 - A person over 21 years of age can possess, use, consume, or transport one ounce or less of marijuana. Public consumption is a violation.
- Under current law:
 - Possession of one ounce or less of marijuana is a misdemeanor.
- Once PSUM becomes effective:
 - Minors (persons under 18 years of age) will continue to be adjudicated as juvenile delinquents if they possess marijuana.
 - Persons aged 18-21 will be charged with misdemeanors if they possess marijuana.
- Question

Should a violation be considered for persons aged 18-21? Should the penalties mirror the current Minor Consuming Alcohol statute?

Opt Out Communities

- What should the penalty be for operating marijuana cultivation facilities, product manufacturing facilities, testing facilities, or retail stores in a community that has opted to prohibit such activities?
 - The current drug offense statutes make this conduct anything from a class A misdemeanor to an unclassified felony.
 - Should an offense structure be created which is similar to alcohol?
 - Class A misdemeanor – class C felony to bring alcohol into a local option community.

Promoting Contraband

- Marijuana is still a controlled substance.
- Bringing (or receiving) a controlled substance into a correctional facility is a class C felony.
 - Other substances which are legal outside a prison facility but prohibited inside a prison facility (i.e. tobacco) are misdemeanors.
 - Should the promoting contraband statute be amended?