

**SPONSOR SUBSTITUTE FOR SENATE BILL NO. 94**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY SENATOR LEMAN

Introduced: 4/21/99

Referred: HESS, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the medical use of marijuana; and providing for an effective  
2 date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 11.71 is amended by adding a new section to article 1 to read:

5 **Sec. 11.71.090. Affirmative defense to a prosecution under AS 11.71.030 -**

6 **11.71.060; medical use of marijuana.** (a) In a prosecution under AS 11.71.030 -

7 11.71.060 charging the manufacture, delivery, possession, possession with intent to

8 manufacture or deliver, use, or display of a schedule VIA controlled substance, it is

9 an affirmative defense that the defendant is a patient, or the primary caregiver for a

10 patient, and

11 (1) at the time of the manufacture, delivery, possession, possession

12 with intent to manufacture or deliver, use, or display, the patient was registered under

13 AS 17.37;

14 (2) the entire amount of marijuana manufactured, delivered, possessed,

1 possessed with intent to manufacture or deliver, used, or displayed was intended by the  
 2 defendant to be used by the patient to address the debilitating medical condition  
 3 disclosed in the physician's statement described in AS 17.37.010(c);

4 (3) the manufacture, delivery, possession, possession with intent to  
 5 manufacture, deliver, use, or display complied with the requirements of AS 17.37;

6 (4) the patient and the primary caregiver of the patient, if any, together  
 7 possessed either

8 (A) an aggregate amount of marijuana for that patient's medical  
 9 use of

10 (i) one ounce or less in usable form; and

11 (ii) six or fewer marijuana plants of which no more than  
 12 three were mature or flowering plants capable of producing usable  
 13 marijuana; or

14 (B) a waiver issued by the Department of Health and Social  
 15 Services under AS 17.37.030 allowing the patient and primary caregiver to  
 16 possess marijuana in a greater aggregate amount; and

17 (5) if the defendant is the primary caregiver of a patient, the defendant  
 18 is currently listed as the primary caregiver of the patient under AS 17.37.

19 (b) In this section,

20 (1) "debilitating medical condition" has the meaning given in  
 21 AS 17.37.070;

22 (2) "patient" has the meaning given in AS 17.37.070;

23 (3) "physician" has the meaning given in AS 17.37.070;

24 (4) "primary caregiver" has the meaning given in AS 17.37.070;

25 (5) "usable form" has the meaning given in AS 17.37.070.

26 \* **Sec. 2.** AS 11.71.190(b) is amended to read:

27 (b) Marijuana is a schedule VIA controlled substance [EXCEPT FOR  
 28 MARIJUANA POSSESSED FOR MEDICAL PURPOSES UNDER AS 17.37].

29 \* **Sec. 3.** AS 17.37.010 is amended to read:

30 **Sec. 17.37.010. Registry of patients and listing of primary caregivers**  
 31 **[PATIENTS].** (a) The department shall create and maintain a confidential registry

1 of patients who have applied for and are entitled to receive a registry identification  
 2 card according to the criteria set out [FORTH] in this chapter. **The registry must**  
 3 **also contain the name of the primary caregiver of a patient, if any. Only one**  
 4 **primary caregiver may be listed in the registry for a patient. The registry and**  
 5 **the information contained within it are not a public record under AS 09.25.100 -**  
 6 **09.25.220. Peace officers and** authorized employees of state or **municipal** [LOCAL]  
 7 law enforcement agencies shall be granted access to the information contained within  
 8 the department's confidential registry only

9 **(1) in the course of a criminal investigation or prosecution;**

10 (2) for the purpose of verifying that an individual **who** [THAT] has  
 11 presented a registry identification card to a state or **municipal** [LOCAL] law  
 12 enforcement official is lawfully in possession of such card; **or**

13 **(3) for the purpose of determining that an individual who claims**  
 14 **to be lawfully engaged in the medical use of marijuana is registered or listed with**  
 15 **the department or is considered to be registered or listed under (g) of this section.**

16 (b) **Except as provided in (a) of this section, a** [NO] person, **other than**  
 17 **authorized employees of the department in the course of their official duties may**  
 18 **not** [SHALL] be permitted to gain access to names of patients, physicians, primary  
 19 **caregivers,** [CARE-GIVERS] or any information related to such persons maintained  
 20 in connection with the department's confidential registry [, EXCEPT FOR  
 21 AUTHORIZED EMPLOYEES OF THE DEPARTMENT IN THE COURSE OF  
 22 THEIR OFFICIAL DUTIES AND AUTHORIZED EMPLOYEES OF STATE OR  
 23 LOCAL LAW ENFORCEMENT AGENCIES WHO HAVE STOPPED OR  
 24 ARRESTED A PERSON WHO CLAIMS TO BE ENGAGED IN THE MEDICAL  
 25 USE OF MARIJUANA AND IN THE POSSESSION OF A REGISTRY  
 26 IDENTIFICATION CARD OR ITS FUNCTIONAL EQUIVALENT PURSUANT TO  
 27 (e) OF THIS SECTION].

28 (c) In order to be placed on the state's confidential registry for the medical **use**  
 29 [USES] of marijuana, **an adult** [A] patient **or a parent or guardian of a minor**  
 30 **patient** shall provide to the department

31 (1) **a statement signed by the patient's physician**

1                    (A) stating that the physician personally examined the  
2 patient within three months of the date of the patient's application, and  
3 that the examination took place in the context of a bona fide physician-  
4 patient relationship;

5                    (B) [THE ORIGINAL OR A COPY OF WRITTEN  
6 DOCUMENTATION] stating that the patient has been diagnosed with a  
7 debilitating medical condition and specifying the nature of the patient's  
8 condition;

9                    (C) stating that the physician has explored other approved  
10 medications and treatments that might provide relief, [AND THE  
11 PHYSICIAN'S CONCLUSION] that are reasonably available to the patient,  
12 and that can be tolerated by the patient, and that the physician has  
13 concluded that the likely benefits of using marijuana outweigh the benefits  
14 of the use of other alternatives in addressing the patient's debilitating  
15 medical condition; and

16                    (D) concluding that the patient might benefit from the medical  
17 use of marijuana;

18                    (2) a sworn application on a form provided by the department  
19 containing the following information:

20                    (A) the name, address, date of birth, and Alaska driver's  
21 license or identification card [SOCIAL SECURITY] number of the patient;

22                    (B) stating that the patient is a resident of the state;

23                    (C) [(3)] the name, address, and telephone number of the  
24 patient's physician; and

25                    (D) [(4)] the name, [AND] address, date of birth, and Alaska  
26 driver's license or identification card number of the patient's primary  
27 caregiver [CARE-GIVER,] if one is designated at the time of application,  
28 along with the statement required under (d) of this section; and

29                    (3) if the patient is a minor, a statement by the minor's parent or  
30 guardian that the patient's physician has explained the possible risks and benefits  
31 of medical use of marijuana and that the parent or guardian consents to serve as

1 the primary caregiver for the patient and to control the acquisition, possession,  
 2 dosage, and frequency of use of marijuana by the patient.

3 (d) A person may be listed under this section as the primary caregiver for  
 4 a patient if the person submits a sworn statement on a form provided by the  
 5 department that the person

6 (1) is at least 18 years of age;

7 (2) is a resident of the state;

8 (3) has never been convicted of a felony offense under AS 11.71 or  
 9 AS 11.73 or a law or ordinance of another jurisdiction with elements similar to  
 10 an offense under AS 11.71 or AS 11.73; and

11 (4) is not currently on probation or parole from this or another  
 12 jurisdiction.

13 (e) A person may be a primary caregiver for only one patient at a time  
 14 unless the primary caregiver is simultaneously caring for two or more patients  
 15 who reside in the same household as the caregiver and are related to the caregiver  
 16 by at least the fourth degree of kinship by blood or marriage.

17 (f) The department shall review the application and [VERIFY] all  
 18 information submitted under (c) and (d) of this section within 30 days of receiving it.  
 19 The department shall notify the patient [APPLICANT] that the patient's [HIS OR  
 20 HER] application for a registry identification card has been denied if the department's  
 21 [ITS] review of the information that [WHICH] the patient has provided discloses that  
 22 the information required under [PURSUANT TO] (c) of this section has not been  
 23 provided or has been falsified or that the patient is not otherwise qualified to be  
 24 registered. If the department determines that the primary caregiver is not  
 25 qualified under this section to be a primary caregiver, or if the information  
 26 required under this section has not been provided or has been falsified, the  
 27 department shall notify the patient of that determination and shall proceed to  
 28 review the patient's application as if a primary caregiver was not designated. The  
 29 patient may amend the application and designate a new primary caregiver at any  
 30 time. The department may not list a newly designated primary caregiver until  
 31 it determines that the newly designated primary caregiver is qualified under this

1 **section and that the information required under this section has been provided**  
 2 **and has not been falsified.** Otherwise, not more than five days after verifying **the**  
 3 [SUCH] information, the department shall issue a [SERIALLY NUMBERED] registry  
 4 identification card to the patient **and a duplicate of that card to the primary**  
 5 **caregiver of the patient, if any,** stating

6 (1) the patient's name, address, date of birth, and **Alaska driver's**  
 7 **license or identification and** [SOCIAL SECURITY] number;

8 (2) that the **patient is registered with the department** [PATIENT'S  
 9 NAME HAS BEEN CERTIFIED TO THE STATE HEALTH AGENCY] as a person  
 10 who has a debilitating medical condition **that** [WHICH] the patient may address with  
 11 the medical use of marijuana;

12 (3) the dates of issuance and expiration of the registry identification  
 13 card; and

14 (4) the name, [AND] address, **date of birth, and Alaska driver's**  
 15 **license or identification card and number** of the patient's primary **caregiver** [CARE-  
 16 GIVER], if any [IS DESIGNATED AT THE TIME OF APPLICATION].

17 (g) [(e)] If the department fails to **deny the application and** issue a registry  
 18 identification card within 35 days of receipt of an application, the patient's application  
 19 for **the** [SUCH] card **is considered** [WILL BE DEEMED] to have been approved.  
 20 Receipt of an application shall be **considered** [DEEMED] to have occurred upon  
 21 delivery to the department [OR DEPOSIT IN THE UNITED STATES MAIL].  
 22 Notwithstanding **this subsection, an** [THE FOREGOING, NO] application **may not**  
 23 [SHALL] be **considered to have been** [DEEMED] received **before** [PRIOR TO]  
 24 June 1, 1999. **If the department subsequently registers a patient or lists a primary**  
 25 **caregiver, if any, or denies the application or listing, that registration or listing**  
 26 **or denial revokes the approval that is considered to have occurred under this**  
 27 **subsection.**

28 (h) A patient **or a primary caregiver** who is questioned by **a** [ANY] state or  
 29 **municipal** [LOCAL] law enforcement official about **the patient's or primary**  
 30 **caregiver's** [HIS OR HER] medical use of marijuana shall **immediately show proper**  
 31 **identification to the official and inform the official that the person is a registered**

1 **patient or listed primary caregiver for a registered patient and either show the**  
 2 **official (1) the person's registry identification card, or (2) [PROVIDE] a copy of**  
 3 **an application that has been pending without registration or denial for over 35**  
 4 **days since received by [THE WRITTEN DOCUMENTATION SUBMITTED TO] the**  
 5 department and proof of the date of [MAILING OR OTHER TRANSMISSION OF  
 6 THE WRITTEN DOCUMENTATION FOR] delivery to the department, which shall  
 7 be accorded the same legal effect as a registry identification card [,] until the patient  
 8 receives actual notice that the application has been denied.

9 (i) A [NO] person **may not** [SHALL] apply for a registry identification card  
 10 more than once every six months.

11 (j) [(f)] The denial **or revocation** of a registry identification card **or the**  
 12 **removal of a patient from the registry or the listing of a caregiver** shall be  
 13 considered a final agency action subject to judicial review. Only the patient, **or the**  
 14 **parent or guardian of a patient who is a minor, has** [WHOSE APPLICATION HAS  
 15 BEEN DENIED SHALL HAVE] standing to contest the final agency action.

16 (k) [(g)] When there has been a change in the name, address, **or** physician [,]  
 17 OR PRIMARY CARE-GIVER] of a patient who has qualified for a registry  
 18 identification card, **or a change in the name or address of the patient's primary**  
 19 **caregiver**, that patient must notify the **department** [STATE HEALTH AGENCY] of  
 20 **the** [ANY SUCH] change within 10 days. To maintain an effective registry  
 21 identification card, a patient must annually resubmit updated written documentation to  
 22 the **department** [STATE HEALTH AGENCY], as well as the name and address of  
 23 the patient's primary **caregiver** [CARE-GIVER], if any.

24 (l) [(h)] A patient who no longer has a debilitating medical condition **and the**  
 25 **patient's primary caregiver, if any**, shall return **all** [HIS OR HER] registry  
 26 identification **cards** [CARD] to the department within 24 hours of receiving **the**  
 27 [SUCH] diagnosis by **the patient's** [HIS OR HER] physician.

28 (m) **The department may revoke a patient's registration if the department**  
 29 **determines that the patient has violated a provision of this chapter or AS 11.71.**

30 (n) **The department may remove a primary caregiver from the registry if**  
 31 **the department determines that the primary caregiver is not qualified to be listed**

1 **or has violated a provision of this chapter or AS 11.71.**

2 (o) [(i)] The department may determine and levy reasonable fees to pay for  
3 any administrative costs associated with **its** [THEIR] role in **enforcing this chapter**  
4 [THIS PROGRAM].

5 \* **Sec. 4.** AS 17.37.030 is amended to read:

6 **Sec. 17.37.030. Privileged medical use of marijuana.** (a) **A patient or**  
7 **primary caregiver registered with the department under this chapter has an**  
8 **affirmative defense to a criminal prosecution related to marijuana to the extent**  
9 **provided in AS 11.71.090.**

10 (b) **A** [EXCEPT AS OTHERWISE PROVIDED IN AS 17.37.040, NO  
11 PATIENT OR PRIMARY CARE-GIVER MAY BE FOUND GUILTY OF, OR  
12 PENALIZED IN ANY MANNER FOR, A VIOLATION OF ANY PROVISION OF  
13 LAW RELATED TO THE MEDICAL USE OF MARIJUANA, WHERE IT IS  
14 PROVED BY A PREPONDERANCE OF THE EVIDENCE THAT

15 (1) THE PATIENT WAS DIAGNOSED BY A PHYSICIAN  
16 AS HAVING A DEBILITATING MEDICAL CONDITION;

17 (2) THE PATIENT WAS ADVISED BY HIS OR HER PHYSICIAN,  
18 IN THE CONTEXT OF A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP,  
19 THAT THE PATIENT MIGHT BENEFIT FROM THE MEDICAL USE OF  
20 MARIJUANA IN CONNECTION WITH A DEBILITATING MEDICAL  
21 CONDITION; AND

22 (3) THE] patient and **the patient's** [HIS OR HER] primary **caregiver**  
23 **may be issued a waiver by the department to allow the** [CARE-GIVER WERE  
24 COLLECTIVELY IN] possession of amounts of marijuana **in excess of the amount**  
25 **permitted under AS 11.71.090(a)(4) when possession of greater amounts is**  
26 **medically justified. The State Medical Board shall adopt guidelines to assist the**  
27 **department in determining when a waiver is medically justified** [ONLY  
28 AS PERMITTED UNDER THIS SECTION].

29 (c) [(b)] Except as otherwise provided **by law, a person is not** [IN  
30 AS 17.37.040, NO PATIENT OR PRIMARY CARE-GIVER IN LAWFUL  
31 POSSESSION OF A REGISTRY IDENTIFICATION CARD SHALL BE] subject to

1 arrest, prosecution, or penalty in any manner for [MEDICAL USE OF MARIJUANA  
2 OR FOR] applying to have **the person's** [HIS OR HER] name placed on the  
3 confidential **registry** [REGISTER] maintained by the department **under AS 17.37.010**.

4 **(d)** [(c)] **A** [NO] physician **is not** [SHALL BE] subject to any penalty,  
5 including arrest, prosecution, **or** disciplinary proceeding, or **denial of** [BE DENIED]  
6 any right or privilege, for

7 (1) advising a patient whom the physician has diagnosed as having a  
8 debilitating medical condition [,] about the risks and benefits of medical use of  
9 marijuana or that **the patient** [HE OR SHE] might benefit from the medical use of  
10 marijuana [,] provided that **the** [SUCH] advice is based upon the physician's  
11 contemporaneous assessment **in the context of a bona fide physician-patient**  
12 **relationship** of

13 **(A)** the patient's medical history and current medical condition;

14 **and**

15 **(B) other approved medications and treatments that might**  
16 **provide relief and that are reasonably available to the patient and that can**  
17 **be tolerated by the patient** [AND A BONA FIDE PHYSICIAN-PATIENT  
18 RELATIONSHIP]; or

19 (2) providing a patient with **a written statement in an application for**  
20 **registration under AS 17.37.010** [WRITTEN DOCUMENTATION, BASED UPON  
21 THE PHYSICIAN'S CONTEMPORANEOUS ASSESSMENT OF THE PATIENT'S  
22 MEDICAL HISTORY AND CURRENT MEDICAL CONDITION AND A BONA  
23 FIDE PHYSICIAN-PATIENT RELATIONSHIP, STATING THAT THE PATIENT  
24 HAS A DEBILITATING MEDICAL CONDITION AND MIGHT BENEFIT FROM  
25 THE MEDICAL USE OF MARIJUANA].

26 **(e)** [(d)] Notwithstanding the [FOREGOING] provisions **of this section, a** [,  
27 NO] person, including a patient or primary **caregiver, is not** [CARE-GIVER, SHALL  
28 BE] entitled to the protection of this **chapter** [SECTION] for **the person's** [HIS OR  
29 HER] acquisition, possession, cultivation, use, sale, distribution, **or** [AND/OR]  
30 transportation of marijuana for **nonmedical** [NON-MEDICAL] use.

31 **(f)** [(e)] Any property interest that is possessed, owned, or used in connection

1 with the medical use of marijuana, or acts incidental to such use, shall not be harmed,  
 2 neglected, injured, or destroyed while in the possession of state or **municipal**  
 3 [LOCAL] law enforcement officials where such property has been seized in connection  
 4 with the claimed medical use of marijuana. Any such property interest shall not be  
 5 forfeited under any provision of state or **municipal** [LOCAL] law providing for the  
 6 forfeiture of property other than as a sentence imposed after conviction of a criminal  
 7 offense or entry of a plea of guilty **or nolo contendere** to such offense. Marijuana  
 8 and paraphernalia seized by state or **municipal** [LOCAL] law enforcement officials  
 9 from a patient or primary **caregiver** [CARE-GIVER] in connection with the claimed  
 10 medical use of marijuana shall be returned immediately upon the determination that  
 11 the patient or primary **caregiver** [CARE-GIVER] is entitled to the protection contained  
 12 in this section as may be evidenced, for example, by a decision not to prosecute, the  
 13 dismissal of charges, or acquittal.

14 \* **Sec. 5.** AS 17.37.040 is amended to read:

15 **Sec. 17.37.040. Restrictions on medical use of marijuana.** (a) A [NO]  
 16 patient **or primary caregiver may not** [IN LAWFUL POSSESSION OF A  
 17 REGISTRY IDENTIFICATION CARD SHALL]

18 (1) engage in the medical use of marijuana in a way that endangers the  
 19 health or well-being of any person;

20 (2) engage in the medical use of marijuana in plain view of, or in a  
 21 place open to, the general public; or

22 (3) sell or distribute marijuana to any person who is [KNOWN TO  
 23 THE PATIENT] not [TO BE EITHER] in lawful possession of a registry identification  
 24 card [OR ELIGIBLE FOR SUCH CARD].

25 (b) Any patient found by a preponderance of the evidence to have **wilfully**  
 26 [WILLFULLY] violated the provisions of this chapter shall be precluded from  
 27 obtaining or using a registry identification card for the medical use of marijuana for  
 28 a period of one year.

29 (c) A [NO] governmental, private, or [ANY] other health insurance provider  
 30 **is not** [SHALL BE REQUIRED TO BE] liable for any claim for reimbursement for  
 31 **expenses associated with** [THE] medical use of marijuana.

1 (d) Nothing in this **chapter requires** [SECTION SHALL REQUIRE] any  
2 accommodation of any medical use of marijuana

3 (1) in any place of employment;

4 (2) in any correctional facility, **medical facility, or facility monitored**  
5 **by the department or the Department of Administration;**

6 (3) on or within 500 feet of school grounds;

7 (4) at or within 500 feet of a recreation or youth center; or

8 (5) on a school bus.

9 \* **Sec. 6.** AS 17.37.060 is amended to read:

10 **Sec. 17.37.060. Addition of debilitating medical conditions.** Not later than  
11 **90 days after the effective date of this Act** [JUNE 1, 1999], the department shall  
12 **adopt** [PROMULGATE] regulations under AS 44.62 (Administrative Procedure Act)  
13 governing the manner in which it may consider adding debilitating medical conditions  
14 to the list provided in **AS 17.37.070** [THIS SECTION]. After **the adoption of the**  
15 **regulations** [JUNE 1, 1999], the department shall also accept for consideration  
16 physician or patient initiated petitions to add debilitating medical conditions to the list  
17 provided in **AS 17.37.070** [THIS SECTION] and, after hearing, shall approve or deny  
18 **the** [SUCH] petitions within 180 days of submission. The denial of [SUCH] a petition  
19 shall be considered a final agency action subject to judicial review.

20 \* **Sec. 7.** AS 17.37.070 is amended to read:

21 **Sec. 17.37.070. Definitions.** In this chapter, unless the context clearly requires  
22 otherwise,

23 (1) **"bona fide physician-patient relationship" means that the**  
24 **physician obtained a patient history, performed an in-person physical examination**  
25 **of the patient, and documented written findings, diagnoses, recommendations, and**  
26 **prescriptions in written patient medical records maintained indefinitely by the**  
27 **physician;**

28 (2) "correctional facility" **has the meaning given in AS 33.30.901**  
29 [MEANS A STATE PRISON INSTITUTION OPERATED AND MANAGED BY  
30 EMPLOYEES OF THE DEPARTMENT OF CORRECTIONS OR PROVIDED TO  
31 THE DEPARTMENT OF CORRECTIONS BY AGREEMENT UNDER AS 33.30.031

1 FOR THE CARE, CONFINEMENT OR DISCIPLINE OF PRISONERS];

2 **(3)** [(2)] "debilitating medical condition" means

3 (A) cancer, glaucoma, positive status for human  
4 immunodeficiency virus, or acquired immune deficiency syndrome, or treatment  
5 for any of these conditions;

6 (B) any chronic or debilitating disease or treatment for such  
7 diseases, which produces, for a specific patient, one or more of the following,  
8 and for which, in the professional opinion of the patient's physician, such  
9 condition or conditions reasonably may be alleviated by the medical use of  
10 marijuana: cachexia; severe pain; severe nausea; seizures, including those that  
11 are characteristic of epilepsy; or persistent muscle spasms, including those that  
12 are characteristic of multiple sclerosis; or

13 (C) any other medical condition, or treatment for such  
14 condition, approved by the department, **under** [PURSUANT TO ITS  
15 AUTHORITY TO PROMULGATE] regulations **adopted under AS 17.37.060**  
16 or [ITS] approval of **a** [ANY] petition submitted [BY A PATIENT OR  
17 PHYSICIAN] under AS 17.37.060;

18 **(4)** [(3)] "department" means the Department of Health and Social  
19 Services;

20 **(5) "facility monitored by the department or the Department of**  
21 **Administration" means an institution, building, office, or home operated by the**  
22 **department or the Department of Administration, funded by the department or**  
23 **the Department of Administration, under contract with the department or the**  
24 **Department of Administration, inspected by the department or the Department**  
25 **of Administration, designated by the department or the Department of**  
26 **Administration, or licensed by the department or the Department of**  
27 **Administration, for the care of**

28 **(A) juveniles; for the purposes of this subparagraph,**  
29 **"institution" includes a foster home and a group home, and a juvenile**  
30 **detention facility; a juvenile detention home, a juvenile work camp, and a**  
31 **treatment facility, as those terms are defined in AS 47.14.990;**

1                    **(B) the elderly; for the purposes of this subparagraph,**  
 2                    **"institution" includes an assisted living home as defined in AS 47.33.990**  
 3                    **and a Pioneers' Home operated under AS 47.55;**

4                    **(C) the mentally ill; for the purposes of this subparagraph,**  
 5                    **"institution" includes a designated treatment facility and an evaluation**  
 6                    **facility, as those terms are defined in AS 47.30.915;**

7                    **(6) "medical facility" means an institution, building, office, or home**  
 8                    **providing medical services, and includes a hospital, clinic, physician's office, or**  
 9                    **health facility as defined in AS 47.07.900, and a facility providing hospice care or**  
 10                   **rehabilitative services, as those terms are defined in AS 47.07.900;**

11                   **(7) [(4)] "medical use" means the acquisition, possession, cultivation,**  
 12                   **use or [AND/OR] transportation of marijuana or [AND/OR] paraphernalia related to**  
 13                   **the administration of [SUCH] marijuana to alleviate [ADDRESS THE SYMPTOMS**  
 14                   **OR EFFECTS OF] a debilitating medical condition under the provisions of this**  
 15                   **chapter and AS 11.71.090 [ONLY AFTER A PHYSICIAN HAS AUTHORIZED**  
 16                   **SUCH MEDICAL USE BY A DIAGNOSIS OF THE PATIENT'S DEBILITATING**  
 17                   **MEDICAL CONDITION];**

18                   **(8) [(5)] "patient" means a person who has a debilitating medical**  
 19                   **condition;**

20                   **(9) [(6)] "physician" means a person licensed to practice medicine in**  
 21                   **this state or an officer in the regular medical service of the armed forces of the United**  
 22                   **States or the United States Public Health Service while in the discharge of their official**  
 23                   **duties, or while volunteering services without pay or other remuneration to a hospital,**  
 24                   **clinic, medical office, or other medical facility in this state;**

25                   **(10) [(7)] "primary caregiver [CARE-GIVER]" means a person, other**  
 26                   **than the patient's physician, who has primary [IS 18 YEARS OF AGE OR OLDER**  
 27                   **AND HAS SIGNIFICANT] responsibility for attending to the basic needs of and**  
 28                   **managing the care and well-being of a patient who has a debilitating medical**  
 29                   **condition; "primary caregiver" does not include a person whose primary**  
 30                   **relationship with the patient is to supply the patient with marijuana**

31                   **(11) [(8)] "PRISONER" MEANS A PERSON DETAINED OR**

1           CONFINED IN A CORRECTIONAL FACILITY, WHETHER BY ARREST,  
2           CONVICTION, OR COURT ORDER, OR A PERSON HELD AS A WITNESS OR  
3           OTHERWISE, INCLUDING MUNICIPAL PRISONERS HELD UNDER CONTRACT  
4           AND JUVENILES HELD UNDER THE AUTHORITY OF AS 47.10;

5                       (9) "REGISTRY IDENTIFICATION CARD" MEANS A DOCUMENT  
6           ISSUED BY THE DEPARTMENT WHICH IDENTIFIES A PATIENT  
7           AUTHORIZED TO ENGAGE IN THE MEDICAL USE OF MARIJUANA AND THE  
8           PATIENT'S PRIMARY CARE-GIVER, IF ANY;

9                       (10)] "Usable form" and "usable marijuana" means the seeds, leaves,  
10          buds, and flowers of the plant (genus) cannabis, but does not include the stalks or roots  
11          [;

12                      (11) "WRITTEN DOCUMENTATION" MEANS A STATEMENT  
13          SIGNED BY A PATIENT'S PHYSICIAN OR COPIES OF THE PATIENT'S  
14          PERTINENT MEDICAL RECORDS].

15       \* **Sec. 8.** AS 17.37.020 and 17.37.050 are repealed.

16       \* **Sec. 9.** This Act takes effect immediately under AS 01.10.070(c).