



ALASKA STATE LEGISLATURE

House Community and Regional Affairs Committee

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SECTIONAL ANALYSIS

2dSCSCSHB 75(RLS)

(29-LS0345\AA)

"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."

Title (Page 1, lines 1-6) – The title has been changed to reflect the changes included in this new version with specific regard to criminal background checks for applicants applying for a registration for a marijuana establishment.

Section 1 (Page 1, line 8 through Page 2, line 31) – Section 1 adds applicants for marijuana establishment registrations to the list of licensures, certifications or registrations the department is statutorily authorized to submit fingerprints to the FBI for criminal history record checks. This is one of two sections that rectifies unintended omissions resulting from the passage of HB 123 pertaining to criminal background check requirements.

Section 2 (Page 3, lines 1-20) – This section provides for a household maximum plant limit of “not more than 12 marijuana plants, with 6 or fewer being mature” where two or more adults reside.

Section 3 (Page 3, lines 21-31) – Section 3 provides legal authority for the Marijuana Control Board to request that an applicant for a license renewal or application submit the applicant’s fingerprints and required fees so that the Department of Public Safety may request a report of criminal justice information and a national criminal history record check. This section does not create any new requirements for licensure.

Section 4 (Page 4, lines 1-10) – This provision establishes that the entirety of the unorganized borough, except existing municipalities, is opted out of commercial marijuana activities/establishments but provides that established villages may exercise a local option through an election to opt in to commercial marijuana activities/establishments.

Section 5 (Page 4, lines 11-15) – Stipulates 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.

Section 6 (Page 4, line 16 through Page 6, line 28) – Section 6 sets forth the process by which an established village can hold a local option election for the approval or the removal of an approval of marijuana establishments and commercial marijuana activities within the boundary of an established village.

In addition, Section 6 contains (Page 6, lines 26-28) a provision that allows the Supreme Court to establish bailable offenses not requiring a mandatory court appearance for certain marijuana related offenses.

Section 7 (Page 6, line 29 through Page 7, line 4) – Provides express definitions of “dwelling” and “established village” and stipulates that “manufacture” has the meaning found in AS 11.71.900.

Section 8 (Page 7, line 5) – Provides an immediate effective date for the provisions of the bill.