

ALASKA STATE LEGISLATURE
HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

March 3, 2015

8:10 a.m.

MEMBERS PRESENT

Representative Cathy Tilton, Chair
Representative Paul Seaton, Vice Chair
Representative Shelley Hughes
Representative Benjamin Nageak
Representative Lora Reinbold
Representative Harriet Drummond
Representative Dan Ortiz

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 75

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

- MOVED CSHB 75(CRA) OUT OF COMMITTEE

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
02/24/15	(H)	Heard & Held
02/24/15	(H)	MINUTE(CRA)
03/03/15	(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, explained the changes embodied in CSHB 75, Version I.

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

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

RACHELLE YEUNG, Legislative Analyst
Marijuana Policy Project
Washington, D.C.

POSITION STATEMENT: Testified that the Marijuana Policy Project (MPP) is neutral on HB 75.

LUKE HOPKINS, Mayor
Fairbanks North Star Borough
Fairbanks, Alaska

POSITION STATEMENT: During hearing of HB 75, encouraged consideration of a six plant per household limit.

ACTION NARRATIVE

[8:10:02 AM](#)

CHAIR CATHY TILTON called the House Community and Regional Affairs Standing Committee meeting to order at 8:10 a.m. Representatives Nageak, Reinbold, Ortiz, Drummond, Seaton, Hughes, and Tilton were present at the call to order.

HB 75-MUNI REGULATION OF MARIJUANA; ADV. BOARDS

[8:10:41 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."

[8:11:32 AM](#)

REPRESENTATIVE SEATON moved to adopt CSHB 75, Version 29-LS0345\I, Nauman/Martin, 2/27/15, as the working document.

CHAIR TILTON objected for discussion purposes.

[8:11:53 AM](#)

HEATH HILYARD, Staff, Representative Tilton, Alaska State Legislature, noted that the committee has been provided with a revised sectional analysis. Of the number of changes embodied in Version I, he highlighted a change of particular policy import located on page 2, lines 5-29, which establishes a maximum household plant limit of 12 plants in a household with two or more adults residing in the home. He then directed attention to page 3, lines 7-15, which contains language conforming to Title 4 provisions regarding the board and notification requirements to municipalities when issuing registrations for commercial marijuana establishments. The language on page 3, line 24 through page 5, line 15, contains language that is substantially similar to that in Title 4 regarding alcohol. The language, he specified, provides for a notification and protest process for municipalities regarding the issuance of registrations for commercial marijuana establishments within a municipality's boundaries. The aforementioned changes, he noted, were made largely in response to the requests of various municipalities. He then pointed out that the previously adopted amendments to insert the term "criminal" with regard to penalties can be found on page 5, line 28, and the language change from "shall" to "may" is located on page 7, line 16.

[8:14:09 AM](#)

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

[8:14:26 AM](#)

REPRESENTATIVE ORTIZ asked whether the language in Version I specifying a maximum household limit of 12 plants would meet the [initiative] requirements allowing each individual to have 6 plants.

[8:15:40 AM](#)

HILARY MARTIN, Attorney, Legislative Legal Services, Legislative Affairs Agency, offered that a household limit of 12 plants in a household with two or more adults over the age of 21 runs into

an equal protection challenge. Ms. Martin said that it's unclear how the court would decide such a situation. However, she pointed out that in Ravin V. State [537 P.2d 494 (Alaska 1975)], the court held that a fairly high privacy interest was implicated.

[8:16:53 AM](#)

REPRESENTATIVE SEATON asked whether the establishment of a [household limit] is reasonable from the perspective that a certain amount of plants in a house could be presumed to be at the level of commercial use.

MS. MARTIN confirmed that is one issue the court will consider. In Ravin and Noy v. State [83 P.3rd 538 (Alaska App 2003)] the court has said that at some point there is an amount of possession that is indicative of sale. In Noy the court established that four ounces of personal possession is acceptable and not indicative of sale, but the court didn't go beyond that. Therefore, it's unclear, she opined, as to how the court will weigh the various interests.

[8:19:20 AM](#)

RACHELLE YEUNG, Legislative Analyst Marijuana Policy Project, related that the Marijuana Policy Project is neutral on HB 75 and noted appreciation of the committee's desire to respect the will of the voters as well as the diligence to check in with the committee on the drafting of the legislation. However, she said MPP has some concerns and recommends a few remaining revisions. With regard to the 12 plant household limit, she pointed out that the initiative allows each individual age 21 or older to possess six plants with no household cap. Although MPP understands the need for municipalities to clarify their ability to enforce the possession limit in households in which two or more adults may reside. Given that Colorado's ballot initiative language was very similar to the personal protection language in Alaska's initiative, MPP has used Colorado's experience as guidance. In Colorado, several local governments have imposed household limits similar to those proposed in HB 75 without any legal challenge thus far. Since a challenge could be brought forward in the future, she said MPP couldn't say definitively whether [a household limit] would be consistent with Alaska's ballot initiative. However, she highlighted that in Colorado there is no statewide household limit and deference is given to municipalities in terms of what is appropriate for their communities. Ms. Yeung pointed out that it's quite common for

families to include three or more adults residing in the same location, such that there could be two parents and an adult child. Therefore, if there is going to be a household limit, MPP strongly encourages, at a minimum, an 18 plant household limit rather than 12 plant household limit. Regarding the addition in Section 9 of HB 75 providing municipalities the ability to impose criminal penalties for a violation of an ordinance, it wasn't the intent of the drafters of the law from the initiative to allow municipalities to impose criminal penalties. The desire, rather, was to limit any violation of regulations governing time, place, and manner of a marijuana establishment to a civil fine. However, she related her understanding that there may be an opinion coming from Legislative Legal Services explaining that existing statute providing municipalities with the authority to impose criminal penalties may override this particular provision of the initiative. Ms. Yeung said MPP would like to review the aforementioned opinion before stating a formal position on that matter. She then directed attention to the new provision under Section 7 relating to the municipal protest and review process. The MPP, she related, does concur that it would be more efficient and convenient for marijuana registration/licensure processes to mirror existing alcohol licensing processes. Ms. Yeung clarified that MPP does not oppose the addition of the new provision so long as it complies with the application period specified in Ballot Measure 2, does not raise costs, or otherwise conflict with Ballot Measure 2. As specified in AS 17.38.100(b) of Ballot Measure 2, the state regulatory board must accept or reject an annual registration within 90 days of receiving an application. Therefore, MPP has no objection to the additional provision so long as the alcohol licensing protest and review process doesn't exceed the timeline beyond the 90 days. She then turned attention to the addition of several new sections relating to the exercise of the local option to prohibit marijuana establishments for established villages. Although the new sections are a fairly typical process as laid out for other voter initiatives with regard to established villages, she pointed out that under Ballot Measure 2 municipalities are allowed to prohibit certain types of marijuana establishments while allowing others. The initiative lays out four different types of marijuana establishments, including marijuana cultivation facilities, product manufacturing facilities, testing facilities, and retail stores. Ms. Yeung expressed the need [for the language] to be clear that established villages have the option to opt out of any one, all four, or none of the aforementioned types of marijuana establishments.

8:26:17 AM

REPRESENTATIVE ORTIZ inquired as to the reasoning behind MPP supporting a household limit of 18 plants versus 12 plants versus 24 plants.

MS. YEUNG reiterated that households with three adults are fairly common, particularly when one considers a household with two adult parents and an adult child or the child of a parent over the age of 21 all residing in the same household. The MPP feels that an 18 plant cap would be more reasonable, she stated.

8:27:25 AM

REPRESENTATIVE REINBOLD, referring to an article entitled "How Much Cannabis Can I Yield Per Plant?" from the blog "I Love Growing Marijuana," related her understanding that one of the keys to growing marijuana is the strength of the light. She then related her understanding that over the course of a year three flowering plants and three immature plants could produce about 18 ounces of marijuana, which is about 1,000 joints with a street value of about \$5,000. In a situation with the same number of plants under larger grow lights, over the course of a year those plants could produce about 216 ounces, which is over 12,000 joints with a street value of \$60,000. However, in a situation in which there are 12 plants of which six are flowering [and six are immature], [over the course of a year] the plants can yield approximately 432 ounces or 16 joints per day. Representative Reinbold expressed concern with how much 12 plants can yield as it's an opportunity for individuals to produce more than for personal use. Therefore, she questioned at what point the number of plants per household would move from an amount for personal use to an amount for commercial use.

8:29:29 AM

REPRESENTATIVE HUGHES expressed concern with the numbers presented by Representative Reinbold, particularly in conjunction with MPP's proposal for a household limit of 18 plants. She then directed attention to information in the committee packet specifying that one ounce of marijuana is equal to approximately 5.6 gallons of beer. She then pointed out that state law specifies that an individual is only allowed to brew 100 gallons per year per person with a maximum of 200 gallons per year per household. Therefore, if the goal is to regulate marijuana like alcohol, calculations reveal that one person at

the low end of production [with six plants] could grow 1.5 pounds of marijuana in one year, which at the low end is equivalent to 101 gallons of beer up to 1,215 gallons of beer. Calculations for 12 plants result in marijuana amounts equivalent to 202 gallons of beer up to 2,040 gallons of beer. The aforementioned calculations, she said, result in the low end of marijuana production for 12 plants reaching the equivalent of the household limit for beer. Representative Hughes clarified that a household limit of 12 plants results in a low end amount of marijuana production that is slightly more than the allowance for [home brew] beer. Therefore, Representative Hughes opined that the household limit shouldn't exceed 12 plants, particularly in terms of the precedent set by the [home brew] of alcohol standard.

[8:32:54 AM](#)

REPRESENTATIVE ORTIZ asked in what way is marijuana equivalent to alcohol under Representative Hughes' comparison.

REPRESENTATIVE HUGHES deferred to Mr. Hilyard.

MR. HILYARD referred to the document in the committee packet entitled "100 questions about legal marijuana: Your go-to source for Colorado info." The document relates the following:

Researchers have calculated that the average joint has slightly less than a half gram of marijuana. (Yes, this is actually something that people with Ph.D.s did.) An ounce is slightly more than 28 grams. So one ounce will get you close to 60 joints. In alcohol terms, it's a keg of pot.

MR. HILYARD noted that he couldn't speak about the correlation in terms of toxicity. However, in trying to regulate marijuana like alcohol, he sought some type of conversion albeit largely for illustrative purposes. He pointed out that since the federal government already restricts the amount of alcohol brewed at home and not for commercial purposes, he used that restriction to calculate what that amount of marijuana would look like. He acknowledged that these aren't hard science numbers, but noted it's the best available information that could be provided to the committee at the time. He then pointed out that the committee packet contains a document entitled "Keg Sizes and Gallons per Size."

[8:35:31 AM](#)

REPRESENTATIVE REINBOLD clarified that she was trying to point out that the maximum yield of the 12 plants in a household of four would yield 16 joints per day per person.

[8:36:03 AM](#)

REPRESENTATIVE HUGHES acknowledged that a municipality can choose to be stricter than the state law. Therefore, if the state law specifies a household limit of 12 plants, she asked whether a municipality would be able to implement a lower household limit of plants.

MS. MARTIN answered that generally a municipality does have that power. However, since the initiative has slightly ambiguous language regarding the powers of municipalities, she said she didn't specifically know if that would be true in this case.

REPRESENTATIVE HUGHES remarked that it would be good to hear from municipal attorneys on that point.

CHAIR TILTON noted that the legislation has a referral to the House Judiciary Standing Committee, where the aforementioned could be addressed.

[8:38:10 AM](#)

REPRESENTATIVE SEATON recalled that the municipal attorney in Kenai requested a maximum number of plants per household so that enforcement would be clearer for the residents and law enforcement of Alaska. The aforementioned arose due to the ambiguity surrounding the definition of the amount of plants per person.

[8:40:09 AM](#)

REPRESENTATIVE NAGEAK opined that alcohol and drugs produce two different effects. For example, he said he has never seen a stoned person abuse his/her family or drink away the money for food. When one is high on marijuana, one only wants to eat. Representative Nageak further opined that alcohol and the effects of alcohol to people are much worse than marijuana and the effect of marijuana to people. He said alcohol and marijuana can't be discussed in the same manner because the two are completely different.

[8:41:58 AM](#)

CHAIR TILTON noted that the correlation between marijuana and alcohol was made because the initiative specifies regulating marijuana like alcohol. With regard to the discussion about limiting the number of plants per household, Chair Tilton clarified that the discussion wasn't referring to the toxicity in the plants but rather about protecting the revenue that would come to the state.

[8:42:34 AM](#)

REPRESENTATIVE SEATON directed attention to the language on page 5, line 16, which provides the option to prohibit marijuana cultivation facilities, manufacturing facilities, testing facilities, retail facilities, or marijuana clubs. The legislation, he pointed out, establishes an additional license or registration type that was not included in the initiative.

MS. YEUNG responded with her belief that the MPP or the campaign has a formal position regarding marijuana clubs. Although she said she didn't believe it would be inconsistent with Ballot Measure 2, she offered to provide the committee with more detailed information later.

[8:45:01 AM](#)

CHAIR TILTON asked whether marijuana today is considerably more potent than in the past.

MS. YEUNG said she doesn't have hard facts on that, although she acknowledged that it's a common claim by some, including the media. However, she informed the committee that much of the marijuana tested in the past and used for the potency of marijuana was much weaker than what may have been consumed by regular marijuana users. Furthermore, much of the potency testing in the past decade was based on federally produced marijuana, which is known to have very, very low potency to the point of being ineffective treating medical illness in a lot of cases. Therefore, it may not be an accurate comparison. Potency within marijuana does vary, but in the regulated market consumers will be able to see the potency through the testing.

CHAIR TILTON recalled reading that today's marijuana is six times more potent than that of the 1970s.

MS. YEUNG said she has heard that claim, but said she couldn't speak to its accuracy.

8:47:09 AM

LUKE HOPKINS, Mayor, Fairbanks North Star Borough, directed attention to the language on page 2 referring to the household limit of 12 marijuana plants. He questioned the appropriateness of having that much marijuana available, particularly when under modern growing techniques [for growing inside] one plant has been found to yield up to a pound. Therefore, he urged the committee to consider a six plant per household limit. He then pointed out that the statute from the initiative does not specify that marijuana has to be treated like alcohol, and thus it can be treated differently. For the purposes of marijuana, which remains a classified drug under federal law, he opined that the state should proceed in a conservative manner, which he indicated his constituency supports as well. Mayor Hopkins then characterized the components in Section 8 on page 5, lines 17-22, as good components. Allowing the local government to determine how many marijuana clubs are allowed in an area is very important, he opined. In fact, the Fairbanks North Star Borough administration is going before the planning commission to discuss the zoning aspect because the borough has sensitive receptors and federal sensitive receptors. He noted his appreciation of the addition of the term "criminal" on page 5, line 28, as the borough and the cities don't want to be excluded from that authority. Although the two existing cities have police forces and don't intend to apply those criminal aspects, the ability to have the authority is important. Mayor Hopkins related that the assistant borough attorney for Fairbanks holds the understanding that the borough can have a more restrictive household limit than that of the state.

8:54:37 AM

REPRESENTATIVE HUGHES asked if there is concern with regard to the excess marijuana that would be produced with a 12 plant limit and whether that excess would create a potential new black market.

MAYOR HOPKINS confirmed that he has such concerns. He related that he has information stating that many more than 16 joints can be produced per plant. He acknowledged that bartering will occur but opined that if the commercial aspect of marijuana production can reach the right price, it could squeeze out the black market. Therefore, he reiterated the appropriateness of a [household limit] of six plants.

[8:57:19 AM](#)

CHAIR TILTON clarified that Representative Reinbold's conversion calculations were based on 12 plants.

REPRESENTATIVE REINBOLD further clarified that her conversion calculations found that 12 marijuana plants in a household with four people would produce 16 joints per day per person.

[8:57:52 AM](#)

REPRESENTATIVE SEATON referred to the last paragraph of a February 26, 2015, memorandum from Legislative Legal Services, which read:

Section 41.61.030(h) provides that a marijuana cultivation facility¹ that fails to pay taxes to the state *may* have its registration to operate "revoked in accordance with procedures established under [sec.] 1738.090(a)(1)." This subsection does not limit the board's authority, or a local government's authority, to adopt regulations that provide for marijuana establishments' registrations to be revoked for other causes.

REPRESENTATIVE SEATON explained that the language of the initiative that established the ability to revoke a cultivation facility due to failure to pay taxes was viewed as limiting. From that language there was the belief that the only reason a license or registration could be revoked was for failure to pay taxes. However, Legislative Legal Services interprets the language as not limiting the ability to revoke for other reasons.

[8:59:32 AM](#)

REPRESENTATIVE HUGHES asked if there have been any discussions with local fire departments regarding marijuana clubs in the case of a fire. She opined that it would seem necessary for employees not to use marijuana at the marijuana club.

MAYOR HOPKINS responded that he wasn't aware of specific discussions on that issue. However, there have been discussions with regard to fire departments' concerns with the extraction methods. Mayor Hopkins likened [a fire in a marijuana club] to a fire in a bar with a lot of less than fully aware individuals with regard to fire exits.

REPRESENTATIVE HUGHES opined that it's a discussion that needs to occur.

[9:02:23 AM](#)

REPRESENTATIVE SEATON moved that the committee adopt Conceptual Amendment 1, labeled 29-LS0345\P.5, Martin, 2/27/15, as follows:

Page 9, line 13:

Delete all material and insert:

"(17) "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; "public place" does not include a marijuana club."

REPRESENTATIVE SEATON pointed out that Conceptual Amendment 1 was drafted to Version P, and for Version I should be inserted on page 11, line 4.

CHAIR TILTON objected for discussion purposes.

[9:03:13 AM](#)

REPRESENTATIVE SEATON explained that under Conceptual Amendment 1 the definition of "public place" is the same, except for the addition of the language specifying that a "public place" does not include a marijuana club.

[9:04:05 AM](#)

REPRESENTATIVE REINBOLD expressed interest in adding the language "but not limited to" following the term "includes" in Conceptual Amendment 1.

REPRESENTATIVE SEATON explained that the language Representative Reinbold is amending is the current legal definition of "public place." He then related his understanding that when Legislative Legal Services uses the term "includes" it interprets it as "includes but not limited to."

REPRESENTATIVE REINBOLD expressed concern that the definition of "public place" is a small list of public places. For instance, churches aren't included in the list of a public place.

MS. MARTIN explained that a provision in Alaska statute specifies that when the term "including" is used it means "but not limited to." Generally, the language "including but not limited to" is not used because it's already implied through the general statute that applies.

REPRESENTATIVE REINBOLD interjected that if that's the case, then she definitely wanted to include the language "but not limited to" as it would add a tiny bit of clarity.

[9:06:39 AM](#)

The committee took an at ease from 9:06 a.m. to 9:09 a.m.

[9:09:15 AM](#)

REPRESENTATIVE REINBOLD moved that the committee adopt an amendment to Conceptual Amendment 1, such that in Conceptual Amendment 1 following the term "includes" the language "but not limited to" would be inserted. There being no objection, the amendment to Conceptual Amendment 1 was adopted.

[9:10:39 AM](#)

[CHAIR TILTON treated her objection to Conceptual Amendment 1 as withdrawn.]

There being no further objection, Conceptual Amendment 1, as amended, was adopted.

[9:10:52 AM](#)

REPRESENTATIVE SEATON moved that the committee adopt Amendment 2, labeled 29-LS0345\P.6, Martin, 3/2/15, with changes to insert in Version I, as follows:

Page 11, line 2, following "by":
Insert "paying"

CHAIR TILTON objected for discussion purposes.

[9:12:02 AM](#)

REPRESENTATIVE SEATON explained that the notion is to have enough of a definition for a marijuana club such that it's not confused with a public place. Therefore, the club membership [offers more definition] rather than a weakening of the term "public place."

[9:13:02 AM](#)

REPRESENTATIVE HUGHES surmised that the committee is envisioning a marijuana club as an established physical location that is a club to which members would pay a membership. However, she questioned whether there is the potential for a marijuana club to be a paying group that could move around to different locations. She then noticed that the language refers to "registered premises," and asked if that addresses the concern.

REPRESENTATIVE SEATON clarified that the language "on the registered premises and whose members are 21 years of age or older" is included in order to avoid situations to which Representative Hughes is referring.

[9:14:50 AM](#)

The committee took an at ease from 9:14 a.m. to 9:17 a.m.

[9:17:17 AM](#)

REPRESENTATIVE SEATON further clarified that Amendment 2 ensures that a marijuana club has to have a license or registered premises so that there is official recognition that this is a location for which its members have to be 21 years or older and are paying members of the club. Amendment 2 addresses the request for folks to legally consume marijuana in a location other than their own home while maintaining some control over it as previously explained. He noted, however, that since a marijuana club is a separate designation, a local government may allow or disallow such an establishment even if other uses of marijuana are allowed.

[9:18:41 AM](#)

REPRESENTATIVE HUGHES asked whether language stating those under 21 aren't permitted to be on the premises should be included as it's not that clear in the definition. She then inquired how including the term "paying" provides a better sideboard in a scenario in which a wealthy individual opens a marijuana club and covers the cost of membership for people. Furthermore, she

questioned whether under the proposed language children wouldn't be allowed on the premises [of a marijuana club]. Representative Hughes clarified that the language doesn't specify that those under the age of 21 couldn't be in a marijuana club.

REPRESENTATIVE SEATON deferred to Ms. Martin.

CHAIR TILTON noted that Ms. Martin wasn't available for comment at this time.

[9:21:29 AM](#)

REPRESENTATIVE HUGHES asked if HB 75 is the only legislation that has a definition for a marijuana club.

MR. HILYARD answered that to his knowledge at this time, HB 75 is the only bill that refers specifically to marijuana clubs. The language referring to marijuana clubs was included at the request of a number of municipalities, including the City and Borough of Juneau, so that the municipalities could determine whether to allow or disallow such a facility at the municipal level. The municipalities needed the legislature to act in order for the municipalities to be able to make the choice.

[9:22:32 AM](#)

REPRESENTATIVE HUGHES requested comment from Legislative Legal Services as to whether the proposed language would cover prohibiting children from being on the premises or whether it would need to be added, or whether the control board could do that by regulation.

[9:22:56 AM](#)

REPRESENTATIVE SEATON moved that the committee adopt Conceptual Amendment 1 to Amendment 2, as follows:

Page 11, line 3, following "older":

Insert "and does not children under age of 21 on premises while marijuana is being consumed"

CHAIR TILTON objected for discussion purposes.

[9:23:45 AM](#)

REPRESENTATIVE REINBOLD suggested that the language "while marijuana is being consumed" in Conceptual Amendment 1 to Amendment 2 could be deleted. She opined that the intention of the initiative was not to allow children in a marijuana club.

REPRESENTATIVE SEATON reminded the committee that it's a conceptual amendment. He pointed out that there could be situations in which a facility [registered/licensed] as a marijuana club could be used at other times for other activities. He expressed his intent [with the amendment] was to ensure that children wouldn't be around when marijuana is consumed. He indicated that he wasn't sure about [inserting language] that would [disallow] the use of a licensed establishment for other purposes.

REPRESENTATIVE REINBOLD then suggested that the language should include "under 21 during hours of operation".

REPRESENTATIVE HUGHES pointed out that even when a child is not in a marijuana club when marijuana is being consumed or during its hours of operation, children could see the paraphernalia. Therefore, she expressed the need for a requirement that outside of the hours of operation when a child is present, the paraphernalia has to be put away out of view.

[9:26:27 AM](#)

REPRESENTATIVE SEATON withdrew Conceptual Amendment 1 to Amendment 2.

CHAIR TILTON announced that Amendment 2 is now before the committee. She noted that the House Judiciary Standing Committee could address this aspect.

[9:27:06 AM](#)

REPRESENTATIVE HUGHES suggested that language could be inserted relating that children wouldn't be allowed on the premises during hours of operation if the facility is used for other activities when marijuana is not being consumed, that the products and paraphernalia related to marijuana be out of public view.

[9:28:02 AM](#)

REPRESENTATIVE DRUMMOND inquired as to how alcohol laws deal with this matter. Drawing from her time on the Anchorage

Assembly, she recalled a situation in which there was a question as to whether paid professional musicians over the age of 18 but under age 21 could perform in bar where liquor was being consumed. She opined that the House Judiciary Standing Committee should address this issue. She then expressed concern with cleaning crews of such facilities that might have an employee under the age of 21. Although she surmised that at some point how a club operates will have to be addressed, she wasn't sure it was under the purview of this committee.

[9:29:16 AM](#)

REPRESENTATIVE REINBOLD announced her support for Representative Hughes' suggested language as it's the committee's job to protect children and ensure public safety.

[9:29:51 AM](#)

The committee took an at ease from 9:29 a.m. to 9:32 a.m.

[9:32:24 AM](#)

REPRESENTATIVE HUGHES moved Conceptual Amendment 2 to Amendment 2, as follows:

Page 11, line 3, following "older":

Insert "children would not be permitted on the premises during hours of operation and if the facility is used outside that activity for other purposes that the marijuana related products and paraphernalia be put out of public view for under age 21"

CHAIR TILTON objected for discussion purposes.

REPRESENTATIVE HUGHES expressed the importance of adding this language to protect children, although she acknowledged that the language may need more work.

[9:33:46 AM](#)

CHAIR TILTON withdrew her objection. There being no further objection, Conceptual Amendment 2 to Amendment 2 was adopted.

[9:34:16 AM](#)

REPRESENTATIVE HUGHES inquired as to the sidebars of the term "paying" being inserted by Conceptual Amendment 2, as amended.

REPRESENTATIVE SEATON explained that the idea behind Conceptual Amendment 2, as amended, is that a paying membership is a more defined actual club. He noted that there are lots of examples of social clubs with paying memberships and the desire with the amendment was to define it more narrowly and allow local jurisdictions to define it within their own licensing requirements. The paying membership assumes that the membership is paid by the member, and thus he said he didn't believe an open area for which one individual paid [for all members] would be considered a paid membership.

[9:36:20 AM](#)

CHAIR TILTON [withdrew her objection] and announced that Amendment 2, as amended, was adopted.

[9:36:36 AM](#)

REPRESENTATIVE SEATON moved that the committee adopt Amendment 3, I.1, which read:

Page 2, line 29, following "section":

Insert "i

(C) growing marijuana plants for another person in a place other than that other person's residence"

CHAIR TILTON objected for discussion purposes.

[9:37:03 AM](#)

REPRESENTATIVE SEATON explained that Amendment 3 means that an individual couldn't grow plants in his/her house for others in the community. An individual could assist another person so long as the plants are located in the residence of the person being assisted.

[9:38:24 AM](#)

REPRESENTATIVE HUGHES inquired as to whether the definition of "residence" includes the entire property of the individual being assisted or does it have to be in the dwelling.

REPRESENTATIVE SEATON presumed that the definition of "residence" would include the property of the house. However, he reminded the committee that there are restrictions about

growing marijuana plants in public view or in view from a public place. In some circumstances, [the growing would be restricted] to being done indoors. Amendment 3, he stated, strictly prohibits an individual from growing marijuana plants for someone else other than at the other person's residence.

[9:39:13 AM](#)

REPRESENTATIVE HUGHES inquired as to whether [the initiative includes] any prohibitions against marijuana being grown outside in a yard or in a greenhouse.

REPRESENTATIVE SEATON said he could only recall that an individual can't grow marijuana beside a park, even if the individual owns the backyard. He opined that the aforementioned is included in other legislation moving through the legislature. The purpose of Amendment 3, he specified, is to avoid large grow operations for multiple people from other places.

REPRESENTATIVE HUGHES said she appreciated and agreed with the intent, but questioned whether it's allowable for someone who is growing marijuana for medical purposes to do so in a green house.

REPRESENTATIVE DRUMMOND directed attention to the language on page 11, line 5, which says "(18) "residence" means a single dwelling unit." She then recalled that marijuana grown in a backyard can't be visible, even from the air. She agreed with Representative Seaton that whether marijuana can be grown in a backyard is addressed [in other proposed legislation].

[9:42:23 AM](#)

CHAIR TILTON withdrew her objection. There being no further objection, Amendment 3 was adopted.

[9:43:05 AM](#)

REPRESENTATIVE SEATON moved to report CSHB 75, Version 29-LS0345\I, Nauman/Martin, 2/27/15, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 75(CRA) was reported from the House Community and Regional Affairs Standing Committee.

[9:43:44 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 9:43 a.m.