

29th Alaska State Legislature

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Senate Judiciary Committee

Summary of Changes

CS for Senate Bill 30 Version F (JUD) to Version T (FIN)

Marijuana Regulation; Controlled Substances; Crimes; Defenses

Maintains marijuana as a controlled substance and applies “non-applicability clause.”

The non-applicability clause makes certain provisions in SB 30 not apply to a person who is lawfully acting in accordance with the adopted provisions of the initiative.

Adjusted Criminal Penalty Levels

Class C Felony – Misconduct involving a controlled substance in the 4th degree.

- Possesses 16 or more ounces of useable marijuana outside of the home.
- Possesses 25 or more plants.
- Furnishes marijuana, twice within five years, to a person under 21 years of age.

Class A Misdemeanor – Misconduct involving a controlled substance in the 5th degree.

- Delivers or transports more than one ounce of marijuana or more than six marijuana plants.
- Possess 3 - <16 ounces of marijuana outside of the home or 12-24 plants.
- Delivers any amount of marijuana to a person under 21 years of age.
- Delivers or transports an ounce or less of marijuana or six plants or less for remuneration or barter.
- Manufactures a marijuana concentrate using a volatile or explosive gas.
- Promoting contraband

Class B Misdemeanor – Misconduct involving a controlled substance in the 6th degree.

- Possesses 2 - <3 ounces of marijuana outside of the home.
- Possesses 7-11 plants.

Violation – Misconduct involving a controlled substance in the 7th degree.

- Possess 1-<2 ounces of marijuana outside of the home.
- Consumes marijuana in a public place.
- Grows marijuana in public view or on someone else’s property without their consent.
- Uses marijuana while operating a vehicle.
- As a minor, possess less than 2 ounces of marijuana or consume any amount of marijuana.

Additional Changes:

Definition of Marijuana

17.38.900(6) – Changed the definition of Marijuana, removed comma after “oil.”

Page 24, line 19

Tetrahydrocannabinols (THC)

11.71.190(b)(4) – Moved tetrahydrocannabinols (THC) from a schedule 3A to a schedule 6A. controlled substance

Page 14, line 1

Page 27, line 5

Sale of Concentrates

17.38.090(c) – Amended language to avoid a database requirement by changing “per day” to “in one transaction.”

Page 19, line 12

Board Powers- Title 11 and 17

17.38.310 – Granted board powers to enforce Title 11 and 17.

Page 27, lines 4-13

Provision for workers under the age of 21

17.38.210(b)(3) – Allowed access for EMS and Fire who are under 21.

Page 20, line 31 – Page 21, line 1

Open Container

28.35.029(c)(7) – Added to the open container definition with “removed while in vehicle.”

Page 25, lines 27-29

Court View Records

17.38.240 – Records for those under 21 are removed from of court view after a case is closed.

Page 21, lines 21-25

Delivery of Marijuana

17.38.070(h) – Restricted door-to-door delivery of marijuana.

Page 19, lines 7-9

Municipalities

Removed sections from Judiciary version relating to limitations on municipalities.

Local Option

Opted out unorganized boroughs. Also added legislative finding language sections.

Fiscal Note Changes

All zero fiscal notes. Finance CS removed the marijuana and alcohol education and research section from the JUD version and therefore all Department of Health and Social Services fiscal notes died.