



HOUSE JUDICIARY COMMITTEE

SECTIONAL ANALYSIS

AND

EXPLANATION OF CHANGES

CS for HB 79

29-LS0409\P

AN ACT RELATING TO MARIJUANA

LANGUAGE IN UPPERCASE DESCRIBES CHANGES TO THE SECTION FROM THE PREVIOUS DRAFT

Section 1 – if an aircraft passenger or crew member is under the influence of marijuana the plane is forbidden from flying

Section 2 – defines the prohibition of marijuana-use as a condition for probation NEW SECTION

Section 3 – re-includes marijuana as a substance which a person may not be under the influence of and use ski trails or equipment

Section 4 – amends the licensing requirement for nurse practitioners to re-include marijuana abuse as a condition for denial, suspension or revocation.

Section 5 – removes schedule 6A controlled substances from the list of agents an optometrist cannot prescribe

Section 6 – prohibits pawnbrokers from knowingly entering into a transaction with someone under the influence of marijuana

Section 7 – defines illegal activity involving marijuana as a reason for abatement of certain places

Section 8 – re-includes operating a vehicle under the influence of marijuana as a serious criminal offense

Section 9 –re-establishes the liability of someone who commits a felony while under the influence of marijuana for personal injury or wrongful death NEW SECTION

Section 10 – re-establishes that someone driving a car not under the influence of marijuana or driving on behalf of someone reasonably believed to be under the influence of marijuana cannot be held liable beyond the limits of their individual insurance policy NEW SECTION

Section 11 – defines marijuana for the previous section NEW SECTION

Section 12 –re-establishes the liability of someone driving under the influence of marijuana for personal injury or wrongful death

Section 13,14 – removes schedule 6A controlled substances from the statutes defining murder in the second degree and murder of an unborn child

Section 15,16 – re-includes marijuana into the statutes defining weapons misconduct in the 3rd and 4th degrees

Section 17,18 – removes marijuana from crimes of misconduct with a controlled substance in the 3rd and 4th degrees

Section 19-24 – amend the controlled substances advisory committee substance schedules to conform with marijuana’s new status

Section 25 – specifies marijuana in the general provisions definition of intoxication

Section 26,27 – allows for the prohibition of marijuana use as a condition for pre-trial release

Section 28 –clarifying definitions of marijuana, accessories and products

Section 29 – establishes that law enforcement agency laboratory reports are evidence of the weight of marijuana

Section 30,31 – allows for the prohibition of marijuana as an authorized sentence or for a term of probation

Section 32 – restrains the court from sentencing to imprisonment defendants not on parole or probation to be found in violation of statutes now inapplicable NEW SECTION – IT IS RECOMMENDED THAT THIS SECTION BE REPEALED ENTIRELY

Section 33-36 – clarifies that marijuana can be an aggravating or mitigating factor in the sentencing of certain crimes and defines marijuana

Section 37,38 – clarifies that synthetic drugs which resemble marijuana are illegal

Section 39-41 – eliminates the requirement to defer to federal substance scheduling standards in the case of marijuana

Section 42 – directs HSS to include alcohol and marijuana in the department’s educational programs to prevent and deter substance abuse NEW SECTION

Section 43,44 – provides an affirmative defense for registered caregivers charged with offenses related to marijuana and states the definition of medical use of marijuana – DEFINED STATUTE HAS BEEN CHANGED FROM PREVIOUS VERSION

Section 45 – establishes that a person 21 years of age or older may own, operate, be an agent of or be employed by a retail marijuana store with a valid registration and perform all of the related duties and activities and not be prosecuted for it or have it be a basis for seizure or forfeiture “NOTWITHSTANDING ANY OTHER PROVISION OF LAW” HAS BEEN DELETED FROM THIS SECTION BECAUSE IT DOES NOT CONFORM WITH MANY STANDARD DRAFTING CONVENTIONS AND COULD SERVE TO ELIMINATE THE EFFECT OF ANY OTHER LAW

Section 46 - establishes that a person 21 years of age or older may own, operate, be an agent of or be employed by a marijuana cultivation facility with a valid registration and perform all of the related duties and activities and not be prosecuted for it or have it be a basis for seizure or forfeiture “NOTWITHSTANDING ANY OTHER PROVISION OF LAW” HAS BEEN DELETED FROM THIS SECTION BECAUSE IT DOES NOT CONFORM WITH MANY STANDARD DRAFTING CONVENTIONS AND COULD SERVE TO ELIMINATE THE EFFECT OF ANY OTHER LAW

Section 47 - establishes that a person 21 years of age or older may own, operate, be an agent of or be employed by a marijuana product manufacturing facility with a valid registration and perform all of the related duties and activities and not be prosecuted for it or have it be a basis for seizure or forfeiture “NOTWITHSTANDING ANY OTHER PROVISION OF LAW” HAS BEEN DELETED FROM THIS SECTION BECAUSE IT DOES NOT CONFORM WITH MANY STANDARD DRAFTING CONVENTIONS AND COULD SERVE TO ELIMINATE THE EFFECT OF ANY OTHER LAW

Section 48 - establishes that a person 21 years of age or older may own, operate, be an agent of or be employed by a marijuana testing facility with a valid registration and perform all of the related duties and activities and not be prosecuted for it or have it be a basis for seizure or forfeiture “NOTWITHSTANDING ANY OTHER PROVISION OF LAW” HAS BEEN DELETED FROM THIS SECTION BECAUSE IT DOES NOT CONFORM WITH MANY STANDARD DRAFTING CONVENTIONS AND COULD SERVE TO ELIMINATE THE EFFECT OF ANY OTHER LAW

Section 49 – technical changes to initiative language “NOTWITHSTANDING ANY OTHER PROVISION OF LAW” HAS BEEN DELETED FROM THIS SECTION BECAUSE IT DOES NOT CONFORM WITH MANY STANDARD DRAFTING CONVENTIONS AND COULD SERVE TO ELIMINATE THE EFFECT OF ANY OTHER LAW

Section 50 – describes the crime of misconduct involving marijuana in the 1st degree and classifies it as a class A misdemeanor; describes the crime of misconduct involving marijuana in the 2nd degree and classifies it as a class B misdemeanor; describes the crimes of misconduct involving marijuana in the 3rd and 4th degrees and classifies them as violations; allows for bail forfeiture for marijuana related violations; describes offenses defined by amounts; provides for an affirmative defense for medical marijuana related offenses; provides definitions REDEFINES POSSESSION TO 4 OZ INSTEAD OF 1 OZ FOR 1ST DEGREE, MAKES POSSESSION OF BETWEEN 7-24 PLANTES A 2ND DEGREE, MAKES POSSESSION BY UNDER MINORS UNDER 18 A 3RD DEGREE, ALLOWS UNDER 21 YEAR OLDS TO ENTER A MARIJUANA ESTABLISHMENT AT THE REQUEST OF A PEACE OFFICER, MANDATES PEOPLE TRANSPORTING MORE THAN 1 OZ OF MARIJUANA TO KEEP THEIR REGISTRATION ON THEM AT ALL TIMES AND TO PROVIDE IT

FOR INSPECTION WHEN REQUESTED BY A PEACE OFFICER, ESTABLISHES THE CALCULATION MEASURES FOR LIVE MARIJUANA PLANTS, ALLOWS FOR REHABILITATION OF OFFENDERS, RESTRICTS PROSECUTION FOR PERSONS RELATED TO OVERDOSE, DEFINES WHAT MAY BE FORFEITED OR SEIZED IN RELATION TO MARIJUANA OFFENSES,

Section 51 – defines marijuana NEW SECTION

Section 52 – defines associated terms, including manufacture of marijuana and marijuana concentrate NEWS SECTION

Section 53 – allows for protective orders to require the respondent to participate in marijuana abuse treatment programs

Section 54,55 – prohibits the violent crimes compensation board from denying a victim based on their use of marijuana or from being injured in a vehicle operated by someone under the influence of marijuana

Section 56 – for insurance purposes defines drug abuse to include marijuana dependency

Section 57 –prohibits actions against the employer for actions based on the result of the test NEW SECTION

Section 58 – prohibits employers from knowingly using the results of flawed tests as a basis for action NEW SECTION

Section 59 – prohibits action against an employer based on the results of a false negative test NEW SECTION

Section 60 – prohibits action against an employer for not testing for marijuana NEW SECTION

Section 61 – prohibits action against an employer for defamation, slander or libel due to their use of a marijuana test NEW SECTION

Section 62 – prohibits employers from conducting marijuana testing without first adopting a written policy and properly informing employees NEW SECTION

Section 63 – describes what a written policy on marijuana testing should consist of NEW SECTION

Section 64 – allows employers to test for marijuana use NEW SECTION

Section 65 – describes the parameters of employer marijuana testing NEW SECTION

Section 66 – statement of how to interpret the previous sections regarding marijuana testing NEW SECTION

Section 67 – allows employers to test employees or potential employees for marijuana NEW SECTION

Section 68 – describes when a marijuana test may be scheduled by employers NEW SECTION

Section 69 – requires employers to pay the entire cost for marijuana testing NEW SECTION

Section 70 – requires collection and testing for marijuana samples to be performed under sanitary conditions and for the documentation thereof NEW SECTION

Section 71 – allows for on-site marijuana testing by employers and requires employers to use only FDA approved equipment NEW SECTION

Section 72 – describes the training requirements of marijuana test administrators NEW SECTION

Section 73 – describes the allowed disciplinary procedures an employer may take based on the results of marijuana tests NEW SECTION

Section 74 – requires the confidentiality of marijuana test results and describes possible exceptions NEW SECTION

Section 75 – describes the benefits received by employers obligated to test employees NEW SECTION

Section 76 – defines marijuana for the purposes of the preceding sections NEW SECTION

Section 77, 78 – prohibits workers compensation claims by employees whose injuries were caused by the intoxication of marijuana NEW SECTION

Section 79 – allows for parental visitation rights to be conditioned on the abstention of marijuana use

Section 80 - Provisions uniform throughout state, includes “marijuana” in the list of substances that could incur DUIs, pertaining to the requirement that ignition interlock devices must be applied to all DUI crimes NEW SECTION

Section 81 – Persons not to be licensed, adds “marijuana” to the list of substances that, if used habitually to the degree that the person is incapable of safely driving, precludes the department from issuing a driver’s license to that person NEW SECTION

Section 82 – Licensing of school bus drivers, pertaining to disqualifications from being issued a school bus driver’s license, adds “marijuana” to the list of substances that can incur a DUI. Mainly conforming language to the DUI statutes NEW SECTION

Section 83 – Licensing of school bus drivers, pertaining to persons permitted to receive a school bus driver’s license, adds “marijuana” to the list of substances that can incur a DUI NEW SECTION

Section 84 – Examination of applicants, adds “marijuana” to the list of substances that every applicant for a driver’s license must undergo a test of the applicant’s knowledge of the laws and effects of list of substances NEW SECTION

Section 85 – Alcohol and drug awareness and safety examination of applicants, adds “marijuana” to the list of substances that a person applying for a new license after the previous license has expired NEW SECTION

Section 86 – Administrative revocations and disqualifications resulting from chemical sobriety tests and refusals to submit to tests NEW SECTIONS

Section 87 – Administrative review of revocation, adds “marijuana” to the list of substances that can incur a DUI. NEW SECTION

Section 88 – Administrative revocation of license to drive for consumption or possession of alcohol, **marijuana**, or drugs, adds “marijuana” to the section title NEW SECTION

Section 89 – Court suspensions, revocations, and limitations. Adds “marijuana” to the list of substances that can incur a DUI or refusal, which leads to immediate license revocation, if convicted NEW SECTION

Section 90 – Administrative revocation of license to drive, includes “marijuana” into the administrative license revocation statutes as it relates to the crime of a minor operating a vehicle after consuming alcohol. NEW SECTION

Section 91 – Administrative revocation of license to drive, adds “marijuana” and “marijuana abuse treatment” to ensure that the juvenile ASAP program, if required before issuing a new license, is waived if marijuana treatment is unavailable where that person resides. NEW SECTION

Section 92 – Administrative review of revocation of a minor’s license, adds “marijuana” to a provision referencing the crime of a minor operating a vehicle after consuming alcohol. NEW SECTION

Section 93 – Court and parole board reports to department; surrender of license or identification card, adds “marijuana” to provide that the court shall report to the department every legal change of name of any person considered to be afflicted with a mental disability or is an habitual user of alcohol, marijuana, or another drug. NEW SECTION

Section 94 – Court and parole board reports to department; surrender of license or identification card, adds “marijuana” to the section of law that requires the court to surrender someone’s ID card, enable the court to order a person from refraining from marijuana consumption, in the same fashion as alcohol, as part of a sentence for conviction under 28.35.030, 28.35.032, or some other similar thing. NEW SECTION

Section 95 – Court and parole board reports to department; surrender of license or identification card, adds “marijuana” to a statute relating to conditions of parole and notification. NEW SECTION

Section 96 – Fees, adds “marijuana” to a statute relating to the issuance of new licenses to replace a cancelled license due to being restricted from purchasing alcohol. If the person has been ordered to refrain from consuming alcoholic beverages under Title 4. NEW SECTION

Section 97 – Proof of financial responsibility for the future, adds “marijuana” to the list of substances that can incur a DUI or refusal charge.

Section 98 –Operating a commercial motor vehicle while under the influence of an alcoholic beverage, marijuana, inhalant, or controlled substance. NEW SECTION

Section 99 –Implied consent for operators of commercial motor vehicles, adds “marijuana” to statutes relating to DUI and refusal. NEW SECTION

Section 100 – Out-of-service orders, adds “marijuana” to the list of substances that are prohibited from being consumed in the past four hours while operating a commercial motor vehicle. This also includes possession of marijuana, unless the marijuana is manifested and documented as part of an authorized shipment of cargo. NEW SECTION

Section 101 –Conviction resulting in disqualification from driving commercial vehicle, adds “marijuana” to offenses that are grounds for immediate disqualification from driving a commercial motor vehicle. NEW SECTION

Section 102 – Defines “marijuana” as having the same meaning given in AS 17.38.900. NEW SECTION

Section 103 –Court-ordered treatment, includes “marijuana” into the definitions of “court-ordered treatment program” and “treatment plan” NEW SECTION

Section 104 –Open container, provides that a person may not drive a motor vehicle when there is an open marijuana container in the passenger compartment.

Section 105 –Open container, creates exceptions to an open marijuana container being in the vehicle, such as when the container is in the trunk of the vehicle, behind the last upright seat in certain vehicles, behind a solid partition that separates the driver from the passengers, or certain types of passenger vehicles.

Section 106 –Open container, defines “open marijuana container” as a receptacle that contains marijuana and is open and there is evidence that marijuana has been consumed in the vehicle.

Section 107 –Operating a vehicle, aircraft or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance, adds “marijuana” to the DUI statutes.

Section 108 –Operating a vehicle, aircraft or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance, adds “marijuana” to the DUI statutes.

Section 109 – Implied consent, adds “marijuana” to the list of substances associated with DUI. A person is considered to have given consent to a chemical test if lawfully arrested for driving impaired on those substances. NEW SECTION

Section 110 –Implied consent, adds “marijuana” to the implied consent statute. With probable cause, consent is implied to test blood or urine for the presence of marijuana if the person is involved in a motor vehicle accident that causes death or serious physical injury to another person. NEW SECTION

Section 111 –Refusal to submit to chemical test, adds “marijuana” to the refusal statutes. NEW SECTION

Section 112 – amends AS 28.35.032(e) (Refusal to submit to chemical test) to conform to the removal of marijuana from inclusion under the definition of a “controlled substance” by separately identifying “marijuana” as a substance falling within the purview of the subsection. NEW SECTION

Section 113 – amends AS 28.35.033(a) (Presumptions and chemical analysis of breath or blood) to conform to the removal of marijuana from inclusion under the definition of a “controlled substance” by separately identifying “marijuana” as a substance falling within the purview of the subsection; and makes a stylistic change by amending AS 28.35.033(a)(1), (2), and (3) by substituting the new term “for each” for the existing term “per” with respect to measuring the ratio of alcohol present in a person’s blood to that person’s blood volume and with respect to measuring the ratio of alcohol present in a person’s breath to that person’s breath volume. NEW SECTION

Section 114 – amends AS 28.35.035(a) (Administration of chemical tests without consent) to conform to the removal of marijuana from inclusion under the definition of a “controlled substance” by separately identifying “marijuana” as a substance falling within the purview of the subsection. NEW SECTION

Section 115 – amends AS 28.35.035(b) (Administration of chemical tests without consent) to conform to the removal of marijuana from inclusion under the definition of a “controlled substance” by separately identifying “marijuana” as a substance falling within the purview of the subsection. NEW SECTION

Section 116 – amends AS 28.35.039(1) (Definitions: Alcohol safety and controlled substances) to include marijuana as a substance coming within the purview of the subsection (“alcohol safety action program”). NEW SECTION

Section 117 – amends AS 28.35.039 (Definitions: Marijuana) by adding a new paragraph giving “marijuana” the meaning set forth in AS 17.38.900. NEW SECTION

Section 118 – amends AS 28.35.280(a) (Minor operating a vehicle after consuming alcohol) by adding the consumption of marijuana to the offense of a minor operating a vehicle after consuming alcohol (any quantity of either substance). The section includes the operation of motor vehicles, aircraft, or watercraft. It permits a peace officer acting with probable cause to place the minor under arrest, request that he or she submit to chemical tests, including, in the case of marijuana, the test of “blood or urine for the purpose of determining the marijuana content of the person’s blood or urine”; and transport the person to a testing site. NEW SECTION

Section 119 – amends AS 28.35.280(b) (Minor operating a vehicle after consuming alcohol) by treating the discovery of marijuana in a minor’s blood as the same as discovering alcohol in a minor’s blood (any quantity of either substance). NEW SECTION

Section 120 – amends AS 28.35.280(d) (Minor operating a vehicle after consuming alcohol) by making the infraction of a “minor operating a vehicle after consuming alcohol” applicable to minors operating a vehicle after consuming marijuana. The amendment adds the word “marijuana” where appropriate to ensure commensurate applicability of the section to alcohol and marijuana. The amendment also makes grammatical changes. NEW SECTION

Section 121 – amends AS 28.35.285(a) (Minors refusal to submit to chemical test) by adding marijuana to the section and by adding the provision that the refusal to submit to a chemical test of a person’s breath, “blood, or urine” is a violation subject to the same caveats and conditions attending a minor’s refusal to submit to a request of a peace officer to undergo chemical testing. NEW SECTION

Section 122 – amends AS 28.35.285(c) (Minors refusal to submit to chemical test) by adding marijuana to the existing evidentiary rule regarding a minor’s refusal to submit to a chemical test authorized by law. NEW SECTION

Section 123 – amends AS 28.35.285(d) (Minors refusal to submit to chemical test) by adding “blood or urine” to the type of chemical tests described in the section (breath) and by adding marijuana to the provisions addressing treatment and work-service. The amendment also makes grammatical changes. NEW SECTION

Section 124 – amends AS 28.35.290(a) (Driving during the 24 hours after being cited for alcohol or breath test offenses) by adding marijuana to the section and treating marijuana the same as alcohol under the section. NEW SECTION

Section 125 – amends AS 28.35.290(b) (Driving during the 24 hours after being cited for alcohol or breath test offenses) by adding marijuana to the section and treating marijuana the same as alcohol under the section. The amendment also makes grammatical changes

Section 126 – amends AS 28.37.140(a) (Effect of conviction in party state) by adding marijuana to the list of intoxicating substances.

Section 127 – amends AS 29.10.200 (Limitation of home rule powers) by adding subsection (65) (general powers of municipalities), which refers to AS 29.35.148 (marijuana).

Section 128 – amends AS 29.35 (Municipal powers and duties) to include a new section to Article 1, which reserves to the state, except as specifically provided by statute, the authority to regulate marijuana. The new section specifies that a municipality may not enact or enforce an ordinance that is inconsistent with AS 17.38. The section applies to home rule and general law municipalities.

Section 129 – amends AS 33.16.060(c) (Duties of the board of parole) to conform to the removal of marijuana from inclusion under the definition of a “controlled substance” by separately identifying “marijuana” as a substance falling within the purview of the subsection

Section 130 – amends AS 33.16.150(b) (conditions of parole) to conform to the removal of marijuana from inclusion under the definition of a “controlled substance” by separately identifying “marijuana” as a substance falling within the purview of the subsection and by treating marijuana in the same manner as alcohol under the section. The amendment also adds subsection (b)(11) which permits prohibiting the entry into an establishment where marijuana is sold or otherwise dispensed as a condition of parole.

Section 131 – amends AS 33.16.900(3) (Definitions -- Board, Commissioner, controlled Substance, crime against person, crime involving domestic violence) by defining “controlled substance” as a substance set forth in the schedules at AS 11.71.140 – 11.71.180 (replacing references to AS 11.71.140 – 11.71.190). This amendment makes the definition of “controlled substance” consistent with the removal of marijuana from the controlled substance schedules.

Section 132 – amends AS 33.30.015(a) (Living conditions for prisoners) by adding subsection (a)(3)(k) which denies the commissioner of corrections the ability to permit a prisoner in a state prison to use marijuana or marijuana products.

Section 133 – amends AS 33.30.065(b) (Service of sentence by electronic monitoring) adding marijuana to the list of substances falling within the purview of the subsection (considerations for determining whether electronic monitoring is appropriate).

Section 134 – amends AS 34.03.120 (Tenant obligations—Landlord Tenant Act) by including “an illegal activity involving marijuana” in the list of activities a tenant may not knowingly engage in on rented premises.

Section 135 – amends AS 34.03.360(7) (Landlord Tenant Act Definitions -- Abandonment, Building and housing codes, dwelling unit, fair rental value, good faith) by removing from the definition of “illegal

activity involving a controlled substance” the reference to AS 11.71.040(a)(2) (the provision which makes marijuana a schedule VIA drug—a designation removed under the instant version of SB 30).

Section 136 - amends AS 34.03.360(24)- Definitions (Landlord Tenant Act -- Illegal activity involving a controlled substance) by adding subsection (24), which defines the phrase “illegal activity involving marijuana” to mean a violation of AS 17.38.200(a)(2).

Section 137 - amends AS 34.05.100(a) (Tenant responsibilities in premise not subject to AS 34.03) by including “an illegal activity involving marijuana” in the list of activities a tenant who is not subject to the Landlord Tenant Act may not knowingly engage in on rented premises.

Section 138 – amends AS 34.05.100(d)(1) (Tenant responsibilities in premise not subject to AS 34.03 -- Illegal activity) by adding “illegal activity involving marijuana” to the list of terms assigned the definition provided in AS 34.03.360 (Landlord Tenant Act).

Section 139 – amends AS 44.19.645(a) (Alaska Criminal Justice Commission) by directing the Commission to take into account the new SB 30 Version I controlled substances sections AS 11.71.140 – 11.71.180 (removing marijuana from the controlled substances schedules) when making its assessment of the efficacy of sentencing laws and criminal justice practices.

Section 140 – amends AS 47.10.900(17) (Child in Need of Aid Definitions -- Intoxicant) by adding marijuana to the definition of “intoxicant.”

Section 141 - amends AS 47.12.030(b) (Delinquent minors) by adding subsection 7, which includes the violations described in AS 17.38.220(a)(3) (relating to the possession, use, or display of marijuana) to the section’s exclusion of such offenses from the Alaska Delinquency Rules and the other provisions of Title 47, Chapter 12. This provision effectively places a violation of AS 17.38.220(a)(3) in District Court subject to the same procedures and sanctions as an adult.

Section 142 – amends AS 47.17.024(a) (Duties of practitioners of the healing arts) to conform to the removal of marijuana from inclusion under the definition of a “controlled substance” by separately identifying “marijuana” as a substance falling within the purview of the subsection (requirement that practitioner notify closest office of Department of Health and Social Services if practitioner determines infant adversely affected).

Section 143 – amends AS 47.37.010 (Declaration of policy) to include the use of marijuana, in addition to alcohol, in the State’s policy of recognizing, appreciating, and reinforcing examples of sobriety; and in its policy of not criminally prosecuting “alcoholics and intoxicated persons . . . for their consumption of alcoholic beverages or marijuana,” finding treatment to be a better option.

Section 144 – amends AS 47.37.030 (Powers of Department of Health and Social Services) by adding “marijuana abuse” to the list of prevention and treatment programs the Department is empowered to establish and maintain; in addition, treats “marijuana abusers” throughout subsections in same manner as alcoholics and persons addicted to other substances.

Section 145 – amends AS 47.37.040 (Duties of Department of Health and Social Services) by adding “marijuana abuse” and “marijuana abusers” to the list of types of activity for which the Department is required to implement prevention-of-abuse programs.

Section 146 – amends AS 47.37.170(b) (Protective custody) by including marijuana in the list of causes of incapacitation requiring peace officers to take the incapacitated person into protective custody and deliver the incapacitated person to a treatment facility or secure facility. Minors are not permitted to be placed in jail or other secure facility.

Section 147 – amends AS 47.37.170(d) by including marijuana in the list of causes of incapacitation for which an incapacitated person may not be held beyond his or her period of incapacitation, or for more than 48 hours in any event, at a facility.

Section 148 – amends AS 47.37.170(f) (Treatment and services for intoxicated persons and persons incapacitated by alcohol or drugs) by specifying that marijuana is to be treated in the same manner of alcohol: to wit, if a person is not incapacitated by marijuana (and other enumerated substances), that person, if admitted to an approved treatment facility, can request that his or her next of kin not be notified.

Section 149 – amends AS 47.37.170(g) (No action for damages) by including marijuana in the list of incapacitating substances which, if causing an incapacitated person to be taken into custody, prevents an incapacitated person from bringing an action for damages, unless damages were caused by gross negligence or intentional misconduct.

Section 150 – amends AS 47.37.170(i) (Detention) adding marijuana incapacitation to the rules governing length of time an incapacitated person may be held in a detention facility.

Section 151 – amends AS 47.37.180(a) (Emergency commitment) by adding incapacitation by marijuana to the list of incapacitating substances that qualify for committing an incapacitated person to an approved public treatment facility for emergency treatment.

Section 152 – amends AS 47.37.190(a) (Involuntary commitment) by adding marijuana to the list of substances which, if abused, can, along with other criteria, form the basis for involuntary commitment.

Section 153 – amends AS 47.37.205(a) (Procedure for recommitment following 30-day commitment) by adding marijuana to the list of substances which, if abused, can, along with other criteria, form the basis for extended involuntary commitment.

Section 154 – amends AS 47.37.270(1) (Definitions -- Alcoholic or drug abuser, commissioner, department, drugs) by including marijuana and marijuana abuser in the defined terms.

Section 155 – amends AS 47.37.270(4) (Definitions -- Drugs) by defining the term “drugs” in reference to statutes which no longer include marijuana as a controlled or scheduled substance.

Section 156 – amends AS 47.37.270(7) (Definitions -- incapacitated by alcohol, marijuana) by adding marijuana to the definition of what it means to be incapacitated

Section 157 – amends AS 47.37.270(10) (Definitions -- Intoxicated person) by adding marijuana to the definition of what it means to be intoxicated.

Section 158 – amends AS 47.38.020(a) (Alcohol and substance abuse monitoring program) by adding marijuana to the list of substances prohibited from use by a parolee enrolled in certain programs.

Section 159 – amends AS 47.38.020(c) (Alcohol and substance abuse monitoring program -- Twice a day testing) by adding marijuana to the provision for twice-a-day testing under the program of release and parole.

Section 160 – repeals the enumerated statutes.

Section 161 – Amends the uncodified law of Alaska by adding a new section which provides that the Act applies to offenses committed on or after the effective date of the Act; except that certain exceptions apply to amendments affecting sentences imposed on or after the effective date for an offense committed on or after the effective date; to amendments that apply to causes of action accrued on or after the effective date of the Act; and to amendments that apply to conditions of parole ordered on or after the effective date of the Act.

Section 162 – provides for an immediate effective date pursuant to AS 01.10.070(c).