

# Alaska State Legislature Conference Committee



## *House:*

**Representative Tilton, Chair**  
**Representative Millett**  
**Representative Drummond**

## *Senate:*

**Senator Bishop, Chair**  
**Senator McGuire**  
**Senator Hoffman**

### **HB 75: MARIJUANA REG; CLUBS; MUNIS; LOCAL OPT ELECT**

"An Act relating to background checks for persons applying to operate marijuana establishments; relating to possessing, using, displaying, purchasing, growing, processing, transporting, and transferring marijuana; relating to assisting another person 21 years of age or older in activities related to marijuana; relating to established villages and to local option elections regarding the operation of marijuana establishments; and providing for an effective date."

### **HB 75**

#### **Narrative on Comparison**

**2dSCSCSHB 75 (RLS) to CSHB 75 (JUD) am**  
**(29-LS0345\AA) (29-LS0345\U.A)**

#### **NARRATIVE AND HISTORY:**

The version of HB 75 that left the House April 2<sup>nd</sup> of last year and the version of HB 75 that left the Senate on February 24<sup>th</sup> of this year are functionally different bills dealing with the same subject matter, generally speaking.

When the House Community and Regional Affairs committee began drafting the initial bill, the committee's intent was to draft legislation that would guide municipalities in crafting local ordinances in advance of a comprehensive regulation package to be written and adopted by a/the Marijuana Control Board (MCB) created in a later bill (HB 123).

In the interim between adjournment of the 1<sup>st</sup> regular session of the 29<sup>th</sup> Alaska State Legislature and the convening of the 2<sup>nd</sup> regular session of the 29<sup>th</sup> Legislature, the newly created MCB wrote and adopted a regulation package that made significant portions of CSHB 75 (JUD) am moot.

However, it was during the regulation drafting process that the Department of Public Safety identified that HB 123 had required criminal background checks to prohibit felons from obtaining commercial marijuana registrations necessary for the MCB to process applications for registrations, but HB 123 had failed to amend other sections of statute to allow that process to occur. Two sections of statute need to be amended to allow the MCB to submit the request for criminal background checks to the Department of Public Safety and further to allow the Department of Public Safety to forward those request to the Federal Bureau of Investigation for completion.

Within the first month of the 2<sup>nd</sup> regular session, the Senate Rules committee substantially retooled HB 75 in response to those necessary changes identified by the MCB and retained small number of other policy provisions that either came from the version as it passed the House or were added during the Senate committee process. Generally speaking, most of the

changes made by the version that passed the Senate are timely, necessary and not in question as a matter of policy.

As the current version stands, there is only one section that is identical to the way it passed the House and the way it passed the Senate. Further, there are only two sections remaining in the Senate version that are similar in nature to the House version.

Those are:

**IDENTICAL – Nonareawide Powers**

Section 5 (Page 4, lines 11-15) of the current version and Section 18 (Page 8, lines 1-4) of the version that passed the House both stipulate that any powers authorized to boroughs may only be adopted on a “nonareawide” basis, meaning that those powers would not extend into cities that lay within a borough’s boundaries.

**SIMILAR IN NATURE – Household Plant Limits & Local Options – *conference items***

- Household Plant Limit – Section 2 (Page 3, lines 1-20) of the current version and Section 2 (Page 2, lines 10-29) of the version that passed the House both contain a household plant limit. However, the House passed a version with “not more than **24**” and the Senate passed a version with “not more than **12**”.
- Local Option – Sections 4 (Page 4, lines 1-10) and 6 (Page 4 line 16 through Page 6 line 25) of the current version and Sections 9 (Page 5, lines 29-31) and 19 (Page 8 line 6 through Page 10 line 20) of the version that passed the House both provide a local option and the procedures associated with conducting a local option election. However the current version stipulates that it is an “**opt in**” provision and the version that passed the House is an “**opt out**” provision. In short, under the Senate version commercial marijuana establishments are prohibited in non-incorporated areas in the Unorganized Borough unless they hold a local option election while the House version provided that commercial marijuana establishments are allowed in those non-incorporated areas of the Unorganized Borough unless they exercise a local option to prohibit those establishments. It should be noted that the actual procedures for conducting local option elections are identical and mirror the same process as provided in Title 4 pertaining to alcohol.