



ALASKA STATE LEGISLATURE

House Community and Regional Affairs Committee

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EXPLANATION OF CHANGES

CSHB 75(JUD)am

(29-LS0345\U & 29-LS0345\U.A)

“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.”

Section 3 (Page 2 line 30 through Page 3, line 7) – This was a floor amendment and was adopted by unanimous consent. This amendment changed the structure and language of what was considered outside the definition of “assisting”. From a policy perspective, the amendment had no practical effect. It was primarily intended to clarify the language in order to avoid confusion. This provision stipulates that “assisting” another does not negate personal possession limits as provided for in AS 17.38.

Section 8 (Page 4, lines 14-15) – This was a floor amendment and was adopted by unanimous consent. The entirety of Section 8 comes from language, of a similar nature, found in Title 4 pertaining municipal protest and review for alcohol licenses. After reviewing the existing language carefully, it became clear that the existing statutory language of “arbitrary, capricious AND unreasonable” needed to be changed to

“arbitrary, capricious OR unreasonable.” That is the only change made by that amendment.

Section 19 (Page 9, lines 7-9) – This was a floor amendment and was adopted by unanimous consent. This was an amendment to correct a drafting error not previously noted. The previous version of the bill included additional language in the section as follows:

"If there are no registered establishments within the established village, the prohibition on possession is effective beginning 60 days after the results of the election are certified."

The above language was a vestige of similar language, again found in Title 4, that cannot be included for marijuana because of Ravin v. State (537 P .2d 494). The above language was deleted.