

SENATE FINANCE COMMITTEE

March 12, 2015

1:51 p.m.

1:51:01 PM

CALL TO ORDER

Co-Chair MacKinnon called the Senate Finance Committee meeting to order at 1:51 p.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 Lyman Hoffman  
Senator Donny Olson

MEMBERS ABSENT

None

ALSO PRESENT

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

PRESENT VIA TELECONFERENCE

Tracy Wollenberg, Deputy Public Defender, Appellate Division, Public Defender Agency, Department of Administration; Major Dennis Casanovas, Alaska State Troopers, Department of Public Safety, Anchorage

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."

1:51:08 PM

Co-Chair MacKinnon clarified that some activities involving, and possession of marijuana were legal. She said that there was conduct outside of what the initiative allowed that remained illegal. She recalled public testimony about the definition of "controlled substance" and how it related to marijuana. She feared that there was a misconception about what the legislation proposed. She stressed that the initiative language did not remove marijuana as a controlled substance, did not decriminalize all marijuana possession in Alaska, or require the legislature to tax and regulate marijuana like alcohol. She shared that if the bill did not move forward a person caught outside of the home with 4 ounces of marijuana would be charged with a felony. She pointed out to the committee that version X of the bill made the aforementioned violation a Class A misdemeanor. She said that the 18 amendments that were to be offered for policy consideration stemmed directly from the public comment hearing on March 11, 2015.

1:54:42 PM

AT EASE

1:58:43 PM

RECONVENED

Co-Chair MacKinnon stated that amendment concerning local option was being drafted and would be taken up at a later date.

1:59:21 PM

Vice-Chair Micciche MOVED to ADOPT Amendment 1, 29-LS0231\X.34, Mischel/Martin, 3/11/15 (copy on file):

Page 22, lines 3 - 4:

Delete all material.

Renumber the following paragraph accordingly.

Page 22, lines 5 -6:

Delete "or marijuana accessory"

Page 22, line 7, following "removed":

Insert "while in the vehicle"

Co-Chair MacKinnon OBJECTED for discussion.

Vice-Chair Micciche read the amendment.

2:00:16 PM

CHUCK KOPP, STAFF TO SENATOR PETER MICCICHE, explained that the amendment spoke to the open container law that dealt with marijuana. He said that "marijuana accessory" would pertain to a marijuana pipe, which could be lawfully used outside of the vehicle; removal of the language would prevent someone from being cited for having a pipe in the vehicle. The language also clarified that any marijuana removed while in the vehicle would be a violation.

Co-Chair MacKinnon WITHDREW her OBJECTION. There being NO further OBJECTION, Amendment 1 was ADOPTED.

Vice-Chair Micciche MOVED to ADOPT Amendment 2, 29-LS0231\X.19, (Mischel/Martin, 3/10/15) (copy on file):

Page 7, line 21, following "remuneration":

Insert "or barter"

Page 7, line 23, following remuneration":

Insert "or barter"

Page 12, lines 10 -12:

Delete all material.

Renumber the following bill sections accordingly.

Page 13, line 18, following "remuneration":

Insert "or barter"

Page 16, following line 24:

Insert a new bill section to read:

**\*\*Sec. 25. AS 17.38.120(c)** is amended to read:  
(c) Nothing in this chapter is intended to permit the transfer of marijuana, with or without remuneration or barter, to a person under [THE AGE OF] 21 years of 20 age."

Renumber the following bill sections accordingly.

Page 21, line 11:

Delete";"  
Insert"."

Page 21, line 12:

Delete all material.

Co-Chair MacKinnon OBJECTED for discussion.

Vice-Chair Micciche spoke to Amendment #2.

[2:02:01 PM](#)

JORDAN SHILLING, STAFF TO SENATOR JOHN COGHILL, explained that Amendment 2 would narrow the definition of "remuneration" to include monetary gain and barter.

Co-Chair MacKinnon WITHDREW her OBJECTION and there being NO further OBJECTION, Amendment 2 was ADOPTED.

[2:02:50 PM](#)

Vice-Chair Micciche MOVED to ADOPT Amendment 3, 29-LS0231\X.28, (Mischel/Martin, 3/11/15) (copy on file):

Page 16, line 17:

Delete "a day"  
Insert "in one transaction"

Co-Chair MacKinnon OBJECTED for discussion.

Mr. Shilling relayed that the initiative explicitly prohibited any kind of a database that would track customers. The amendment would prohibit retail marijuana stores from selling more than five grams of marijuana concentrate to a customer in a single transaction.

Co-Chair MacKinnon WITHDREW her OBJECTION to Amendment 3. There being NO further OBJECTION, Amendment 3 was ADOPTED.

2:03:56 PM

Vice-Chair Micciche MOVED to ADOPT Amendment 4, 29-LS0231\X.35, (Mischel/Martin, 3/11/15) (copy on file):

Page 1, line 3:

Delete "relating to municipalities;"

Page 22, lines 8 - 14:

Delete all material.

Re-number the following bill sections accordingly.

Co-Chair MacKinnon OBJECTED for discussion.

Mr. Kopp explained that Amendment 4 would reserve to the state the authority to regulate marijuana and that municipalities could not enact or enforce an ordinance that was inconsistent with AS 17.38. He shared that municipal entities had expressed concern that their ability to craft ordinances could be overly restricted by the initiative. He said that the municipal ordinances would always be subject to interpretation, whether they were in violation of the initiative or not. He gave the example that Title 29 was applied in cases involving firearms, or knives, and the public could rely that the laws for those weapons would be uniform throughout the state. He stated that by removing the language from the bill, a municipality could have a different interpretation from another municipality with respect to the requirements of the initiative.

Co-Chair MacKinnon WITHDREW her OBJECTION to Amendment 4. There being NO further OBJECTION, Amendment 4 was ADOPTED.

2:06:09 PM

Vice-Chair Micciche MOVED to ADOPT Amendment 5, 29-LS0231\X.25, (Martin, 3/11/15) (copy on file):

Page 11, line 18, following "overdose":

Insert "or significant adverse marijuana reaction"

Page 11, line 28, following "overdose":

Insert "or significant adverse marijuana reaction"

Page 11, line 31, following "overdose":

Insert "or significant adverse marijuana reaction:

Co-Chair MacKinnon OBJECTED for discussion.

Mr. Shilling explained that Amendment 5 would add simple language to the section of the bill that provided an immunity for a person calling authorities on behalf of a person suffering an overdose or adverse reaction to marijuana.

Co-Chair MacKinnon commented that this was in direct response to public testimony.

Co-Chair MacKinnon WITHDREW her OBJECTION to Amendment 5. There being NO further OBJECTION, Amendment 5 was ADOPTED.

[2:07:40 PM](#)

Vice-Chair Micciche MOVED to ADOPT Amendment 6, 29-LS0231\X.18, (Martin, 3/11/15) (copy on file).

Page 5, lines 2 - 4:

Delete all material and insert:

"(F) 16 [ONE OR MORE PREPARATIONS, COMPOUNDS, MIXTURES, OR SUBSTANCES OF AN AGGREGATE WEIGHT OF FOUR] ounces or more of usable marijuana [CONTAINING A SCHEDULE VIA CONTROLLED SUBSTANCE]; or"

Page 6, lines 16 - 18:

Delete all material and insert:  
" **(A) more** [ONE OR MORE PREPARATIONS,  
COMPOUNDS, MIXTURES, OR SUBSTANCES OF AN AGGREGATE  
WEIGHT OF LESS] than one ounce of **usable marijuana**  
[CONTAINING A SCHEDULE VIA CONTROLLED SUBSTANCE]; "

Page 7, lines 8 - 11:

Delete all material and insert:  
" (E) **at least three ounces but less than 16  
ounces of usable marijuana** [ONE OR MORE PREPARATIONS,  
COMPOUNDS, MIXTURES, OR SUBSTANCES OF AN AGGREGATE  
WEIGHT OF ONE OUNCE OR MORE CONTAINING A SCHEDULE VIA  
CONTROLLED  
SUBSTANCE]; or"

Page 7, line 16:

Delete **"a schedule VIA controlled substance"**  
Insert **"usable marijuana"**

Page 7, lines 19 - 21:

Delete all material and insert:  
" **(A) one ounce or less of usable marijuana  
for remuneration; or"**

Page 7, lines 30 - 31:

Delete "a schedule VIA controlled substance"  
Insert "usable marijuana"

Page 8, line 5:

Delete "a schedule VIA controlled substance"  
Insert "usable marijuana"

Page 8, lines 16-17:

Delete **"at least two ounces but less than three  
ounces** [LESS THAN ONE OUNCE]"  
Insert "less than one ounce"

Page 8, following line 22:

Insert a new paragraph to read:  
" **(4) possesses at least two ounces but less  
than three ounces of usable marijuana;**"

Renumber the following paragraphs accordingly.

Page 8, lines 25 - 26:

Delete "one or more preparations, compounds, mixtures, or substances of an aggregate weight of"

Page 8, line 27:

Delete "a schedule VIA controlled substance"  
Insert "usable marijuana"

Page 8, line 29:

Delete "(a)(2)(A), (a)(4), and (a)(5)"  
Insert "(a)(4) - (a)(6)"

Page 9, line 1:

Delete "a schedule VIA controlled substance"  
Insert "usable marijuana"

Page 9, lines 9 - 11:

Delete all material and insert:  
"(1) possesses more than one ounce but less than two ounces of usable marijuana;"

Page 9, lines 14-16:

Delete all material and insert:  
"(i) possesses less than two ounces of usable marijuana; or"

Page 9, lines 17 - 18:

Delete "a schedule VIA controlled substance"  
Insert "usable marijuana"

Page 9, lines 19 - 20:

Delete "a schedule VIA controlled substance"  
Insert "usable marijuana"

Page 9, line 21:

Delete "a schedule VIA controlled substance"  
Insert "usable marijuana"

Page 9, line 28:

Delete "a schedule VIA controlled substance"  
Insert "usable marijuana"

Page 9, line 31, through page 10, line 1:

Delete "a schedule VIA controlled substance"  
Insert "usable marijuana"

Page 10, line 20:

Delete "a schedule VIA controlled substance"  
Insert "usable marijuana [A SCHEDULE VIA  
CONTROLLED SUBSTANCE]"

Page 12, line 10:

Delete "a new paragraph"  
Insert "new paragraphs"

Page 12, line 12, following "means":

Insert";  
(32) "usable marijuana" means the seeds,  
leaves, buds, and flowers of the plant genus  
cannabis, hashish, hash oil, and marijuana  
concentrates, but does not include the stalks or  
roots of the plant genus cannabis"

Page 13, line 10, following "of':

Insert "usable"

Page 13, line 15, following "more of':

Insert "usable"

Page 23, line 18:

Delete "a schedule VIA controlled substance"  
Insert "usable marijuana"

Page 23, line 20, following "11.71.060(a)(1),":

Insert" 11.71.060(a)(2)(A),"

Co-Chair MacKinnon OBJECTED for discussion.

Mr. Kopp explained Amendment 6 would amend the language to refer back to the previous Senate Judiciary version of the legislation. He explained that use of the term "usable marijuana" as defined in AS 17.37.070, made clear which part of the plant was under discussion. He believed that the term dispelled any confusion with discussion concerning live plants. He explained that plants would be dealt with by number and usable marijuana would be measured by weight of consumable product. He referred to Page 5, lines 2 - 4, which related to misconduct involving controlled substance: IV degree, class C felony conduct; the language referring to aggregate weight on Line 3, and other corresponding schedule VI(A) language, had been removed and replace with language that related that a crime was committed if the person was in possession of 16 ounces, or more, of usable marijuana. He said that the limit would be set at 16 ounces inside and outside of the home. He explained that because it would be difficult to determine how much 6 plants could ultimately yield, it might be prudent to set an upper limit for possession inside the home, or to set no limit at all. He testified that because possession of 16 ounces outside of the home could be considered a de facto attempt to distribute, the issue should be a policy call by the legislature.

[2:11:35 PM](#)

Mr. Kopp pointed out to the committee that the term "usable marijuana" carried through page 5 of the conforming amendment. He highlighted that the amendment spoke to amounts of marijuana and not the aggregate weight of live plants. He noted that the numbers of plants remained intact in the language, showing that there was a range of plants that indicated a certain level of misconduct and a range of weight or useable marijuana that corresponded to the same level of misconduct.

Co-Chair MacKinnon asked the committee to consider Amendment 6. She MAINTAINED her OBJECTION, with the intent of holding the amendment until the following day.

[2:14:18 PM](#)

Senator Olson asked how the possession limitations would apply to a person on a camping excursion.

Mr. Kopp stated that under the limits set in the bill, the person would only be considered in violation by the amount in possession. He referred to Page 8, section 8 of the bill:

**\*Sec. 8.** AS 11.71.060(a) is amended to read:

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the sixth degree if the person

(1) uses or displays any amount of a schedule VIA controlled substance;

(2) possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of

(A) at least two ounces but less than three ounces [LESS THAN ONE OUNCE] containing a schedule VIA controlled substance;

(B) six grams or less containing a schedule IIIA controlled substance listed in AS 11.71.160(f)(7) - (16) that has been sprayed on or otherwise applied to tobacco, an herb, or another organic material; [OR]

(3) refuses entry into a premise for an inspection authorized under AS 17.30.

(4) possesses more than six but less than 12 plants of the genus cannabis; or

(5) possesses, displays, delivers, or transports one or more preparations, compounds, mixtures, or substances of an aggregate weight of more than one ounce of a schedule VIA controlled substance in a public place.

Senator Olson restated his question to include the use of medical marijuana while on an extended camping trip.

Mr. Kopp expressed uncertainty as to the amount of medical marijuana an individual would need while camping. He thought that the issue could be provided for in regulation. He revealed that there had not been adequate testimony concerning the possession limits in the bill and whether they would accommodate a person's medical marijuana use while away on a camping trip.

Senator Olson maintained concern that a person camping with large amounts of marijuana could face unexpected penalties.

Mr. Kopp stated that currently there was no problem with carrying up to an ounce, and the person remained in non-criminal territory for up to two ounces.

Senator Olson thought that the law should be clear for people headed out to camp with a firearm and marijuana.

Mr. Kopp agreed.

[2:17:30 PM](#)

TRACY WOLLENBERG, DEPUTY PUBLIC DEFENDER, APPELLATE DIVISION, PUBLIC DEFENDER AGENCY, DEPARTMENT OF ADMINISTRATION (via teleconference), testified that the initiative allowed a person to possess the marijuana produced by the plants in their own home on the premises where the plants were grown. She stated that the major concern regarding Amendment 6 was that the concept of the initiative would be undermined by imposing the numerical limits on the amount of useable marijuana that could be possessed on the same premises where the plants were grown. She said that the amendment would eliminate the problem of aggregate weight, but the concern remained as to whether 16 ounces was a reasonable limit in light of the intent of the initiative. She felt that putting any limit on the amount of marijuana that a person could possess from plants in their own home would be subject to challenge in court. She suggested that the committee consider whether 16 ounces would allow a person to grow a reasonable amount of marijuana in a reasonable amount of time.

[2:20:42 PM](#)

Ms. Wollenburg continued. She relayed that each of the possession provisions starting with 16 ounces could potentially contravene portions of the initiative. She stated that the proposed amendment did not make the distinction between possession in the home and possession outside of the home. She said that without the distinction language the amendments, and the current version of the legislation, would prohibit possession of as low as two ounces of usable marijuana, even if the marijuana came from plants grown on the premises. She recommended adding

language that prohibited possession of specific amounts of usable marijuana outside the person's residence.

[2:24:19 PM](#)

Mr. Kopp summarized that it needed to be clarified what was applicable inside and outside of a person's residence.

[2:24:39 PM](#)

Co-Chair MacKinnon stated that the committee was trying to be responsive to the public testimony taken the previous day.

[2:24:48 PM](#)

AT EASE

[2:27:03 PM](#)

RECONVENED

Co-Chair MacKinnon explained that concerns had arisen during public testimony regarding the delivery of marijuana. She noted that both Amendment 7 and Amendment 8 spoke to the issue.

[2:28:36 PM](#)

Vice-Chair Micciche felt strongly about following the intent of the initiative; that marijuana should be regulated like alcohol. He asserted that current law did not allow for the sale of alcohol off of a licensed premises.

[2:29:03 PM](#)

Co-Chair MacKinnon solicited further comments on the issue.

[2:29:20 PM](#)

Co-Chair Kelly agreed with Vice-Chair Micciche.

[2:29:37 PM](#)

Vice-Chair Micciche MOVED to ADOPT Amendment 7, 29-LS0231\X.26, (Martin, 3/11/15) (copy on file):

Page 16, following line 14:

Insert a new bill section to read:

**\*\*Sec.24.AS 17.38.070** is amended by adding a new subsection to read:

(h) A retail marijuana store may only sell or deliver marijuana products to a person who is present at the premises of the retail marijuana store."

Renumber the following bill sections accordingly.

Co-Chair MacKinnon OBJECTED for discussion.

Mr. Kopp explained that Amendment 7 would limit sales to the premises of the retail store.

[2:30:21 PM](#)

Senator Bishop understood that a person would need to be physically present at the retail store in order to purchase marijuana. He wondered how the amendment spoke to the issue of delivery.

Mr. Kopp answered in the affirmative. He clarified that "delivery" was inclusive in terms of a person selling marijuana over the counter to a recipient.

[2:31:03 PM](#)

Co-Chair MacKinnon requested that the Department of Law offer a defense of the use of the word "delivery" as it was proposed in the amendment.

[2:31:34 PM](#)

KACI SCHROEDER, ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, DEPARTMENT OF LAW, testified that the wording in the amendment was within the legislature's prerogative.

[2:32:04 PM](#)

Co-Chair MacKinnon reiterated the request to Ms. Wollenburg.

Ms. Wollenburg did not believe that the agency had a position on the issue.

[2:33:34 PM](#)

Vice-Chair Micciche restated that he was striving to follow the intent of the initiative as closely as possible.

[2:34:40 PM](#)

Co-Chair MacKinnon WITHDREW her OBJECTION to Amendment 7. There being NO further OBJECTION, Amendment 7 was ADOPTED.

Co-Chair MacKinnon WITHDREW Amendment 8.

Vice-Chair Micciche MOVED to ADOPT Amendment 9, 29-LS0231\X.46, (Martin, 3/11/15) (copy on file):

Page 17, line 13, following "knowingly":

Insert "(1)"

Page 17, line 15, following "sold":

Insert "; or

(2) present a birth certificate or other written evidence of age that is fraudulent or false or that is not the person's own, or otherwise misrepresent the person's age for the purpose of  
(i) purchasing, attempting to purchase, or otherwise procuring or attempting to procure marijuana or marijuana products; or  
(ii) gaining access to a registered marijuana establishment"

Co-Chair MacKinnon OBJECTED for discussion.

[2:35:32 PM](#)

Mr. Kopp explained that the amendment covered all activities related to a person misrepresenting their age in order to procure marijuana from a retail provider.

[2:37:31 PM](#)

Vice-Chair Micciche whether the language in the amendment was similar to the regulations for the sale of alcohol.

Mr. Kopp replied in the affirmative.

Co-Chair MacKinnon WITHDREW her OBJECTION to Amendment 9. There being NO further OBJECTION, Amendment 9 was ADOPTED.

2:38:12 PM

Vice-Chair Micciche MOVED to ADOPT Amendment 10, 29-LS0231\X.47, (Martin, 3/12/15) (copy on file):

Page 10, lines 7 - 15:

Delete all material and insert:  
"(1) up to \$300 for a violation of (a)(1), (a)(3), or (a)(4) of this section;  
(2) \$300 for a violation of (a)(2)(A) of this section; the court may reduce the fine to \$50 for a defendant under 18 years of age if the defendant supplies to the court, within six months, proof of completion of a community diversion panel or a state-approved marijuana education or treatment program; in this paragraph, "community diversion panel" means a youth court or other group selected by the court to serve as a sentencing option for a person convicted under (a)(2)(A) of this section;"

Renumber the following paragraph accordingly.

Co-Chair MacKinnon OBJECTED for discussion.

Mr. Kopp explained that the amendment would set a fine for violations. He stated that the amendment would give the court the option to reduce the fine for people under 21 years of age who provided proof of youth court completion or an approved treatment program.

2:41:06 PM

AT EASE

2:41:23 PM

RECONVENED

NANCY MEADE, GENERAL COUNSEL, ALASKA COURT SYSTEM, testified that the court system was comfortable with Amendment 10. She felt that the court would welcome the option, which could be easily implemented.

2:42:30 PM

Ms. Wollenburg concurred with Ms. Meade.

2:42:52 PM

Co-Chair MacKinnon WITHDREW her OBJECTION to Amendment 10. There being NO further OBJECTION, it was so ordered.

2:43:09 PM

Vice-Chair Micciche MOVED to ADOPT Amendment 11, 29-LS0231\X.24, (Mischel/Martin), 3/11/15 (copy on file):

Page 11, line 12, following "oil":

Insert "  
(4) tetrahydrocannabinols"

Page 23, line 20, following "11.71.160(f)(2)":

Insert ",11.71.160(f)(3)"

Co-Chair MacKinnon OBJECTED for discussion.

Mr. Kopp explained that the amendment would add the word "tetrahydrocannabinols"(THC) to the bill.

2:44:31 PM

Major Casanovas testified that the amendment would link THC with the terms hash, hash oil, etc.

Co-Chair MacKinnon asked whether the amendment was consistent with the intent of the initiative.

2:45:19 PM

Co-Chair Kelly interjected.

2:45:25 PM

AT EASE

2:46:56 PM

RECONVENED

Co-Chair Kelly did not believe that the language spoke to what the public thought they had voted on when voting for

the initiative. He read from the initiative language (copy on file):

(6) "Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "Marijuana" does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

Co-Chair Kelly said that he did not believe that when the public voted on the initiative that they wanted THC listed in the definition of marijuana. He asserted that THC was a dangerous chemical.

[2:48:59 PM](#)

Vice-Chair Micciche thought that the amendment made the definition more conservative.

Mr. Kopp explained that THC was the active ingredient in marijuana, hashish and hash oil. He likened it to removing the intoxicant from alcohol.

[2:50:22 PM](#)

Co-Chair MacKinnon WITHDREW her OBJECTION to Amendment 11.

Co-Chair Kelly OBJECTED to Amendment 11.

A roll call vote was taken on the motion.

IN FAVOR: Bishop, Dunleavy, Hoffman, Micciche, MacKinnon  
OPPOSED: Olson, Kelly

The MOTION PASSED (5/2). There being NO further OBJECTION, Amendment 12 was ADOPTED.

Vice-Chair Micciche MOVED to ADOPT Amendment 12, 29-LS0231\X.31, (Mischel/Martin, 3/11/15) (copy on file):

Page 17, line 20:

Delete "or"

Page 17, line 22, following "age":

Insert "; or  
(3) is acting in the capacity of an employee or  
volunteer of an agency providing emergency  
medical or fire protection services while on the  
premises"

Co-Chair MacKinnon OBJECTED for discussion.

Mr. Shilling explained that the amendment made certain exceptions for the presence of those under the age of 21 on the premises of a retail marijuana establishment.

[2:52:12 PM](#)

AT EASE

[2:52:53 PM](#)

RECONVENED

[2:52:58 PM](#)

Co-Chair MacKinnon pointed out to the committee that the amendment had been generated from a request from the Public Defender's Office that consideration be made to make an exception for course of employment.

[2:53:36 PM](#)

Senator Bishop stated that he would work to craft an amendment that would speak to people under 21 on the premises of a retail marijuana establishment as a course of their employment.

Co-Chair MacKinnon WITHDREW her OBJECTION to Amendment 12. There being NO further OBJECTION, it was so ordered.

[2:53:54 PM](#)

Vice-Chair Micciche MOVED to ADOPT Amendment 13, 29-LS0231\X.33, (Gardner/Martin, 3/11/15) (copy on file) [Amendment 13 was rescinded the following day]:

Page 20, following line 21:

Insert a new section to read:

**"Sec. 17.38.310. Peace officer powers.** The director of the board and the persons employed for the administration and enforcement of this chapter may, with the concurrence of the commissioner of public safety, exercise the powers of peace officers when those powers are specifically granted by the board. Powers granted by the board under this section may be exercised only when necessary for the enforcement of the criminally punishable provisions of this chapter, regulations of the board, and other criminally punishable laws and regulations."

Co-Chair MacKinnon OBJECTED for discussion.

Mr. Shilling explained that the amendment would add a new section to the bill. He said that because the Alcoholic Beverage Control Board, and potential Marijuana Control Board, would need to enforce some of the provisions in Title 17, they would need to be given the authority in statute.

Co-Chair MacKinnon WITHDREW her OBJECTION to Amendment 13. There being NO further OBJECTION, Amendment 13 was ADOPTED.

[2:55:07 PM](#)

Vice-Chair Micciche MOVED to ADOPT Amendment 14, 29-LS0231\X.22, (Martin, 3/11/15) (copy on file):

Page 8, line 22, following ";":

Insert "or"

Page 8, lines 24 - 27:

Delete ";or

(5) possesses, displays, delivers, or transports one or more preparations, compounds, mixtures, or substances of an aggregate weight of more than once ounce of a schedule VIA controlled substance in a public place"

Page 8, line 29:

Delete ",(a)(4), and (a)(5)"  
Insert "and (a)(4)"

Co-Chair MacKinnon OBJECTED for discussion.

Mr. Kopp explained that the amendment removed possession language in order to preserve consistency in the bill.

[2:56:17 PM](#)

Vice-Chair Micciche asked which was more serious, a level B misdemeanor or a level C felony.

Mr. Kopp clarified that a Class C felony was the lowest level felony and a Class B misdemeanor was the lowest level misdemeanor.

Co-Chair MacKinnon WITHDREW her OBJECTION to Amendment 14. There being NO further OBJECTION, Amendment 14 was ADOPTED.

[2:56:49 PM](#)

Vice-Chair Micciche MOVED to ADOPT Amendment 15, 29-LS0231\X.36, (Martin, 3/11/15) (copy on file):

Page 6, line 2:

Delete "this section"  
Insert "AS 11.71.010 - 11.71.040"

Co-Chair MacKinnon OBJECTED for discussion.

Mr. Kopp explained the amendment reinstated the existing statute concerning repeated delivery of marijuana to persons under 21 years of age and previous convictions involving marijuana.

[2:58:46 PM](#)

Vice-Chair Micciche asked if the language was similar to language for alcohol violations of similar nature.

Mr. Kopp deferred the question to the Department of Law.

[2:59:40 PM](#)

Mr. Shilling interjected that it was a felony to deliver alcohol to a minor twice in a five-year timespan.

Co-Chair MacKinnon noted that Ms. Schroeder had non-verbally agreed with Mr. Shilling's interjection.

Co-Chair MacKinnon WITHDREW her OBJECTION to Amendment 15. There being NO further OBJECTION, Amendment 15 was ADOPTED.

3:00:10 PM

Vice-Chair Micciche MOVED to ADOPT Amendment 16, 29-LS0231\X.20, (Martin, 3/11/15) (copy on file):

Page 21, following line 8:

Insert a new paragraph to read:

"(18) "manufacture" has the meaning given in AS 11.71.900;"

Renumber the following paragraphs accordingly.

Co-Chair MacKinnon OBJECTED for discussion.

Mr. Shilling stated that Amendment 16 was a technical fix to add the definition of the word "manufacture" into the legislation.

Co-Chair MacKinnon WITHDREW her OBJECTION to Amendment 16. There being NO further OBJECTION, Amendment 16 was ADOPTED.

3:00:59 PM

Vice-Chair Micciche MOVED to ADOPT Amendment 17, (29-LS0231\X.30), (Martin, 3/11/15) (copy on file):

Page 18, line 7:

Delete "AS 17.38.210"

Insert "AS 17.38.200, 17.38.210"

Co-Chair MacKinnon OBJECTED for discussion.

Mr. Shilling stated that Amendment 17 was another technical fix related to the bail forfeiture section; a statute had been left out and would now be added back in to the bill.

[3:01:37 PM](#)

AT EASE

[3:01:41 PM](#)

RECONVENED

Co-Chair MacKinnon WITHDREW her OBJECTION to Amendment 17. There being NO further OBJECTION, it was so ordered.

[3:02:15 PM](#)

Vice-Chair Micciche MOVED to ADOPT Amendment 18, 29-LS0231\X.29, (Mischel/Martin, 3/11/15) (copy on file):

Page 17, line 7:

Delete "to a:

Insert "if the"

Page 17, line 8:

Delete the first occurrence of "who"

Co-Chair MacKinnon OBJECTED for discussion.

Mr. Shilling explained that Amendment 18 was a technical amendment.

[3:03:13 PM](#)

Senator Bishop asked if the scenario covered by the amendment was similar to a person under 21 entering a bar with a parent.

Mr. Kopp replied in the affirmative.

Co-Chair MacKinnon WITHDREW her OBJECTION to Amendment 18. There being NO further OBJECTION, Amendment 18 was ADOPTED.

[3:03:38 PM](#)

Co-Chair MacKinnon discussed housekeeping.

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

#

ADJOURNMENT

3:04:48 PM

The meeting was adjourned at 3:04 p.m.