

ALASKA STATE LEGISLATURE
HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

February 24, 2015

8:02 a.m.

MEMBERS PRESENT

Representative Cathy Tilton, Chair
Representative Paul Seaton, Vice Chair
Representative Shelley Hughes
Representative Benjamin Nageak
Representative Dan Ortiz

MEMBERS ABSENT

Representative Lora Reinbold
Representative Harriet Drummond

COMMITTEE CALENDAR

HOUSE BILL NO. 75

"An Act relating to the regulation of marijuana by municipalities; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 75

SHORT TITLE: MUNI REGULATION OF MARIJUANA; ADV. BOARDS

SPONSOR(S): COMMUNITY & REGIONAL AFFAIRS

01/23/15	(H)	READ THE FIRST TIME - REFERRALS
01/23/15	(H)	CRA, JUD
02/21/15	(H)	CRA AT 10:00 AM BARNES 124
02/21/15	(H)	-- MEETING CANCELED --
02/24/15	(H)	CRA AT 8:00 AM BARNES 124

WITNESS REGISTER

HEATH HILYARD, Staff
Representative Tilton
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As staff to the House Community and Regional Affairs Standing Committee, sponsor of HB 75, presented CSHB 75, Version P.

HILARY MARTIN, Attorney
Legislative Legal Services
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: During hearing of HB 75, answered questions.

BROOKS CHANDLER
Anchorage, Alaska

POSITION STATEMENT: Characterized HB 75, [Version P], as a good start.

LUKE HOPKINS, Mayor
Fairbanks North Star Borough
Fairbanks, Alaska

POSITION STATEMENT: Expressed concerns with CSHB 75, Version P.

WENDY DOXEY, Assistant Borough Attorney
Fairbanks North Star Borough
Fairbanks, Alaska

POSITION STATEMENT: Expressed concerns with CSHB 75, Version P.

DENNIS WHEELER, Municipal Attorney
Municipality of Anchorage
Anchorage, Alaska

POSITION STATEMENT: Expressed general support for HB 75 while noting concerns.

SCOTT BLOOM, Attorney
City of Kenai
Kenai, Alaska

POSITION STATEMENT: During hearing of HB 75, related support for local options and having bright line rules.

ACTION NARRATIVE

[8:02:30 AM](#)

CHAIR CATHY TILTON called the House Community and Regional Affairs Standing Committee meeting to order at 8:02 a.m. Representatives Seaton, Hughes, Nageak, Ortiz, and Tilton were present at the call to order.

HB 75-MUNI REGULATION OF MARIJUANA; ADV. BOARDS

[8:02:57 AM](#)

CHAIR TILTON announced that the only order of business would be HOUSE BILL NO. 75, "An Act relating to the regulation of marijuana by municipalities; and providing for an effective date."

8:04:05 AM

CHAIR TILTON informed the committee that she and her staff worked closely with the municipal attorneys around the state as well as the Marijuana Policy Project to craft legislation that is responsive to both the needs of the local government while staying within the intent of the initiative sponsor.

8:04:32 AM

REPRESENTATIVE SEATON moved to adopt CSHB 75, Version 29-LS0345\P, Martin, 2/19/14, as the working document.

CHAIR TILTON objected for discussion purposes.

8:05:04 AM

HEATH HILYARD, Staff, Representative Tilton, Alaska State Legislature, noted that the committee has been provided with a sectional analysis. The non-substantive changes embodied in Version P mainly change the reference from "local government" to "municipality" as the municipal attorneys and attorneys from Legislative Legal Services believe it to be the more proper statutory reference. The non-substantive changes also include some grammatical changes that conform to the legislature's drafting standards. Mr. Hilyard then turned to the nine substantive sections of Version P. On page 1, lines 4 through page 2, line 4, Section 1 amends the definition of marijuana to conform to the language in Ballot Measure 2, AS 17.38, with a minor exception. The minor exception is the deletion of the term "salt" as it's believed to have no functional meaning. On page 2, lines 5-27, Section 2 places sideboards on the meaning of "assisting" found in AS 17.38.020(e) because municipal attorneys expressed concern with the lack of a specific definition for the term. On page 3, line 26 through page 4, line 1, Section 8 references "marijuana clubs," which is later defined in the legislation as places where people can come together to use marijuana in a nonprofit manner. Municipalities are aware that there is likely interest in establishing marijuana clubs, but they want to be able to allow or disallow them. In order to achieve the aforementioned, marijuana clubs

needs to be defined. Section 8 also starts the process for a local option election for established villages, which weren't included in the original ballot language. On page 5, lines 22-31, Section 16 there is a drafting error such that the term "shall" needs to be changed to "may". He noted that there is an amendment to that effect. The intent, he explained, is to allow municipalities, if they so choose, to create local advisory boards.

MR. HILYARD then informed the committee that on page 5, lines 28-31, Section 16, the language stipulates that all the powers are nonareawide. Therefore, a borough can adopt its own regulations, but those regulations wouldn't apply within the city limits of those cities located within the borough's boundaries. On page 6, line 1 through page 8, line 18, Section 17 sets forth the process by which an established village can hold a local option election for the prohibition or removal [of a prohibition of marijuana establishments and commercial marijuana activities within the boundary of an established village.] The aforementioned language in Section 17 essentially mirrors the Title 4 language as it pertains to alcohol. He mentioned that there was a question regarding the language "prohibit or remove" on page 8, line 15. Continuing the sectional analysis, Mr. Hilyard directed attention to page 8, lines 23-26, Section 19, which adds "marijuana club" to the definition of "marijuana establishments" that can be established under the provisions of AS 17.38. Section 20, page 8, line 27 through page 9, line 4, revises the definition of marijuana such that it's consistent with Section 1 of the legislation and Title 11. The functional effect of the aforementioned is to have one standard definition of marijuana in statute. On page 9, lines 5-13, Section 21 provides express definitions for "established village", "marijuana club", and "public place". Municipalities were concerned with regard to the definition that would be used for the term "public place", which is defined as it is in AS 11.81.900 of the criminal statutes. On page 9, line 14, Section 22 removes "local government" from the definitions section found in AS 17.38 because the term "municipality" is being used in lieu of "local governments. Section 23 provides an immediate effective date for the legislation.

[8:12:03 AM](#)

REPRESENTATIVE SEATON inquired as to the definition of "public place."

MR. HILYARD deferred to Ms. Martin.

[8:12:51 AM](#)

HILARY MARTIN, Attorney, Legislative Legal Services, Legislative Affairs Agency, informed the committee that "public place" is defined in AS 11.81.900, as follows:

(53) "public place" means a place to which the public or a substantial group of persons has access and includes highways, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, and hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence;

[8:13:32 AM](#)

CHAIR TILTON opened public testimony.

[8:13:47 AM](#)

BROOKS CHANDLER informed the committee that although he is an attorney in Anchorage with a firm that represents a number of municipalities in Alaska, he is testifying today on his own behalf. He expressed thanks to [Chair Tilton] and Mr. Hilyard for reaching out to municipal attorneys as a group. He characterized the legislation as a good start and related his support for the amendment changing "shall" to "may" [on page 5, line 25] in Version P. He opined that the change to "may" with respect to the creation of a local advisory board provides for flexibility that he felt was most appropriate over a one-size-fits-all mandate.

[8:16:19 AM](#)

LUKE HOPKINS, Mayor, Fairbanks North Star Borough, opined that the issue of "public place" is problematic for a borough form of government with cities within its jurisdiction. Last night, the City of Fairbanks passed an ordinance in which an individual is prohibited from knowingly consuming marijuana [in a public place] without the consent of the owner. The aforementioned will be difficult to enforce whether it's civil actions by a code enforcement officer in the case of the borough or by city police. Therefore, Mayor Hopkins related that he is going to propose the borough assembly prohibit the use of marijuana in situations in which the individual can be clearly viewed from a

public right-of-way, highway, or other public area. Clearly consuming marijuana [in public view] is the issue at the borough level. Therefore, he expressed concern with regard to how "public place" is defined at the state level. He pointed out that [local government] ordinances have already been passed that are more restrictive than the state's definition of "public place." Mayor Hopkins stated his desire for local municipalities to be able to adopt their rules/definitions rather than using those of the state. He expressed concern that once the state defines "public place," the municipalities won't be able to have a more restrictive definition.

[8:19:22 AM](#)

MAYOR HOPKINS then directed attention to page 5, line 30, which establishes local control as a nonareawide power, which is problematic if an areawide ordinance is more restrictive than that of the city's ordinance. In a situation in which the borough or state language is more restrictive than that of an incorporated city or home rule city, he expressed the desire for the borough or state law to be in effect. The boroughs already have zoning and taxing powers over the cities, and thus the borough could use zoning to restrict what happens across the city boundary as is the case currently. On the other hand, if the borough has a less restrictive ordinance than a city, he expressed the desire for the city's more restrictive ordinance to be in force. He then noted that he was pleased that the committee is addressing marijuana clubs.

[8:23:07 AM](#)

WENDY DOXEY, Assistant Borough Attorney, Fairbanks North Star Borough, began by directing the committee to page 2, line 24, and opined that the language doesn't add any clarity to what it means to "assist." In particular, the language [on page 2, line 25] "allowed in this section." doesn't seem to add any meaning. The borough, she related, is concerned whether there is any limit to the [amounts of marijuana] for personal use. Furthermore, the "assist" language doesn't seem to provide guidance with regard to potential proxy grows. She then turned attention to page 4, line 7, and expressed the need to insert "and criminal" following "civil". The Fairbanks North Star Borough doesn't have the power to enact and enforce criminal penalties, but the cities within the borough do and the [borough's position] is to maximize such local control. She acknowledged that since the powers granted in Title 29 aren't eliminated, the cities could be construed to still have those

powers. However, she expressed concern that if this ever goes before the court, the court could follow the canon of statutory construction that the [power] that was left out was left out on purpose. Therefore, Ms. Doxey opined that it would be safer and clearer to specify that municipalities can create civil and criminal penalties under the provision.

[8:26:26 AM](#)

REPRESENTATIVE SEATON requested Mayor Hopkins conflate the language "use in a public place" and "public view," from a municipality's standpoint.

MAYOR HOPKINS clarified that [the borough] is using the definition of "public" as specified in AS 17.38.020 and AS 17.38.040 with the addition of language referring to outdoor locations, vehicles, and other locations. Basically, the definition of "public" refers to "the consumption of marijuana is clearly observable from the foregoing public places and any location similar to those places delineated herein, notwithstanding the foregoing a location with proper licensure in place and that is in compliance with state law and regulation, borough ordinances that has licensure is not a public place in this definition." In further response to Representative Seaton, Mayor Hopkins clarified that the Fairbanks North Star Borough ordinance includes more content, such as lakes, rivers, doorways, and apartment buildings, than the definition of "public place" in AS 11.81.900(a)(53). The important aspect, he remarked, is that the marijuana use isn't viewable from a public place.

[8:30:04 AM](#)

REPRESENTATIVE HUGHES asked if Ms. Doxey had a suggestion as to how to clearly define "assisting" on page 2.

MS. DOXEY informed the committee that the borough will propose an ordinance that will define "assisting" as follows: "Assisting means, in all conjugate forms, helping another person in the act described in this chapter by providing aid or support in the performance of those acts. Assisting does not include possessing or growing that marijuana which belongs to or is owned by another person as an agent for that person."

[8:31:59 AM](#)

REPRESENTATIVE HUGHES questioned whether there needs to be written documentation assigning the assistance to an individual.

MS. DOXEY said there has been some discussion of that amongst a working group of municipal attorneys. Although some municipal attorneys view that as a solution, she wasn't sure the Fairbanks North Star Borough views it as a good solution. The borough is concerned with the potential for these proxy grows to become large. Furthermore, the personal use provision of the initiative seems to be written in a manner that allows barter exchanges of marijuana. The aforementioned coupled with the "assisting" language that allows proxies could allow enormous personal use grow operations, which would undermine the commercial license market for marijuana. The notion is that obtaining marijuana in exchange for something should be through commercial facilities, while personal use should be restricted to personal use rather than a large personal use barter market.

[8:34:13 AM](#)

REPRESENTATIVE HUGHES asked whether there was any discussion regarding limiting the number of people who could be assisted.

MS. DOXEY answered that she wasn't sure that was discussed.

[8:34:51 AM](#)

CHAIR TILTON pointed out that Ms. Doxey's language was used as a base for HB 75.

[8:35:19 AM](#)

DENNIS WHEELER, Municipal Attorney, Municipality of Anchorage, continuing the discussion about the term "assist," informed the committee that he was aware of at least one medical marijuana grow that provides assistance by growing plants for those who need medical marijuana. He predicted that model would transfer to the recreational use of marijuana if the term "assist" included being allowed to assist on behalf of others, and thus would be problematic [in this legislation]. With regard to the earlier mention of adding a provision for local governments to have criminal provisions, Mr. Wheeler opined that it's of particular importance for the [legal department] of the Municipality of Anchorage because it includes a criminal division. He anticipated that proposed legislation, SB 30 and HB 79, removing most felonies related to marijuana and replacing them with misdemeanors would increase the [municipal legal

department's] workload. He opined that to the extent possible, it would be preferable for the municipality to use its own misdemeanor code to achieve its local enforcement goals. In fact, the [legal department of the Municipality of Anchorage] has been working with the state to take on more misdemeanor work so that the state can focus on felonies. Therefore, he noted his appreciation for that issue being addressed in HB 75. With respect to the terms "public place" and "public view," Mr. Wheeler predicted that there will be differences of opinion with regard to "consumption in a public place" versus "a cultivation exposed to public view." Therefore, he suggested inserting a default clause, such as "unless otherwise defined by local ordinance, public place means," for the definitions of "public place" and "public view." The aforementioned would allow local governments to address their particular circumstances. He then noted that [municipalities] are experiencing pressure to hold marijuana events during which marijuana is both displayed and consumed. In conclusion, Mr. Wheeler related general support of HB 75.

[8:39:03 AM](#)

REPRESENTATIVE SEATON, regarding the terms "assisting" and "providing aid," said he understood the argument with regard to aiding multiple people in one facility. However, he questioned how someone aiding someone else in their own home or another facility would work.

MR. WHEELER recalled hearing a suggestion to view it similar to subsistence, personal use, or hunting such that an individual has a proxy and works to assist one individual not many individuals. Since the aforementioned may be too restrictive, he suggested that perhaps it could be used as a model. He pondered whether there isn't as much concern whether such a limitation is burdensome with the recreational use of marijuana versus medical marijuana for which there might be the desire to allow an individual to assist more than one other individual.

[8:40:38 AM](#)

REPRESENTATIVE SEATON asked whether the statute as written [differentiates] between multiple plants in one location/home versus an individual assisting in a number of different homes.

MR. WHEELER acknowledged there has been a question regarding how many plants are allowed in a household. From the municipality's perspective, he opined that "assist" means that an individual

could go to someone's house to help them with their growing, planting, or processing of marijuana but wouldn't transport or grow it for them at the [home] of the assisting individual. Mr. Wheeler opined that the aforementioned needs to be refined. In further response to Representative Seaton, Mr. Wheeler confirmed that Section 2 of the legislation doesn't clarify the aforementioned and needs more work.

[8:42:30 AM](#)

SCOTT BLOOM, Attorney, City of Kenai, stated he is very supportive of local options and opposes local mandates. Since the City of Kenai is a home rule municipality with its own police force, he expressed the desire for there to be local options for criminal enforcement. Mr. Bloom noted that he is a huge advocate for bright-line rules. To that end, he suggested a household limit for the number of plants for personal use. Such a limit would avoid the difficulties with the language "assist" that would result in law enforcement having to make determinations regarding whether the plants belong to someone else [living outside of the home] or whether they are proxy plants.

[8:44:20 AM](#)

REPRESENTATIVE SEATON inquired as to the [City of Kenai's] position on the nonareawide powers base of [Version P].

MR. BLOOM clarified that the City of Kenai would like nonareawide powers. As a home rule city, the council and residents of Kenai anticipate regulating marijuana use in the City of Kenai as opposed to relying on the borough to regulate it.

[8:45:44 AM](#)

CHAIR TILTON, upon determining no one else wished to testify, closed public testimony.

[8:46:07 AM](#)

MR. HILYARD clarified that the definition of "assist" that Ms. Doxey provided to the committee was forwarded to Legislative Legal Services for use as the base language. The resulting language on page 2, line 21, is how Legislative Legal Services interpreted that language to be included in statute. With regard to the suggestion for plant limits per household, Mr.

Hilyard related that there has been ongoing discussion with the municipal attorneys and the Marijuana Policy Project regarding that issue. Originally, there was a commitment to the initiative sponsors that to the degree possible the legislation would live within the intent of the initiative, which is why any limitation other than the six plants per adult was felt to run afoul of the original initiative. However, he noted that he recently received information from Rachelle Yeung, Marijuana Policy Project, relating that several Colorado counties are adopting plant limits per household that are more restrictive than the Colorado initiative. The Marijuana Policy Project now believes such limits are consistent with the overall intent of the initiative. Therefore, he opined there is room to perhaps allow municipalities to make decisions on their own, and thus could be included in a subsequent committee substitute.

8:49:02 AM

MR. HILYARD, in response to Representative Seaton, informed the committee that a February 21, 2015, email from Rachelle Yeung, Marijuana Policy Project, highlights that Denver County imposes a maximum of 12 plants per type of dwelling and prohibits cultivation in common dwellings. The aforementioned was more conservative than the language adopted by the voters in Colorado, but the Marijuana Policy Project found the language to be consistent with the intent of the initiative. Therefore, he surmised the committee could specify a household limit of plants in HB 75 or it could remain silent on the specificity and allow municipalities to adopt regulations on that matter.

8:51:08 AM

REPRESENTATIVE HUGHES referred to the language on page 2, lines 22-27, that specifies an individual can't possess more than six plants. She asked if that means the individual assisting others can't possess more than six plants himself/herself or can't possess more than six plants per person they are assisting.

MR. HILYARD opined that there is a lack of clarity with this definition. The intent, he explained, was to specify that an individual assigned as an agent assisting someone else can't exceed his/her own personal possession limit.

REPRESENTATIVE HUGHES surmised then that the intent is that someone who is assisting others can't exceed the amount allotted the individual person who is assisting.

MR. HILYARD replied yes.

[8:53:07 AM](#)

REPRESENTATIVE SEATON asked if on page 3, line 4, the insertion of "municipality" is appropriate since the legislation now includes established villages as an entity that can implement a local option.

MR. HILYARD answered that he didn't believe it would be applicable because an established village has no means to make or impose an ordinance or penalties since it has no formal governing structure. The local election included for established villages speaks to whether the village will or will not allow commercial marijuana operations.

[8:54:46 AM](#)

REPRESENTATIVE ORTIZ, referring to page 6, line 2, asked if the local option is always a vote of the people rather than [a vote] from a particular governmental body.

MR. HILYARD stated that AS 17.38.110 is the body of statute that deals with local control. He directed attention to the language on page 3, lines 26-31, that says an established village may prohibit the operation of marijuana establishments by a voter initiative, election.

[8:56:13 AM](#)

REPRESENTATIVE HUGHES directed attention to page 7, line 25, and related her understanding that the language allows either a local governing body or marijuana control board to help set the perimeter of an established village if there is no post office. However, the language on page 8, line 9, would allow the marijuana control board to determine the perimeter of an established village if the perimeter doesn't accurately reflect the perimeter of the established village. She inquired as to why the local governing body wouldn't be given the authority to establish the perimeter.

MR. HILYARD, based on conversations with the legislative attorney Ms. Martin, opined that the language on page 8, lines 9-13, is the presumption of the absence of a local governing body. The entirety of Section 17 of Version P is essential language that is identical to that of Title 4 relating to alcohol local option elections. The reference to "board" refers

to either the Alcoholic Beverage Control Board ("ABC Board") or a marijuana control board, if the legislature establishes one.

[8:58:49 AM](#)

REPRESENTATIVE HUGHES expressed concern with the lack of reference to a local governing body for an established village in this legislation and existing Title 4 statute. If the five-mile radius doesn't work and there is the desire to make it larger, she opined that might be something the local governing body should be able to address.

MR. HILYARD characterized that as a good point.

REPRESENTATIVE HUGHES asked if the sponsor would consider a conceptual amendment to address the aforementioned.

REPRESENTATIVE SEATON reminded the committee of the testimony it received from villages wanting to have a 25-mile buffer zone. He cautioned against using language that would allow a local option to control as much land as is locally determined and requested more definition before forwarding something like that.

REPRESENTATIVE HUGHES reiterated her question as to why a state board would be given this authority rather than a local governing body.

[9:01:38 AM](#)

CHAIR TILTON withdrew her objection. There being no further objection, Version P was adopted.

[9:01:56 AM](#)

The committee took a brief at ease.

[9:02:16 AM](#)

REPRESENTATIVE HUGHES moved that the committee adopt Amendment 1, labeled 29-LS0345\P.2, Nauman/Martin, 2/20/15, which read:

Page 5, line 25:
Delete "shall"
Insert "may"

REPRESENTATIVE SEATON objected for discussion purposes.

[9:02:42 AM](#)

REPRESENTATIVE HUGHES explained that Amendment 1 is a technical correction to reflect the language of the initiative such that municipalities "may" create a local advisory board.

[9:03:08 AM](#)

REPRESENTATIVE SEATON withdrew his objection. There being no further objection, Amendment 1 was adopted.

[9:03:25 AM](#)

REPRESENTATIVE HUGHES moved that the committee adopt Amendment 2, labeled 29-LS0345\P.1, Nauman/Martin, 2/20/15, which read:

Page 4, line 7, following "civil":
Insert "**and criminal**"

REPRESENTATIVE SEATON objected for discussion purposes.

[9:03:40 AM](#)

REPRESENTATIVE HUGHES reminded the committee that there was testimony to include "and criminal" penalties for the violation of an ordinance or regulation. The desire was to avoid any ambiguity.

[9:04:18 AM](#)

REPRESENTATIVE SEATON clarified that the change in Amendment 2 isn't criminalizing the use of marijuana but rather simply says that civil and criminal penalties can be imposed for violations to "the time, place, manner, and number of marijuana establishment operations."

[9:05:03 AM](#)

REPRESENTATIVE SEATON withdrew his objection. There being no further objection, Amendment 2 was adopted.

[9:05:20 AM](#)

REPRESENTATIVE SEATON related his belief that it would be much clearer for enforcement purposes if there was a specific number of plants per household rather than having the "assisting" language. He suggested that the [limit on the number of plants

in a household] shouldn't be more than the number of adults in the household. In fact, he said he would support the limit being no more than two personal use limits, 12 plants, per household. The "assisting," he opined, would occur in other establishments or other people's homes, which would eliminate the concern with assisting multiple people in one household beyond the personal limit. He expressed concern with the personal limit being set at six plants even if there are four people in the home. He concluded by encouraging consideration of the aforementioned.

[9:07:43 AM](#)

REPRESENTATIVE ORTIZ noted his support of Representative Seaton's comments. He then asked if Mr. Hilyard had received any feedback from Alaska's initiative sponsors regarding a household limit.

MR. HILYARD responded that he hasn't had a specific discussion [regarding a household limit] with Dr. Tim Hinterberger, who is the chair of Alaska's Campaign to Regulate Marijuana Like Alcohol. However, he reiterated that he did have the conversation with Ms. Yeung, who is the policy and legal counsel for the Campaign to Regulate Marijuana Like Alcohol and found [the household limit] to be consistent [with the campaign].

[9:08:56 AM](#)

REPRESENTATIVE SEATON opined that using the language "view from a public place" could be problematic, and thus he expressed the need for the committee to give more thought to such a large extension of the prohibition against consuming in a public place without using the public option. He predicted that the aforementioned extension could result in conflicting regulations.

[9:11:14 AM](#)

REPRESENTATIVE ORTIZ asked if the Alaska State Troopers have offered their view of this issue with local control in terms of enforcement. Representative Ortiz said that although he supports local control, he could foresee problems with enforcement of rules that vary dependent upon location.

MR. HILYARD answered that he has had no conversations with the Alaska State Troopers, Department of Public Safety, regarding this legislation, in part, because HB 75 is trying not to delve

too far into criminal aspects. However, he acknowledged the concerns with enforcement. He noted that some policy questions were not included in the legislation, in part, so that the committee could make determinations as to where the legislation will head.

[9:13:58 AM](#)

REPRESENTATIVE HUGHES, returning to the concept of "public place" and [consuming in public view], remarked that she is thinking in terms of protecting children. She opined that it's better to start with tighter [laws] and then open them up if necessary. She further opined that at first blush she is more supportive of including the where observable language in order to protect children, particularly when one looks at how alcohol has been treated.

[9:15:50 AM](#)

REPRESENTATIVE SEATON pointed out that the definition of marijuana in HB 75 doesn't exclude agricultural hemp, which is cannabis. Therefore, agricultural hemp needs to be addressed because every farm is viewable from a public place.

MR. HILYARD related his understanding that the functional intent of the language on page 1, lines 12-13, which read "does not include fiber produced from the stalks, oil or cake made from the seeds of the plant", was to not include industrial hemp as part of the proper definition of marijuana.

[9:17:42 AM](#)

MR. HILYARD reiterated that the legislation was drafted to fall within the intent of the initiative sponsors, and thus is based on the Campaign to Regulate Marijuana Like Alcohol. Therefore, a prohibition against consuming marijuana within public view wasn't addressed as there's no such prohibition with alcohol. Again, there are policy discussions for which the committee needs to provide direction.

[9:18:21 AM](#)

REPRESENTATIVE SEATON pointed out that the language on page 1, lines 12-14, doesn't include the growing of industrial hemp, agriculture. If the intent is to exclude industrial hemp, it needs to be addressed in the legislation, he indicated.

9:19:36 AM

CHAIR TILTON announced that HB 75 would be held over.

9:20:13 AM

ADJOURNMENT

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 9:20 a.m.