

ALASKA STATE LEGISLATURE
SENATE HEALTH, EDUCATION AND SOCIAL SERVICES STANDING COMMITTEE

March 21, 2005

2:33 p.m.

MEMBERS PRESENT

Senator Fred Dyson, Chair
Senator Gary Wilken, Vice Chair
Senator Lyda Green
Senator Kim Elton
Senator Donny Olson

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 74

"An Act making findings relating to marijuana use and possession; relating to marijuana and misconduct involving a controlled substance; and providing an effective date."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 74

SHORT TITLE: CRIMES INVOLVING MARIJUANA/OTHER DRUGS

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/21/05	(S)	READ THE FIRST TIME - REFERRALS
01/21/05	(S)	HES, JUD, FIN
03/21/05	(S)	HES AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

DEAN GUANELI
Chief Assistant Attorney General
Department of Law
PO Box 110300
Juneau, AK 99811-0300
POSITION STATEMENT: Introduced SB 74.

CAPTAIN AL STOREY
Alaska State Troopers
Juneau AK

POSITION STATEMENT: Commented on SB 74.

ACTION NARRATIVE

CHAIR FRED DYSON called the Senate Health, Education and Social Services Standing Committee meeting to order at [2:33:41 PM](#). Present were Senators Kim Elton, Donny Olson, Gary Wilken, Lyda Green, and Chair Fred Dyson.

[2:34:28 PM](#)

SB 74-CRIMES INVOLVING MARIJUANA/OTHER DRUGS

CHAIR DYSON announced SB 74 to be up for consideration.

DEAN GUANELI, Chief Assistant Attorney General, Department of Law (DOL), said that marijuana is illegal under federal law and in every other state in the country except medical marijuana states. Alaska is unique in that the court determined its marijuana statute. Recently the Alaska appellate court ruled that Alaskans could possess four ounces of marijuana in the home.

[2:37:55 PM](#)

MR. GUANELI said he asked the Alaska Supreme Court to consider new scientific evidence on marijuana, but it refused. He said that the potency of marijuana is much higher than it was when the Ravin decision was issued [in 1975] and the patterns of its use have also changed.

[2:43:31 PM](#)

One does not think clearly when smoking marijuana and juveniles are much more likely to commit violence when under the influence of marijuana. Studies show that Native rural residents with preschool children use marijuana at three times the national average. Studies also show if parents approve of marijuana use, the odds of their children using it are greater.

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SENATOR OLSON asked if one of his points was saying that 93 percent of Alaskan prisoners are currently using marijuana while they are incarcerated.

MR. GUANELI explained that he meant that 93 percent had used marijuana in the past.

[2:48:51 PM](#)

SENATOR ELTON asked whether it was true that nationally more teens are in treatment for marijuana dependence than for alcohol and all other illegal drugs combined and whether it was true of Alaskan teens. He had not heard that in his community and other communities he had traveled to.

MR. GUANELI replied that he knew that figure was true nationally, but he didn't know about Alaska specifically. He deferred the answer to Kristi Willard from the Division of Behavioral Health.

[2:50:59 PM](#)

SENATOR ELTON asked if it was really true that marijuana was comparable to alcohol in contributing to traffic accidents.

[2:52:06 PM](#)

MR. GUANELI replied studies show that marijuana is the second leading substance of abuse by drivers, not involving alcohol as well. Cocaine and methamphetamine use get a lot more media attention. Some of the statistics that have been developed in Alaska have not been greatly publicized and he thought that meant the public is sticking its head in the sand when it comes to marijuana. "And I think it's time to change that."

[2:59:16 PM](#)

SENATOR DYSON asked the difference between Schedule 1A and Schedule 2 drugs.

MR. GUANELI advised that Schedule 1A drugs are generally opiates. The "A" stands for Alaska. Schedule 2A drugs include cocaine, LSD, methamphetamine, and drugs of that sort, because they are considered to be less addictive, but when abused are very bad. Schedule 3A drugs involve more prescription-type drugs including Valium.

[3:01:04 PM](#)

CAPTAIN AL STOREY, Alaska State Troopers, said that the schedule of drugs is based on the degree of addiction and marijuana is currently scheduled as a 6A drug. It is a federal Schedule 1 drug.

CHAIR DYSON asked whether SB 74 would make marijuana a Schedule 1 drug.

MR. GUANELI replied no. It would remain a Schedule 6 drug. SB 74 also makes no change to the medical marijuana law that is on the books, but it asks the Legislature to adopt a number of findings

about marijuana like what amount draws the line between a misdemeanor and a felony; it also adopts some laws regarding having marijuana in cars and changes the way live marijuana plants are measured and quantified.

[3:03:11 PM](#)

CHAIR DYSON said he wanted information on the difference between Schedule 3, 4 and 5 drugs.

CAPTAIN STOREY said he has spent 18 of his 25 years in the department in drug enforcement. A lot of effort is spent on doing marijuana eradication especially in Mat-Su and around Fairbanks, but court decisions have taken the energy out of his efforts. The standard that is required to do marijuana-type investigations is substantially higher than for any other criminal offence. He has heard that many youths in rural Alaska now smoke dope and that is what fuels his passion to talk to the Legislature about it. Eradication efforts in Alaska have substantially decreased. One reason is that meth labs are on the rise, another reason is that case law coming out of the court of appeals is making it harder to investigate. Consequently, a large amount of marijuana is being produced.

CHAIR DYSON commented that the stuff that is bring distributed to our remote communities is largely homegrown.

CAPTAIN STOREY agreed that Alaska is self sufficient in marijuana production. In 1982, large amounts of marijuana were coming from other areas. It is now the number one case crop in Alaska and a lot of it is shipped to other areas - even Hawaii.

CHAIR DYSON asked how does Alaskan marijuana gets shipped out.

CAPTAIN STOREY replied that he believes there are sophisticated distribution networks in Alaska that are not easy to find. It is shipped in the U.S. mail; it is shipped in suitcases to Hawaii and recently to Bush villages.

[3:10:44 PM](#)

CAPTAIN STOREY said that many people grow six to eight plants from seed, but some are cloned, a more sophisticated procedure. That is why the THC content has gone from 2 percent in 1975 to an average of 14 percent in Alaska. For many years, Alaska held the national high for THC content at 29 percent. It is not uncommon to find marijuana in the 16-17 percent THC content range. Growing strong marijuana is difficult and requires proper

equipment such as lighting and temperature control. Buds typically have the high content.

SENATOR GREEN asked what THC is.

CAPTAIN STOREY replied that tetra hydra canabinol or THC is the active ingredient in marijuana. He said a pound of good dope in the Anchorage areas costs typically about \$4,000. The price increases as you move farther from the production source and in Nome and Unalakleet it is about \$9,000.

CHAIR DYSON asked the price of a marijuana cigarette in rural Alaska.

CAPTAIN STOREY advised that it can cost as much as \$20. A gram of marijuana in a village commonly goes for about \$50.

CHAIR DYSON said he has heard that girls in the Anchorage area trade services for marijuana and asked whether that was also true in rural Alaska.

CAPTAIN STOREY replied yes.

[3:19:49 PM](#)

CAPTAIN STOREY said his experience is that it is not uncommon to see people smoking dope when they are driving and the implications of driving under the influence are strong, but it's hard to develop a probable cause to get a blood or urine test to detect THC even in obviously impaired drivers. A fair number of vehicle accidents happen where people leave the scene for an unexplained reason and a recent study shows that 60 percent of these accidents are due to people who fall asleep. He speculated that marijuana could be contributing to this sleepiness.

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CAPTAIN STOREY drew attention to a monitoring program run by University of Alaska, Anchorage of people who were interviewed about their drug usage when being taken into custody. Those interviews were followed up with urine samples. Fifty-two and a half percent of all the male arrestees in Anchorage during the course of the program tested positive for marijuana. He wondered if they were arrested because marijuana affected their decision to do something that caused them to get arrested. He related that 69 percent of Anchorage arrestees for domestic abuse had marijuana in their system. He thought it was fair to say that marijuana contributed to their actions by distorting their thinking.

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SENATOR ELTON asked how long the presence of marijuana is detectible.

CAPTAIN STOREY replied that it depends on the test. Some tests are designed simply to detect marijuana, not measure how much. The military uses that kind of sample, but there are other types of tests.

SENATOR ELTON reasoned that the UAA tests in Anchorage could have been detecting marijuana use from the distant past.

CAPTAIN STOREY agreed that was possible.

SENATOR OLSON asked him what his credentials were to interpret these studies.

CAPTAIN STOREY replied that he has been in drug enforcement since 1982 and had attended narcotics school. He also spent a fair amount of time studying drugs during his advocacy.

[3:29:35 PM](#)

SENATOR OLSON said he assumed that he was not a physician.

CAPTAIN STOREY replied that was correct.

CHAIR DYSON said SB 74 would be held in committee. There being no further business, he adjourned the meeting at [3:30:22 PM](#).