

HOUSE BILL NO. 59

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES SEATON, Olson

Introduced: 1/21/15

Referred: Health and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to marijuana concentrates; and providing for an effective date."**

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

3 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 LEGISLATIVE INTENT. It is the intent of the legislature in order to implement the
6 marijuana initiative in an orderly process

7 (1) to focus on the provisions related to growth and sale of marijuana and
8 licensing of marijuana establishments not later than November 24, 2015;

9 (2) to delay regulations relating to legal manufacture, delivery, possession,
10 possession with the intent to manufacture or deliver, sale, packaging, or display of marijuana
11 concentrates to not later than November 24, 2016, in response to the difficulties other
12 jurisdictions have found in unintended consequences of regulations permitting marijuana
13 concentrates; and

14 (3) during the period of the delay, that activities related to marijuana
15 concentrates remain illegal and may form the basis for revocation of an establishment license

1 or for seizure or forfeiture of assets under state law.

2 * **Sec. 2.** AS 11.71 is amended by adding a new section to article 1 to read:

3 **Sec. 11.71.092. Affirmative defense to a prosecution under AS 11.71.040 -**
 4 **11.71.060.** In a prosecution under AS 11.71.040 - 11.71.060 charging the manufacture,
 5 delivery, possession, possession with intent to manufacture or deliver, or display of a
 6 schedule VIA controlled substance, it is an affirmative defense that the defendant is a
 7 marijuana establishment registered under AS 17.38 or an officer, agent, or employee
 8 of the marijuana establishment, and

9 (1) at the time of the manufacture, delivery, possession, possession
 10 with intent to manufacture or deliver, or display, the marijuana establishment was
 11 registered under AS 17.38 or the officer, agent, or employee of the marijuana
 12 establishment was in compliance with AS 17.38;

13 (2) the manufacture, delivery, possession, possession with intent to
 14 manufacture or deliver, or display complied with the requirements of AS 17.38; and

15 (3) if the charge is for delivery of a schedule VIA controlled substance,
 16 the delivery was to a person who was 21 years of age or older at the time of the
 17 delivery.

18 * **Sec. 3.** AS 17.38.070(a) is amended to read:

19 (a) Notwithstanding any other provision of law, the following acts, when
 20 performed by a retail marijuana store with, and permitted by, a current, valid
 21 registration, or a person 21 years of age or older who is acting in the person's capacity
 22 as an owner, employee, or agent of a retail marijuana store, are lawful and **are**
 23 [SHALL] not **offenses** [BE AN OFFENSE] under Alaska law or [BE] a basis for
 24 seizure or forfeiture of assets under Alaska law:

25 (1) possessing, displaying, storing, or transporting marijuana or
 26 marijuana products, except that marijuana and marijuana products may not be
 27 displayed in a manner that is visible to the general public from a public right-of-way;

28 (2) delivering or transferring marijuana or marijuana products to a
 29 marijuana testing facility;

30 (3) receiving marijuana or marijuana products from a marijuana testing
 31 facility;

- 1 (4) purchasing marijuana from a marijuana cultivation facility;
- 2 (5) purchasing marijuana or marijuana products from a marijuana
- 3 product manufacturing facility; and
- 4 (6) delivering, distributing, or selling marijuana or marijuana products
- 5 to consumers.

6 * **Sec. 4.** AS 17.38.070(b) is amended to read:

7 (b) Notwithstanding any other provision of law, the following acts, when

8 performed by a marijuana cultivation facility with, **and permitted by**, a current, valid

9 registration, or a person 21 years of age or older who is acting in the person's capacity

10 as an owner, employee, or agent of a marijuana cultivation facility, are lawful and **are**

11 [SHALL] not **offenses** [BE AN OFFENSE] under Alaska law or [BE] a basis for

12 seizure or forfeiture of assets under Alaska law:

- 13 (1) cultivating, manufacturing, harvesting, processing, packaging,
- 14 transporting, displaying, storing, or possessing marijuana;
- 15 (2) delivering or transferring marijuana to a marijuana testing facility;
- 16 (3) receiving marijuana from a marijuana testing facility;
- 17 (4) delivering, distributing, or selling marijuana to a marijuana
- 18 cultivation facility, a marijuana product manufacturing facility, or a retail marijuana
- 19 store;
- 20 (5) receiving or purchasing marijuana from a marijuana cultivation
- 21 facility; and
- 22 (6) receiving marijuana seeds or immature marijuana plants from a
- 23 person 21 years of age or older.

24 * **Sec. 5.** AS 17.38.070(c) is amended to read:

25 (c) Notwithstanding any other provision of law, the following acts, when

26 performed by a marijuana product manufacturing facility with, **and permitted by**, a

27 current, valid registration, or a person 21 years of age or older who is acting in the

28 person's capacity as an owner, employee, or agent of a marijuana product

29 manufacturing facility, are lawful and **are** [SHALL] not **offenses** [BE AN OFFENSE]

30 under Alaska law or [BE] a basis for seizure or forfeiture of assets under Alaska law:

- 31 (1) packaging, processing, transporting, manufacturing, displaying, or

1 possessing marijuana or marijuana products;

2 (2) delivering or transferring marijuana or marijuana products to a
3 marijuana testing facility;

4 (3) receiving marijuana or marijuana products from a marijuana testing
5 facility;

6 (4) delivering or selling marijuana or marijuana products to a retail
7 marijuana store or a marijuana product manufacturing facility;

8 (5) purchasing marijuana from a marijuana cultivation facility; and

9 (6) purchasing of marijuana or marijuana products from a marijuana
10 product manufacturing facility.

11 * **Sec. 6.** AS 17.38.090 is amended by adding a new subsection to read:

12 (c) The board shall adopt regulations governing the manufacture, delivery,
13 possession, possession with intent to manufacture or deliver, use, or display of
14 marijuana concentrates. At a minimum, the regulations must include labeling and
15 packaging requirements.

16 * **Sec. 7.** AS 17.38.100 is amended by adding a new subsection to read:

17 (i) A registration issued under this section does not authorize a marijuana
18 establishment to manufacture, deliver, possess, possess with intent to manufacture or
19 deliver, or display marijuana concentrates or products containing marijuana
20 concentrates.

21 * **Sec. 8.** AS 17.38.900 is amended by adding a new paragraph to read:

22 (15) "marijuana concentrates" means an oil, liquid, or other substance
23 created by extracting cannabinoids from marijuana through the use of a solvent other
24 than water for the purpose of increasing the strength or proportion of the cannabinoids,
25 but does not include hashish or hashish oil.

26 * **Sec. 9.** AS 17.38.100(i) is repealed November 24, 2016.

27 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 TRANSITIONAL PROVISIONS: REGULATIONS. The Alcoholic Beverage Control
30 Board established in AS 04.06.010 may adopt regulations necessary to implement the changes
31 made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act),

1 but not before the effective date of the law implemented by the regulation.

2 * **Sec. 11.** Sections 1 - 5, 7, 8, and 10 of this Act take effect immediately under
3 AS 01.10.070(c).

4 * **Sec. 12.** Except as provided in sec. 11 of this Act, this Act takes effect November 24,
5 2016.