

**AMENDMENT**

OFFERED IN THE SENATE

TO: CSSB 30(FIN), Draft Version "V"

1 Page 1, following line 5:

2 Insert new bill sections to read:

3 **"\* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
4 to read:

5 PURPOSE OF SEC. 30 OF THIS ACT. The purpose of sec. 30 of this Act is to protect  
6 the health and safety of persons who reside in established villages in the unorganized borough  
7 in the state and to provide legislative findings regarding the operation of marijuana cultivation  
8 facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail  
9 marijuana stores in the unorganized borough. The legislature, acting in its capacity as the  
10 assembly for the unorganized borough, prohibits the operation of marijuana establishments in  
11 the unorganized borough outside of a municipality. Established villages in the unorganized  
12 borough may allow marijuana establishments on a community-by-community basis through  
13 the local option election procedure provided by AS 17.38.250 - 17.38.300, added by sec. 32 of  
14 this Act.

15 **\* Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to  
16 read:

17 FINDINGS FOR SEC. 30 OF THIS ACT. The type of marijuana available in the  
18 United States and Alaska today, and the changes in the patterns of usage of the drug,  
19 particularly by young Alaskans, Alaska Natives, and those undergoing alcohol treatment, pose  
20 a threat to the public health and welfare that justifies prohibiting the operation of marijuana  
21 establishments in the unorganized borough outside of municipalities. In this Act, the  
22 legislature has considered its duty as the assembly for the unorganized borough in art. X, sec.  
23 6, Constitution of the State of Alaska, and its duty to promote the public health and welfare in

1 art. VII, sec. 4, Constitution of the State of Alaska. The legislature has also considered its  
2 obligation to carry out the intent of the voters of Alaska in legalizing marijuana by ballot  
3 initiative. To assist the courts in considering these issues, the legislature further finds that

4 (1) the potency of marijuana has increased dramatically since the 1960s and  
5 1970s; the national average amount of delta-9-tetrahydrocannabinol (THC), the main  
6 psychoactive ingredient, was less than one percent then, but increased steadily in the 1980s  
7 and 1990s, and by 2003 was six times higher, at 6.4 percent; Alaska marijuana today  
8 commands hundreds of dollars an ounce on the illegal market and is often sold in smaller  
9 amounts within the price range of teenagers; the increasing potency of marijuana corresponds  
10 to an increase in substance abuse treatment admissions and in the number of persons seeking  
11 emergency medical care due to marijuana-related incidents;

12 (2) several hundred adults and children are admitted into treatment each year in  
13 Alaska for marijuana abuse, with nearly 46 percent being children under 20 years of age;

14 (3) there is evidence that some users become dependent on marijuana under the  
15 clinical standards applied by the Diagnostic and Statistical Manual of Mental Disorders IV;  
16 studies have shown that use of marijuana and withdrawal from marijuana affect some of the  
17 same neurochemical processes as known addictive drugs; Marijuana Anonymous chapters to  
18 treat marijuana addicts exist in a majority of states in the country; that is persuasive evidence  
19 of marijuana's potential for users to become dependent on it; currently, 9.2 percent of all  
20 persons in Alaska treated for drug and alcohol problems are treated for marijuana abuse;

21 (4) early exposure of young people to marijuana increases the likelihood of  
22 lifelong health and social problems and is associated with depression;

23 (5) a significant percentage of persons in treatment for alcohol abuse also  
24 abuse a secondary drug, which may include marijuana; nevertheless, the relationship between  
25 marijuana and alcohol and other drugs is not fully understood;

26 (6) marijuana consists of hundreds of different chemicals and can affect almost  
27 every organ and system in the body, including the lymph system, the heart, and the lungs;  
28 THC binds to receptors in the brain that should otherwise bind to naturally occurring brain  
29 chemicals; marijuana can affect memory, attention, judgment, and other cognitive functions  
30 and can impair motor coordination, time perception, and balance; marijuana smoke contains  
31 more carcinogenic hydrocarbons than tobacco smoke; marijuana often contains bacteria or

1 fungi that are dangerous to humans, and may be harvested and sold without removing  
2 pesticides and fungicides;

3 (7) about 40 percent of the adults arrested in this state who commit violent  
4 offenses have marijuana in their system at the time of the arrest;

5 (8) if a parent uses marijuana, the children of the parent are more likely to  
6 become marijuana users; some high school students report that they have been able to get  
7 marijuana at home or from a relative; criminal penalties for possession of marijuana in the  
8 home may deter possession by adults and reduce its availability and accessibility to children;  
9 some studies have shown that criminal penalties for possession of marijuana are effective in  
10 increasing the perception among teenagers of the risks of using the drug, thus reducing its use  
11 by young people;

12 (9) in *Noy v. State*, 83 P.3d 538 (Alaska App. 2003), the Alaska court of  
13 appeals held that an adult may possess less than four ounces of marijuana in the person's  
14 home; at the same time, the court held that possession of four ounces or more could  
15 legitimately be prohibited even in the home because it was reasonable for the legislature to  
16 conclude in 1982 that possession of four ounces is indicative of an intent to sell; the street  
17 value of marijuana today in Alaska averages between \$270 and \$300 an ounce."

18

19 Page 1, line 6:

20 Delete "**Section 1**"

21 Insert "**Sec. 3**"

22

23 Renumber the following bill sections accordingly.

24

25 Page 25, line 2:

26 Delete "sec. 1"

27 Insert "sec. 3"

28

29 Page 25, line 3:

30 Delete "sec. 2"

31 Insert "sec. 4"

- 1 Delete "sec. 3"
- 2 Insert "sec. 5"
- 3
- 4 Page 25, line 4:
  - 5 Delete "sec. 4"
  - 6 Insert "sec. 6"
  - 7
- 8 Page 25, line 5:
  - 9 Delete "sec. 5"
  - 10 Insert "sec. 7"
  - 11 Delete "sec. 6"
  - 12 Insert "sec. 8"
  - 13
- 14 Page 25, line 6:
  - 15 Delete "sec. 8"
  - 16 Insert "sec. 10"
  - 17 Delete "sec. 10"
  - 18 Insert "sec. 12"
  - 19
- 20 Page 25, line 7:
  - 21 Delete "sec. 12"
  - 22 Insert "sec. 14"