

29th Alaska State Legislature

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SECTIONAL ANALYSIS

Senate Bill 30

Marijuana Regulation; Controlled Substances; Crimes; Defenses
Version N

Section 1:

Pages 1-3: Lines 5-20

Amends misconduct involving a controlled substance in the fourth degree to apply to substances weighing more than one ounce to conform to the initiative. Delivering more than 1 ounce of marijuana is a class C felony.

Section 2:

Pages 3-4: Lines 21-26

Clarifies weights to conform to the initiative, criminalizes furnishing marijuana to a person under 21 years of age, and criminalizes the manufacturing of marijuana using a solvent-based extraction method, other than glycerin. Misconduct involving a controlled substance in the fifth degree is a class A misdemeanor.

Section 3:

Pages 4-5: Lines 27-9

Amends MICS 6 to prohibit a person under 18 years of age to consume or possess an ounce or less of marijuana. This is a class B misdemeanor.

Section 4:

Pages 5-6: Lines 10-4

Creates a new degree of misconduct involving a controlled substance by establishing a violation for consuming marijuana in a public place. In subsection two, it a violation if a person between 18 and 20 years of age consumes or possesses an ounce or less of marijuana.

It is a class A misdemeanor to, with criminal negligence, permit persons under 21 to do several actions on a licensed marijuana premise.

Section 5:

Pages 6-8: Lines 10-2

This section creates a defense in a prosecution under AS 11.71.040 – 11.71.060 charging the manufacture, delivery, possession, possession with intent to manufacture or deliver, use, or display of a schedule VIA controlled substance, provided that the defendant meets the legal requirements in AS 17.38 (over 21, an ounce or less, etc.)

Section 6:

Page 8: Lines 3-5

Moves hashish and hashish oil from schedule IIIA to schedule VIA to conform to the Ballot Measure 2 initiative.

Sections 7 and 8:

Pages 6-8: Lines 6-2

Effectively establishes the voter-approved definition of “marijuana” in AS 11.

Section 9:

Page 9: Lines 3-5

Defines “marijuana concentrate” for the purposes of excluding synthetic cannabinoids – all concentrates must be derived from the plant (genus) Cannabis.

Section 10:

Page 9: Lines 6-10

Amends the open alcohol container law to include an open marijuana container.

Section 11:

Page 9: Lines 11-17

Defines “open marijuana container” to mean a receptacle or marijuana accessory that contains marijuana that is open or has a broken seal, and there is evidence that marijuana has been consumed in the vehicle.

Section 12:

Page 9: Lines 18-24

Provides that a person may transport an open marijuana container on a motorcycle, in the trunk of a motor vehicle, or behind the last upright seat in a trunkless vehicle, if the open marijuana container is enclosed within another container.

Section 13:

Page 9: Lines 25-26

Repeals statutes relating to schedule IIIA substances, along with provisions of AS 17.38 relating to the personal use of marijuana, restrictions on personal cultivation, public consumption, and lawful operation of marijuana-related facilities.

Section 14:

Page 9: Line 27

Establishes an immediate effective date.