

AMENDMENT # 4

OFFERED IN THE SENATE
TO: CSSB 30(FIN)

BY SENATOR KELLY

1 Page 1, line 2, following "marijuana":

2 Insert "relating to medical marijuana; relating to hashish, hashish oil, and
3 tetrahydrocannabinol; relating to marijuana therapeutic substances;"

4

5 Page 1, line 8:

6 Delete "SEC. 30"

7 Insert "SEC. 39"

8 Delete "sec. 30"

9 Insert "sec. 39"

10

11 Page 2, line 2:

12 Delete "sec. 32"

13 Insert "sec. 41"

14

15 Page 2, line 6:

16 Delete "SEC. 30"

17 Insert "SECS. 12, 17 - 19, 23, 25, 38, and 39"

18

19 Page 11, following line 3:

20 Insert a new bill section to read:

21 "* **Sec. 12.** AS 11.71.050(c), as enacted by sec. 11 of this Act, is amended to read:

22 (c) The provisions of (a)(1), (a)(2)(E), (a)(2)(F), (a)(4), and (a)(5) [AND (a)(4)

23 - (6)] of this section do not apply to

1 (1) a person who is lawfully possessing, manufacturing, delivering,
2 possessing with the intent to manufacture or deliver, or transporting usable marijuana
3 in accordance with AS 17.38.020;

4 (2) a marijuana establishment registered under AS 17.38, or an officer,
5 agent, or employee of the registered marijuana establishment acting in compliance
6 with the terms of the registration issued under AS 17.38."

7
8 Renumber the following bill sections accordingly.

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10 Page 13, following line 24:

11 Insert new bill sections to read:

12 **** Sec. 17.** AS 11.71.090(a), as amended by sec. 16 of this Act, is amended to read:

13 (a) In a prosecution under AS 11.71.030 - 11.71.071 charging the manufacture,
14 delivery, possession, possession with intent to manufacture or deliver, use, or display
15 of a schedule IIIA or VIA controlled substance, it is an affirmative defense that the
16 defendant is a marijuana establishment, patient, or the primary caregiver or alternate
17 caregiver for a patient, and

18 (1) at the time of the manufacture, delivery, possession, possession with
19 intent to manufacture or deliver, use, or display, the patient was registered under
20 AS 17.37;

21 (2) the manufacture, delivery, possession, possession with intent to
22 manufacture, deliver, use, or display complied with the requirements of AS 17.37;
23 [AND]

24 (3) if the defendant is [THE]

25 (A) the primary caregiver of the patient, the defendant was in
26 physical possession of the caregiver registry identification card at the time of
27 the manufacture, delivery, possession, possession with intent to manufacture or
28 deliver, use, or display; [OR]

29 (B) the alternate caregiver of the patient, the defendant was in
30 physical possession of the caregiver registry identification card at the time of
31 the manufacture, delivery, possession, possession with intent to manufacture or

1 deliver, use, or display; or

2 (C) a marijuana establishment, that the defendant was
 3 registered under AS 17.38 and the manufacture, delivery, possession,
 4 possession with intent to manufacture or deliver, use, or display complied
 5 with the requirements of AS 17.38; and

6 (4) if the manufacture, delivery, possession, possession with intent
 7 to manufacture or deliver, use, or display involved a schedule IIIA controlled
 8 substance, the substance was a marijuana therapeutic substance approved under
 9 AS 17.37.065.

10 * **Sec. 18.** AS 11.71.090(b) is amended by adding a new paragraph to read:

11 (4) "marijuana therapeutic substance" has the meaning given in
 12 AS 17.37.070.

13 * **Sec. 19.** AS 11.71.160(f), as amended by sec. 50 of this Act, is amended to read:

14 (f) Schedule IIIA includes, unless specifically excepted or unless listed in
 15 another schedule, any material, compound, mixture, or preparation that contains any
 16 quantity of the following substances or that contains any of its salts, isomers, whether
 17 optical, position, or geometric, or salts of isomers whenever the existence of those
 18 salts, isomers, or salts of isomers is possible within the specific chemical designation:

19 (1) [REPEALED]

20 (2) [REPEALED]

21 (3) [REPEALED]

22 (4) parahexyl;

23 (5) dronabinol (synthetic) in sesame oil and encapsulated in a soft
 24 gelatin capsule in a U.S. Food and Drug Administration approved drug product;

25 (6) nabilone;

26 (7) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-
 27 yl)-6a,7, 10, 10a- tetrahydrobenzo[c]chromen-1-ol, also known as HU-210;

28 (8) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-
 29 yl)-6a,7, 10, 10a- tetrahydrobenzo[c]chromen-1-ol, also known as Dexanabinol or
 30 HU-211;

31 (9) 1-pentyl-3-(1-naphthoyl)indole, also known as JWH-018;

- 1 (10) 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073;
 2 (11) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone,
 3 also known as JWH-015;
 4 (12) 1-pentyl-3-(4-chloro-1-naphthoyl)indole, also known as JWH-398;
 5 (13) 1-pentyl-3-(2-methoxyphenylacetyl)indole, also known as JWH-
 6 250;
 7 (14) 1-hexyl-3-(1-naphthoyl)indole, also known as JWH-019;
 8 (15) 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole, also known as
 9 JWH-200;
 10 (16) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol,
 11 also known as CP 47, 497, and its dimethyloctyl (C8) homologue; in this paragraph,
 12 "homologue" means a chemical compound in a series in which each compound differs
 13 by one or more alkyl functional groups on an alkyl side chain;

14 **(17) hash oil or hashish oil;**

15 **(18) tetrahydrocannabinols."**

16
 17 Renumber the following bill sections accordingly.

18
 19 Page 14, following line 31:

20 Insert a new bill section to read:

21 **"* Sec. 23. AS 11.71.900(14), as amended by sec. 22 of this Act, is repealed and reenacted**
 22 **to read:**

23 (14) "marijuana" means the seeds, and leaves, buds, and flowers of the
 24 plant (genus) Cannabis, whether growing or not; it does not include the resin or oil
 25 extracted from any part of the plants, or any compound, manufacture, salt, derivative,
 26 mixture, or preparation from the resin or oil, including hashish, hashish oil, and natural
 27 or synthetic tetrahydrocannabinol; it does not include the stalks of the plant, fiber
 28 produced from the stalks, oil or cake made from the seeds of the plant, any other
 29 compound, manufacture, salt, derivative, mixture, or preparation of the stalks, fiber,
 30 oil or cake, or the sterilized seed of the plant that is incapable of germination;"

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1 Renumber the following bill sections accordingly.

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3 Page 15, following line 4:

4 Insert a new bill section to read:

5 **** Sec. 25.** AS 11.71.900(31), enacted by sec. 24 of this Act, is amended to read:

6 (31) "usable marijuana" means the seeds, leaves, buds, and flowers of
7 the plant genus cannabis, **and** hashish, [HASH OIL,
8 TETRAHYDROCANNABINOLS, AND MARIJUANA CONCENTRATES,] but
9 does not include the stalks or roots of the plant genus cannabis."
10

11 Renumber the following bill sections accordingly.

12
13 Page 15, following line 24:

14 Insert new bill sections to read:

15 **** Sec. 28.** AS 17.37 is amended by adding a new section to read:

16 **Sec. 17.37.065. Designation of marijuana therapeutic substances.** (a) The
17 department shall create a program to approve marijuana therapeutic substances for use
18 in treating debilitating medical conditions that, based on the current evidence-based
19 medical research, maximize the therapeutic benefit and minimize the likelihood of
20 abuse and other adverse side effects. The department shall consult with the State
21 Medical Board in the process for approving marijuana therapeutic substances.

22 (b) The department shall adopt regulations to ensure the quality of marijuana
23 therapeutic substances. At a minimum, the regulations must

- 24 (1) create standardized doses for marijuana therapeutic substances;
25 (2) create standardized administration methods for marijuana
26 therapeutic substances; and
27 (3) ensure that the active ingredients in marijuana therapeutic
28 substances are measured.

29 *** Sec. 29.** AS 17.37.070 is amended by adding new paragraphs to read:

- 30 (13) "marijuana" includes a marijuana therapeutic substance;
31 (14) "marijuana therapeutic substance" means a material, compound,

1 mixture, preparation, or concentrate extracted, derived, or created from the plant
2 (genus) Cannabis, or the resins or oils of that plant, that is approved under
3 AS 17.37.065 to treat a debilitating medical condition."
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5 Renumber the following bill sections accordingly.

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7 Page 19, following line 13:

8 Insert a new bill section to read:

9 **"* Sec. 38.** AS 17.38.090(c), enacted by sec. 37 of this Act, is repealed and reenacted to
10 read:

11 (c) The board shall adopt regulations that prohibit a marijuana establishment
12 from selling a marijuana therapeutic substance that contains a schedule IIIA controlled
13 substance to a person other than a patient or the primary or alternative caregiver for a
14 patient as provided under AS 17.37."
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16 Renumber the following bill sections accordingly.

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18 Page 24, lines 14 - 22:

19 Delete all material and insert:

20 **"* Sec. 42.** AS 17.38.900(6) is repealed and reenacted to read:

21 (6) "marijuana" has the meaning given in AS 11.71.900;"
22

23 Page 27, following line 5:

24 Insert a new bill section to read:

25 **"* Sec. 50.** AS 11.71.050(a)(6), 11.71.190(b)(3), 11.71.190(b)(4); and AS 17.38.900(19) are
26 repealed."
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28 Renumber the following bill sections accordingly.

29
30 Page 27, line 8, following "APPLICABILITY.":

31 Insert "(a)"

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Page 27, line 12:

Delete "sec. 12"

Insert "sec. 13"

Page 27, line 13:

Delete "sec. 14"

Insert "sec. 15"

Page 27, line 14, following "date":

Insert "of secs. 3 - 8, 10, 13, and 15"

Page 27, following line 14:

Insert new material to read:

"(b) AS 11.71.050(a), as amended by sec. 11 of this Act, AS 11.71.160(f), as amended by sec. 17 of this Act, and AS 11.71.900(14), as repealed and reenacted by sec. 23 of this Act, apply to offenses committed on or after the effective date of secs. 11, 17, and 23 of this Act.

* **Sec. 52.** Sections 12, 17 - 19, 23, 25, 38, and 50 of this Act take effect February 24, 2017."

Renumber the following bill section accordingly.

Page 27, line 15:

Delete "This"

Insert "Except as provided in sec. 52 of this Act, this"