



2014 General Election Ballot Measure No. 2

*An Initiative to Tax and Regulate the Production,
Sale, and Use of Marijuana*

Purpose and Findings

- Allow law enforcement to focus on violent crimes and property crimes
- Enhance individual freedom
- Declare marijuana should be legal for persons 21 years of age or older
- In the interest of health and public safety, production and sale of marijuana should be regulated
 - Individuals show proof of age before purchasing
 - Legitimate taxpaying business people, and not criminal actors will conduct sales of marijuana
 - Marijuana sold by regulated businesses will be labeled and subject to regulation to inform and protect consumers
 - Does not intend to diminish the Alaska Supreme Court's holding in *Ravin v. State*
 - Does not require any individual or entity to violate federal law, or exempt any individual or entity from federal law

Personal Use of Marijuana

The following acts by persons 21 years of age or older are lawful

- Possessing, using, displaying, purchasing, transporting, growing or processing
 - Marijuana accessories
 - One ounce or less of marijuana
 - No more than 6 marijuana plants (3 or fewer mature)
 - Including marijuana produced by the plants on premises where plants are grown
 - Transferring one ounce or less of marijuana and up to six immature plants to a person 21 or older without remuneration
 - Consumption of marijuana (except in public)
 - Assisting a person 21 years of age or older in the above

Restrictions on Personal Cultivation; Penalty

- Personal cultivation is subject to
 - Plants not subject to public view without binoculars, aircraft, etc.
 - Secure plants from unauthorized access
 - Only on cultivator's property or with consent of person in lawful possession of property

Public Consumption Banned

Violation of up to \$100

False Identification Penalty

- Person under 21 years of age may not offer false identification to
 - Purchase marijuana or attempt to procure marijuana or marijuana products
 - Gain access to a marijuana establishment

Marijuana Accessories Authorized

For persons 21 years of age or older

Lawful Operation of Marijuana-Related Facilities

- A person 21 years of age or older with valid registration, may operate a retail marijuana store, marijuana cultivation facility, marijuana product manufacturing facility, or marijuana testing facility
- Lease or allow use of property for activities above
- Authorizes penalties for marijuana establishments that violate their registration/license
- Personal use provisions do not apply to marijuana establishments

Marijuana Control Board

At any time the legislature may create a marijuana control board in DCCED to assume the duties given to the ABC Board

Rulemaking

Not later than 9 months after the effective date of the initiative, the board shall adopt regulations for marijuana establishments including procedures for licensing, application fees, etc.; qualifications for registration; security requirements; requirements to prevent sales to persons under 21; labeling requirements; health and safety regulations; reasonable restrictions on advertising; and civil penalties for failure to comply with regulations.

Marijuana Establishment Registrations

- Applications and renewal applications; board shall forward half of the registration fee to the local regulatory commission for the local government in which the establishment will operate.
- If local government has enacted a numerical limit on marijuana establishments, board will ask local government for input on location, etc.

Local Control

- Local governments may prohibit operation of marijuana establishments by an ordinance or voter initiative.
- Local governments may
 - Enact ordinances not in conflict with the initiative relating to time, place, and manner restrictions on marijuana establishments
 - Designate a local regulatory authority to review applications
 - Establish procedures for issuing or revoking a registration issued by a local government
 - Establish annual schedule of fees
- Local governments may issue permits directly to marijuana establishments if the board does not act on an application within 90 days or if the board does not adopt regulations within 9 months of the effective date of initiative.

Employers, Driving, Minors, Property

Initiative does not

- require an employer to permit use, etc.
- Alter DUI laws
- Permit transfer of marijuana to person under 21
- Prohibit a person or entity who owns or controls private property from prohibiting or regulating marijuana

Medical Marijuana

Not limited by the initiative

Definitions
