



ALASKA STATE LEGISLATURE

House Community and Regional Affairs Committee

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EXPLANATION OF CHANGES

CSHB 75()

(29-LS0345\S & 29-LS0345\V)

“An Act relating to the registration of marijuana establishments by municipalities; relating to the definition of marijuana by persons 21 years of age or older; prohibiting the public consumption of marijuana; authorizing the registration of marijuana clubs; relating to established villages and to local option elections regarding the operations of marijuana establishments; and providing for an effective date.”

Title (Page 1, lines 1-6) – The title has been significantly tightened from previous versions.

Section 2 (Page 2, line 21-22) – The household plant limit has been increased from 12 to 24 plants. Also, the term “residence” has been replaced with the term “dwelling” to be more consistent with municipal ordinances. LAA Legal has indicated that Statute treats the two terms as functionally interchangeable.

Section 11 (Page 6, line 22) – the addition of the phrase “consistent with the” referring to the Administrative Procedures Act was included at the requests of municipalities in order to prevent conflict with their own ordinances. This would allow them to use their own version of the Administrative Procedures Act.

Section 14 (Page 7, lines 9-14) – This provision was included after the discovery of a potential circumstance regarding a “gap” in potential enforcement. The way the original provision was written, a scenario was envisioned where a 2nd class borough (FNSB and MSB, for example), which does not have general public health or police powers, may have issued a registration but the borough’s enforcement would be limited only to the revocation of the registration. This provides that the holder of the registration is ALSO subject to state regulation or enforcement.

Section 16 (Page 7, line 23) – Similar to the change made in section 11 above, this allows municipalities to use local ordinances that are substantially similar or “consistent with” AS 44.62, the Administrative Procedures Act.

Several sections have been renumbered accordingly, as a result of the changes listed above.