March 13, 2015

Alaska Senate Finance Committee
Attention Senator Pete Kelly and Anna MacKinnon, Co-Chairs
Pouch V
State Capitol
Juneau, Alaska 99801

Cc: Committee members

Dear Chairs Kelly and MacKinnon and members of the committee:

Thank you for the opportunity to weigh in on Amendment 6 of SB 30, Draft X. We have several concerns as outlined below.

Sincerely,

Dr. Timothy Hinterberger
Chair
Campaign to Regulate Marijuana Like Alcohol in Alaska

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Legislative Analyst
Marijuana Policy Project

1. **References to Schedule VIA**

Am. 6 replaces references to a Schedule VIA controlled substance with "usable marijuana."

If the intent was to replace all references to "Schedule VIA" with "usable marijuana," the following instances have been overlooked in SB 30, Draft X:

- p. 4, line 8; and
- p. 8, line 12.

If this means that "usable marijuana" will no longer be considered a controlled substance, that's welcome (though also lowering penalties, as Judiciary did, would be far better). However, this amendment does not appear to include deleting marijuana from the CSA. For clarity, we recommend the following amendment in addition:

Page 23, line 20, following "11.71.160(f)(2),":
Insert "11.71.190,"

2. **Definition of Usable Marijuana**

Furthermore, the definition of "usable marijuana" does not mirror the definition of marijuana in Measure 2. The intent and effect of this new term is unclear. Of course, it would not be inconsistent with the intent of the initiative to exclude whole plants or the

buds of marijuana growing on plants when assessing the weight of marijuana. However, it is unclear whether a new definition of "usable marijuana," which excludes stalks and roots of the plant, is the most effective manner in which to accomplish this goal. Of course, if AS 17.38.020 remains intact and is not altered by other portions of this bill, that should trump any language to the contrary.

3. **Amendment of AS 11.71.060(a)(2)(A)**

The most concerning and confusing combination of changes that Amendment 6 makes is to restore AS 11.71.060(a)(2)(A) to referring to "less than an ounce," making possession of a preparation containing marijuana of that amount a class B misdemeanor, which would be in direct violation of Measure 2. It also deletes the non-applicability clause in AS 11.71.060(c), which would remove personal legal protections from Measure 2. However, Amendment 6 later repeals that subsubsection entirely, which renders the changes above null. If possible, we recommend repealing that AS 11.71.060(a)(2)(A) without making the redundant change to the language of AS 11.71.060(a)(2)(A).