

SENATE FINANCE COMMITTEE

March 5, 2015

9:03 a.m.

[9:03:13 AM](#)

CALL TO ORDER

Co-Chair MacKinnon called the Senate Finance Committee meeting to order at 9:03 a.m.

MEMBERS PRESENT

Senator Anna MacKinnon, Co-Chair
Senator Pete Kelly, Co-Chair
Senator Peter Micciche, Vice-Chair
Senator Click Bishop
Senator Mike Dunleavy
Senator Donny Olson

MEMBERS ABSENT

Senator Lyman Hoffman

ALSO PRESENT

Jordan Shilling, Staff, Senator John Coghill; Chuck Kopp, Staff, Senator Peter Micciche; Richard Svobodny, Deputy Attorney General, Criminal Division, Department of Law; Kaci Schroeder, Assistant Attorney General, Criminal Division, Department of Law; Nancy Meade, General Counsel, Alaska Court System.

PRESENT VIA TELECONFERENCE

Quinlan Steiner, Director, Public Defender Agency, Department of Administration; Dennis Casanovas, Major, Alaska State Troopers, Department of Public Safety.

SUMMARY

SB 30 MARIJUANA REG;CONT. SUBST;CRIMES;DEFENSES

SB 30 was HEARD and HELD in committee for further consideration.

#sb30

SENATE BILL NO. 30

"An Act relating to controlled substances; relating to marijuana; relating to driving motor vehicles when there is an open marijuana container; and providing for an effective date."

9:04:30 AM

JORDAN SHILLING, STAFF, SENATOR JOHN COGHILL, continued to discuss the Sectional Analysis for bill version F (copy on file). He began with Section 53: Definitions.

Establishes the definition for "marijuana" as defined in the ballot initiative.

Co-Chair MacKinnon shared that there was some concern regarding the Tetrahydrocannabinol (THC) content in various types of marijuana, and the THC content level in a marijuana leaf versus extract. She remarked that there may be a difference between a substance definition versus a scientific definition of marijuana. She asked for more information about discussion of the definition of marijuana. Mr. Shilling replied with an explanation of the definition and how it was constructed. He stated that the current definition of marijuana included concentrates that were not traditionally "marijuana." It included more than the plant material. The current definition included hash, hash oil, and other extracts. He stated that one could possess up to one ounce of hash, under the current definition. He remarked that content of THC was not equitable within the current definition. He shared that there were some conversations in the Senate Judiciary Committee that removed some words from the definition. He noted that the word "salt" was removed from the voter approved definition. There was some question about the makeup of a "marijuana salt." The initiative sponsors shared that they did not understand why the definition included "marijuana salt", because they could not identify a "marijuana salt." He looked at line 21, and shared that there was discussion regarding a comma following the word, "oil." He stated that there was some contention about whether the comma would inadvertently exclude "marijuana concentrate oil", rather than oil derived from the stock of the plant. He stated that Mr. Kopp could further explain the impact of the comma.

Co-Chair MacKinnon looked at page 37, line 31 of the bill. She shared that the comma was currently litigated in Colorado. She asked for further explanation regarding the punctuation and grammar.

CHUCK KOPP, STAFF, SENATOR PETER MICCICHE, explained that if the comma, it would speak specifically to the oil or cake from the seeds of the plant. If the comma remained, it spoke to oil standing alone that could come from any part of the plant. The oil could be potent, depending on where on the plant it was derived.

Co-Chair Kelly wondered if it was safer or less safe for children to keep the comma in the legislation. He wondered if there would be more or fewer concentrates in the state. Mr. Kopp replied that removal of the comma gave the state better authority to regulate the plant on its various degrees of potency.

Co-Chair MacKinnon surmised that opposition to the distribution of a THC or marijuana product via an oil conducted from the substance also reflected opposition to removing the comma. Mr. Kopp agreed.

[9:10:57 AM](#)

AT EASE

[9:12:32 AM](#)

RECONVENED

[9:12:38 AM](#)

Co-Chair MacKinnon stated that the Department of Law would be available to discuss the comma at a later date.

Mr. Shilling looked at Section 54:

Defines "criminal negligence", "deliver", "established village", "knowingly", "manufacture", "marijuana concentrate", "public place" and "usable marijuana."

Co-Chair MacKinnon looked at page 38 line 13, and asked for more information about "public place." She recalled a question from Senator Dunleavy regarding the federal description of "public place", and whether the consumption or use of marijuana inside a federal park would be inconsistent with Alaska state law. Mr. Shilling deferred

to the Department of Law. He opined that the federal land would fall under federal law.

Mr. Kopp furthered that there weapons laws and knife laws were deferred to the state from the federal government. He stated that someone from the large land-holding entities should speak to the issue of marijuana use on their lands.

Vice-Chair Micciche remarked that there was a memo that provided guidance to federal prosecutors regarding federal enforcements in the states that legalized marijuana. As of August 29, 2013, there was a list of eight items. Number 8 was preventing marijuana use on federal property.

Co-Chair MacKinnon queried the specific reference.

Vice-Chair Micciche looked at a document from Department of Law dated March 3, 2015. He stated that the supremacy clause may cause the state law to be stricken. The memo announced that if state law satisfied the items, that the law would likely stand. He listed the eight items:

Preventing the distribution of marijuana to minors;

Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;

Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;

Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;

Preventing violence and the use of firearms in the cultivation and distribution of marijuana;

Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;

Preventing the growing of marijuana on public lands and the accompanying public safety and environmental dangers posed by marijuana production on public lands;

Preventing marijuana possession or use on federal property.

Co-Chair MacKinnon shared that there would be a discussion on the issue at a later time.

[9:17:44 AM](#)

Mr. Shilling continued to discuss Section 54.

Mr. Kopp looked at Section 103:

AS 28.35.029(a). Open container.

Provides that a person may not drive a motor vehicle when there is an open marijuana container in the passenger compartment with the exceptions provided below (b.)

Co-Chair MacKinnon looked at page 60, line 29, Section 103, and announced that Mr. Kopp was speaking to that location in the legislation.

Mr. Kopp looked at Section 105:

AS 28.35.029(c). Open container.

Defines "open marijuana container" as a receptacle that contains marijuana, is open or has a broken seal and there is evidence marijuana has been consumed in the vehicle.

Senator Bishop asked for more information regarding the "open container", specifically on a charter bus. Mr. Kopp responded that one could have an open container on a charter bus with 12 or more passengers.

Senator Olson queried the definition of "motor vehicle." He specifically wondered if four-wheelers and other small off-road vehicles were identified as motor vehicles. Mr. Kopp responded that the definition was on line 8, page 61 of the bill, which stated that an open container may be on a motor driven cycle. He stated that the definition was in current law since the 1980s. The legislature had never prescribed a further restriction.

Co-Chair MacKinnon looked at Sections 126 and 127. Mr. Kopp addressed the sections:

AS 29.10.200; AS 29.35. Limitation of home rule powers. Municipal powers and duties. Provides the right to limit marijuana to the state and municipalities cannot enact or enforce an ordinance inconsistent with 17.38, except as specifically provided by state statute. The section applies to home rule and general law municipalities.

[9:23:57 AM](#)

Co-Chair MacKinnon remarked that there were some resources on line that could discuss some items as related to the sectional analysis.

Vice-Chair Micciche wondered if it was best to include "ATVs" in the definition of "motor driven cycles." Mr. Kopp replied that an ATV was already a motor driven cycle. He agreed to look further into the definition under the law. He remarked that marijuana would be allowed on a motor driven cycle, it must be enclosed in another container.

[9:26:04 AM](#)

Co-Chair MacKinnon looked at page 88 of the legislation.

Mr. Kopp looked at Sections 158, 159, and 160:

Repeals the enumerated statutes

Applicability provisions.

Provides for an immediate effective date.

Co-Chair MacKinnon remarked that the initiative had a separation clause. She wondered if the act required a severability clause. Mr. Kopp deferred to the Department of Law, but opined that it would not be required in the legislation.

[9:28:18 AM](#)

AT EASE

[9:29:00 AM](#)

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RICHARD SVOBODNY, DEPUTY ATTORNEY GENERAL, CRIMINAL DIVISION, DEPARTMENT OF LAW, introduced himself.

KACI SCHROEDER, ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, DEPARTMENT OF LAW, introduced herself.

Mr. Svobodny explained that he and Ms. Schroeder would divide their testimony. He would address some of the federal issues. He furthered that Ms. Schroeder would present a list of policy questions, that should be addressed by the legislature. He began with the oath of office. He stated that the oath was not restricted to legislators, because it also included cabinet members, the governor, and the judges. With the oath, the state official swears to uphold the constitution of the United States; and to uphold the constitution of the State of Alaska; and to faithfully discharge the duties. The oath did not say that it was the responsibility to uphold individual laws of the federal government. There was no federal constitution provision that dealt with marijuana. He shared that there was an interpretation of the Alaska constitution's right of privacy, which related to marijuana.

Vice-Chair Micciche queried the limit of protected illegal activity under the privacy laws. Mr. Svobodny asked for clarification.

Vice-Chair Micciche wondered what other types of illegal activities were protected under the privacy clause. Mr. Svobodny replied that he could not answer that question. He stated that there was no legislative history for regulating what a person can do in their own home.

Vice-Chair Micciche wondered what types of child protection measures should be taken, while facing possible second-hand marijuana inhalation. Mr. Svobodny replied that the court would examine the social values in protecting the use of marijuana in the home; and public safety reasons for restricting marijuana smoking with children in the house. The legislature had findings related to the changes in marijuana use from 1975 and 2006 for the 20-fold increase in the amount of THC and the effects on youth in Alaska. He felt the legislative history supported regulating marijuana in locations with children.

[9:37:50 AM](#)

Co-Chair Kelly did not know how limitations in the privacy clause. He shared that the establishment of the privacy clause which declared that the legislature shall implement the section. He felt that the courts never recognized the legislature implementation, and rather the courts only acknowledged the broad right to privacy applied to whatever the courts deemed appropriate. He felt that the courts consistently declined the legislature's attempts at implementing the privacy clause.

Mr. Svobodny shared that there was a question about litigation immunity for members of the legislature. He stressed that there was no immunity from being sued. The court dismisses lawsuits after the member of the legislature declares immunity. He shared that there were very strong Alaska cases that dealt with immunity for the legislature.

[9:42:31 AM](#)

Co-Chair MacKinnon stated that she submitted a series of questions from Alaskans that were against the initiative. She felt that a legislator who voted on the issue could be held liable. She stated that there was a concern with the assertion that the initiative did not require any individual or entity to violate federal law, or exempt any individual or entity from federal law. She hoped that the discussion would move in that direction.

Mr. Svobodny announced that federal law would still be enforced, regardless of the legislation.

[9:47:44 AM](#)

Co-Chair Kelly stressed that marijuana was still illegal on the federal level.

Co-Chair MacKinnon remarked that the committee was concerned with the investment of time and money on litigation to obtain the right to produce and distribute marijuana. Mr. Svobodny stated that the supremacy clause was part of the United States Constitution. He shared that each state agreed that conflicts between state and federal law would allow for the federal law to trump the state law.

Senator Bishop surmised that, under the supremacy clause, the state could move forward in attempting to respect the

initiative's intent. He also understood that the legislature could not be held liable under the supremacy clause. Mr. Svobodny agreed.

Senator Bishop surmised that the federal government could supersede the state law. Mr. Svobodny replied that the federal government could prosecute an individual for a violation of the federal laws that related to marijuana.

Senator Dunleavy wondered if Mr. Svobodny understood why some Alaskans were confused by this issue. Mr. Svobodny replied in the affirmative.

Senator Dunleavy felt that the law was subjective. Mr. Svobodny replied that he did not understand the question.

[9:53:03 AM](#)

Senator Dunleavy remarked that the enforcement of the law was subjective, because it seemed to violate federal law. He remarked that Alaska should take advantage of the lack of enforcement by the federal government, and wanted to extend it to other aspects of federal overreach like the Environmental Protection Agency (EPA). He referred to page 3 of the memo dated March 3, 2015, which stated that one could never guarantee the federal government's actions. He remarked that individuals in Washington were recently prosecuted for growing medical marijuana. Mr. Svobodny agreed.

Senator Dunleavy felt that "it was a guessing game." Mr. Svobodny indicated uncertainty.

Senator Dunleavy stressed that the issue was either subjective or objective. Mr. Svobodny replied that the issue was not guaranteed. He explained that medical marijuana was allowed under Alaska law since 1998, and he was not aware of any person that had been prosecuted under federal law Alaska's medical marijuana statutes.

Senator Dunleavy wondered if the concept was called "prosecutorial discretion." Mr. Svobodny responded in the affirmative.

Senator Dunleavy stated that "prosecutorial discretion" was subjective. Mr. Svobodny agreed.

Senator Dunleavy looked at the final paragraph of the memo, and felt that the state would be in violation of federal law. He wondered if the "law" referred to what was on paper, or rather the subjective application of the law. Mr. Svobodny responded that he was referring to what was passed by initiative, by the legislature, or interpreted by the courts either in the state or on the federal level.

Senator Dunleavy restated that it would be a subjective application.

[9:57:38 AM](#)

Vice-Chair Micciche queried the standing of the guidance. He wondered if the guidance had any legal standing. Mr. Svobodny replied that a new administration may change the guidance.

Vice-Chair Micciche wondered if the guidance was similar to other models. He asked if the current guidance had standing with the current attorney general. Mr. Svobodny responded that the current attorney generals across the country would follow the guidance.

Vice-Chair Micciche shared that he was against all federal overreach, even on laws of which disagreed. He was not a supporter of the initiative. He shared that the state was rarely provided a memo that defined the areas which the federal government would protect. He looked at page 3, and noted that the federal government might choose to enforce the supremacy clause, if state efforts were not sufficiently robust to protect against the harms set forth. He felt that the state was given a rare opportunity to satisfy the eight outlines, as long as the memo stands. Mr. Svobodny could not determine if that statement was true or false. He explained that he had used the Cole Memo as a device to show that one could argue the meaning of the supremacy clause.

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Co-Chair Kelly felt that the federal government would not prosecute someone that was smoking marijuana in their living room. The federal government may attempt to add marijuana possession onto another federal violation.

Co-Chair MacKinnon remarked that there was a concern about the implementation of the production and sale of marijuana. She stressed that the initiative was law. She wanted to define and protect Alaskans inside the existing body of law. She stressed that the federal government had the ability to use, enforce, and defend its own laws.

Senator Dunleavy surmised that marijuana users were protected, but marijuana producers and sellers could face federal prosecution. Mr. Svobodny agreed/

Mr. Svobodny looked at Article 11, of the Alaska State Constitution. Article 11 referred to initiatives. He shared that in 1998, there was a medical marijuana initiative passed. There were substantive legislative changes.

[10:14:22 AM](#)

Senator Dunleavy wondered if the memo from James Cole was intended to say that it encompassed all aspects of federal law as it pertains to marijuana. Mr. Svobodny replied that the memo was designed to inform states that the states activities would not result in enforcement.

Senator Dunleavy wondered what would occur if the legislation failed to pass.

Co-Chair MacKinnon asked for a question restatement.

Senator Dunleavy wondered what would occur if the bill passed, but the fiscal note were removed.

Vice-Chair Micciche remarked that the federal government was not alone in "liberty and justice issues." He felt that the state was not completely innocent either in that respect. He felt that there still needed to be a warning to Alaskans about possible federal prosecution.

Ms. Schroeder highlighted some proposed policy decisions. She looked at the issue of promoting contraband.

[10:20:53 AM](#)

Co-Chair MacKinnon wondered if there was a memo that outlined the information about potential conflicts and policy calls. Ms. Schroeder agreed to provide that information.

Ms. Schroeder stated that possession of marijuana within 500 feet of a school was currently a Class C felony. There was no similar provision for alcohol, so the question was whether that issue should be dealt in a different manner.

Mr. Svobodny stated that the Department of Law needed to determine whether the state would lose money by changing that part of the bill.

Co-Chair MacKinnon remarked that there were several sections that superseded several aspects of state law. Mr. Svobodny replied that he had concern with the word, "notwithstanding."

Co-Chair MacKinnon stated that the language removed some sensitivity, by placing the law above all other laws in statute. Ms. Schroeder stated that the issue was dealt with on page 14 of the bill.

Ms. Schroeder addressed the local option issue. She explained that the initiative allowed certain local government to opt-out of marijuana establishments in order to prevent those establishments from operating within the communities. The definition of "local government" in the initiative was somewhat problematic, because if left of villages. The legislation faced that issue by incorporating established villages into the opt-out provision.

Co-Chair Kelly queried the page number. Ms. Schroeder replied that it was on page 35.

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Co-Chair MacKinnon asked how the initiative would deal with the unincorporated villages to impose or change laws in the communities. Ms. Schroeder replied that the language in the bill was similar to the alcohol provision, so the legislature already allowed for the communities to make their own decisions.

Co-Chair Kelly wondered if the initiative mandated that the opt-out decision could only be determined by a vote of the people. Ms. Schroeder replied that the initiative states that the local communities have the opportunity to opt out.

Co-Chair Kelly wondered if there was any other place in state law that required that a community have an election, rather than using their elected individuals to create local ordinances. Mr. Svobodny replied that he did not know the answer, and may not understand the question.

Co-Chair Kelly wondered if the communities could only opt out through a vote of the people. He also asked if there were other state laws that required that communities only use a vote of the people to enact or remove law, rather than through their elected officials. Mr. Svobodny agreed to provide that information.

Co-Chair Kelly stressed that the issue was a local option.

Co-Chair MacKinnon noted that the initiative specifically required communities to vote to opt into something. She stressed that the unincorporated communities normally provided grievances to the legislature. She specifically wondered if those unincorporated communities to opt out on their behalf. Mr. Svobodny agreed to provide that information.

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Ms. Schroeder remarked that there was some concern regarding whether the hash oil should be treated differently than the leafy marijuana substance. She shared that the THC content would be different in each substance. She felt that the legislature should also take into consideration how the substances should be weighed.

Ms. Schroeder announced that the initiative allowed a person to have six plants would be well over an ounce of marijuana, and there was no way for law enforcement to determine where the leaves came from.

Ms. Schroeder shared that the Driving Under the Influence (DUI) appeared in the bill. Other states provided allowable thresholds in the human body similar to alcohol.

[10:38:09 AM](#)

Senator Bishop wondered if someone could have marijuana on an aircraft that stops in a dry village. Ms. Schroeder replied that a person was allowed one ounce of marijuana in public. She felt that the person would be protected, as

long as they remained on the plane. Once they leave the aircraft and move through the airport, they could be prosecuted for importing marijuana.

Co-Chair MacKinnon surmised that a federal agent could prosecute that person on the aircraft. Ms. Schroeder agreed.

Co-Chair MacKinnon looked at page 8, line 31, and wondered if there was a follow up regarding the phrase "public place." Mr. Svobodny replied that the "public place" definition was in criminal statute. He opined that the retail floor of Nordstrom would be a "public place", and the restrooms would also be a public place. He felt that there may never be a definition that all would agree upon. The bill uses the language that had been in statute since 1978.

Co-Chair MacKinnon looked at page 61, line 8, regarding the open container law in different kinds of motorized vehicles like ATVs.

Senator Olson stated that his question was answered.

[10:43:32 AM](#)

Senator Bishop wondered if "motorcycle driven" only referred to two wheels. Co-Chair MacKinnon clarified that it said "motor driven cycle."

Co-Chair MacKinnon wondered if the transportation in rural Alaska was in the marijuana container section. Mr. Svobodny replied that he would provide information at a later date.

Co-Chair MacKinnon looked at the severability clause. She remarked that those who voted for the initiative were concerned about how the bill and various aspects would take effect. Mr. Svobodny replied that there were general clauses, and agreed to provide further information.

Co-Chair Kelly looked at an article about a "weed bus" in Seattle. It was a tour that allowed people to smoke marijuana in the bus. He asked how this legislation would impact a possible weed bus industry in the state. Mr. Svobodny replied that the issue was more directed toward regulation.

Senator Bishop asked if the legislation addressed marijuana on boats. Mr. Svobodny responded that it may be in the legislation.

Senator Dunleavy announced that boats were included in the legislation under "watercrafts."

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Co-Chair Kelly wondered if there could be a boat tour that would provide marijuana for passengers. Mr. Svobodny responded that it would be a regulatory issue.

Co-Chair Kelly felt that there were dangerous aspects of the legislation, which deal with more than the decriminalization of marijuana. He felt that there were health and safety issues that should be addressed within the legislation.

Co-Chair MacKinnon felt that a pharmacist testimony regarding the chemical composite would be helpful to moving the conversation forward. She remarked that the overall approach to the legislation was the final consideration. She stated that there over 160 sections of Alaska law in the current bill. Mr. Svobodny replied that he would consider what it would take to reduce the size of the bill.

Co-Chair MacKinnon wondered what would happen if individual law agencies were left with what the public had recommended. Mr. Svobodny replied that the regulation aspect of the initiative would be addressed in a regulatory bill.

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Senator Dunleavy asked if there was a possibility that the executive in the state would rely on prosecutorial discretion, and inform public safety officials to not respond to a marijuana issue. Mr. Svobodny responded that he wanted to share an example. He announced that he did not want to say who he would prosecute and who he would not prosecute.

Senator Dunleavy wondered if the state executive respond exactly how the federal government was responding to the marijuana issue. Mr. Svobodny replied that the people voted for the initiative, in part, because of the people that

were in jail for marijuana possession. He shared that the number of people in jail for strictly marijuana possession was zero. He shared that there were approximately four people in jail for the next step up from marijuana possession. He stressed that prosecutors were currently using their discretion, and that discretion was used since the legislature last changed the marijuana laws in 2006.

Co-Chair MacKinnon asked that amendments be submitted to her office by Tuesday, March 10, 2015 at 12noon. She announced that public testimony would not be taken before Wednesday, March 11 at 1:30pm.

[11:02:01 AM](#)

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QUINLAN STEINER, DIRECTOR, PUBLIC DEFENDER AGENCY, DEPARTMENT OF ADMINISTRATION (via teleconference), looked at page 19, line 27 regarding bail release for violations. He stated that the section allowed the court to order the condition of pretrial release. He stated that bail releases such as blood and urine require probable cause, and are bound to violate the constitution. He felt that it was worth consideration for changes. He also expressed concern on page 32, line 27, which was the section defining marijuana misconduct in the third degree. He stated that the section prohibited an individual under the age of 21 into entering a premises, except at the direction of a peace officer. He felt that an exception like alcohol should be considered that allowed someone as a function of their employment to go on premises, for example a plumber or delivery person. He also suggested an exception for individuals under 21 who are with their parent or legal guardian.

Co-Chair MacKinnon wondered if the remainder of the bill would be enough, and whether it was possible to defend a person who would be accused of a crime. Mr. Steiner replied that the bill generally followed the intent of the initiative.

Co-Chair MacKinnon wondered if there was a sufficient definition of the word, "marijuana." Mr. Steiner felt that the discussion of the definition was mostly related to marijuana concentrate.

Co-Chair MacKinnon remarked that there was discussion regarding how the law would supersede laws related to school drug-free zones. Mr. Steiner replied that there may be an issue, if someone lived within that zone.

Co-Chair MacKinnon wondered if there was any additional information about the Public Defender Agency fiscal note. Mr. Steiner responded that there would be no anticipated impact on the agency.

[1:46:09 PM](#)

NANCY MEADE, GENERAL COUNSEL, ALASKA COURT SYSTEM, stressed that the Court System was neutral on the legislation. She looked at page 29, line 16 of the bill. The section held the language that outlined the criminalization of marijuana. She looked at page 33, lines 23 through 25, which dealt with bail forfeiture schedules.

Ms. Meade looked at page 35, lines 6 through 9, which referred to court records of violations by minors confidential.

[1:54:14 PM](#)

DENNIS CASANOVAS, MAJOR, ALASKA STATE TROOPERS, DEPARTMENT OF PUBLIC SAFETY (via teleconference), addressed the issue of the definition of "marijuana." He looked at page 37, Section 53, line 21. He understood that the word oil and the comma related to it would make the oil not a component of marijuana. He remarked that the bill also addressed the resins from the plant. He felt that law enforcement would find it difficult to distinguish the resins and the concentrates generated from the plant, when the word "oil" was not considered part of "marijuana." He also looked at page 88 of the bill, Section 158, line 7, which addressed sections of the current statutes that would be removed. One of those statutes was AS 11.71.160(f1), which was the word "hashish." He also looked that the (f2), which was currently "hash oil or hashish oil." It was proposed that the two sections of statute, which classify the concentrates as schedule 3A, be removed. He pointed out

that (f3) was not removed from statute. He shared that (f3) was "tetrahydrocannabinols" (THC), which was the primary psychoactive ingredient of a cannabis plant. He shared that the definition in ballot measure 2, the proposed bill, and current statutes held different definitions of marijuana.

Co-Chair MacKinnon asked that the remarks be sent to her office. Mr. Casanovas agreed to provide that information.

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Mr. Casanovas looked at page 38, lines 4 through 10. He was concerned about the definition of "manufacturer." He felt that the word, "cultivation" should be included in the Section. He remarked that cultivation was addressed in the medical use section. He urged the committee to include "cultivation" in the definition of the word "manufacturer."

Co-Chair MacKinnon asked for a restatement of the line numbers that were cause for concern. Mr. Casanovas replied that he referred to page 25, Section 43, line 22.

Mr. Casanovas looked at pages 60 and 61. He remarked that there was some testimony about Sections 103, 104, and 105 as it pertains to an open marijuana container. He remarked that he did not see a description of where a person would be expected to transport live marijuana plants. Keeping in mind that the possession of marijuana plants in public could be six plants, and potentially may not be the best for immediate smoking. He expressed concern regarding the live plants versus the open marijuana container and accessories.

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Mr. Casanovas felt that the bill focused on moving marijuana from a controlled substance classification to a title 17 substance. He stressed that many statutes would be affected, and would affect many regulations. He proposed that there were a fair number of regulations, and policy and procedure would need to be refined to include the word, "marijuana."

Mr. Casanovas addressed the issue of moving marijuana offenses to five separate categories. He remarked that there were no provisions for people that violate in large offenses. He remarked that an unlicensed or unregistered

cultivator could sell high quantities of marijuana. He suggested that

Co-Chair MacKinnon wanted more information about the comma on page 37, line 16. Ms. Schroeder replied that the comma after oil created an argument that oil should not be included in the definition of the word, "marijuana." It makes oil look like a standalone substance. It could be considered a marijuana concentrate. She suggested further definition of the definition of "concentrate."

SB 30 was HEARD and HELD in committee for further consideration.

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ADJOURNMENT

2:12:32 PM

The meeting was adjourned at 2:12 p.m.