

SENATE FINANCE COMMITTEE
March 13, 2015
1:52 p.m.

[1:52:51 PM](#)

CALL TO ORDER

Co-Chair MacKinnon called the Senate Finance Committee meeting to order at 1:52 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; Libby Bakalar, Assistant Attorney General, Department of Law

PRESENT VIA TELECONFERENCE

Hilary Martin, Legislative Legal Services, Juneau

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."

[1:53:06 PM](#)

Co-Chair MacKinnon reintroduced Amendment 6:

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 maintained her OBJECTION to Amendment 6.

[1:54:16 PM](#)

Co-Chair MacKinnon introduced two conceptual amendments to Amendment 6 relating to possession of 16 ounces of marijuana and plants in the home.

[1:54:41 PM](#)

AT EASE

[1:55:58 PM](#)

RECONVENED

Co-Chair MacKinnon asked committee members to turn to Page 4 of Amendment 6.

Co-Chair MacKinnon MOVED to AMEND Amendment 6 with Conceptual Amendment 1 [later the action was rescinded as one cannot amend an amendment two times]:

Page 4, lines 13 through 16

Delete: all materials

[1:56:37 PM](#)

Vice-Chair Micciche OBJECTED for discussion.

[1:56:53 PM](#)

HILARY MARTIN, LEGISLATIVE LEGAL SERVICES, JUNEAU (via teleconference), testified that this section of the bill referred to the affirmative defense for medical marijuana users. She clarified that the amendment would return the language of the original bill to version X of the legislation.

[1:57:42 PM](#)

Vice-Chair Micciche WITHDREW his OBJECTION. There being NO further OBJECTION, conceptual Amendment 1 was ADOPTED.

[1:58:04 PM](#)

Co-Chair MacKinnon MOVED to AMEND Amendment 6 with a 2nd conceptual amendment:

Page 4, line 24

Insert: "tetrahydrocannabinols" after "hash oil"

[1:58:31 PM](#)

Co-Chair Kelly OBJECTED for discussion. Co-Chair Kelly asked for clarification regarding the conceptual amendments. He understood that one could amend an amendment, but an amended amendment could not be amended.

[1:59:04 PM](#)

AT EASE

[1:59:29 PM](#)

RECONVENED

[1:59:34 PM](#)

Vice-Chair Micciche MOVED to RESCIND the committee action to ADOPT Conceptual Amendment 1. There being NO OBJECTION, it was so ordered.

Co-Chair MacKinnon MOVED to ADOPT a conceptual amendment:

Page 4, lines 13 through 16
Delete: all material

Page 4, line 24

Insert: "tetrahydrocannabinols" after "hash
oil,"

Vice-Chair Micciche OBJECTED for discussion.

Co-Chair MacKinnon reread the amendment.
There being NO further OBJECTION, it was so ordered.

2:01:53 PM

CHUCK KOPP, STAFF TO SENATOR PETER MICCICHE, explained that the amendment was drafted in response to concerns about the term "usable marijuana." He said that usable marijuana was defined in AS 17.30.070, and specifically described the part of the plant that was consumable. He said that the amendment clarified that usable marijuana would be weighed in ounces and the plants would be accounted for by number of plants.

2:03:35 PM

Co-Chair MacKinnon WITHDREW her OJECTION. There being NO further OBJECTION, Amendment 6, as amended, was ADOPTED.

2:04:12 PM

AT EASE

2:04:50 PM

RECONVENED

Co-Chair MacKinnon introduced Amendment 19.

Vice-Chair Micciche MOVED to ADOPT Amendment 19, 29-LS0231\X.57, Martin, 3/13/15 (copy on file):

Page 6, line 7, following "provisions of":

Insert "(1)(a)(3)(F) of this section do not apply to a person who is lawfully possessing a schedule VIA controlled substance in accordance with AS 17.38.020; or
(2)"

Page 13, lines 15 - 16:

Delete "or the possession of 16 ounces or more of marijuana at any time"

Co-Chair MacKinnon OBJECTED for discussion.

Mr. Kopp explained that Amendment 19 clarified the intent of the initiative that a person would be allowed to keep all of the marijuana produced by plants lawfully owned and on the premises of their own home.

2:07:47 PM

Co-Chair MacKinnon WITHDREW her OBJECTION to Amendment 19. There being NO further OBJECTION, it was so ordered.

2:08:05 PM

Vice-Chair Micciche moved to rescind committee action taken on Amendment 13, and cited Uniform Rule 31.

Co-Chair MacKinnon OBJECTED for discussion. She explained that the amendment, which had been adopted the previous day, had only applied to one of the two titles that the board would need authority over.

Co-Chair MacKinnon WITHDREW her OBJECTION to rescinding Amendment 13. There being NO further OBJECTION, it was so ordered.

2:09:47 PM

Vice-Chair Micciche MOVED to ADOPT Amendment 20, 29-LS0231\X.51, Martin, 3/12/15 (copy on file):

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 and the provisions of AS 11.71.040 - 11.71.071 involving a schedule VIA controlled substance 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 e involving a schedule VIA controlled substance 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, the provisions of AS 11.71.040 - 11.71.071 involving a schedule VIA controlled substance, regulations of the board, and other criminally punishable laws and regulations."

Co-Chair MacKinnon OBJECTED for discussion.

JORDAN SHILLING, STAFF TO SENATOR JOHN COGHILL, testified that the amendment would provide to the board the authority to enforce certain provisions of Title 11 that would be necessary in order to regulate marijuana.

Co-Chair MacKinnon WITHDREW her OBJECTION to Amendment 20. There being NO further OBJECTION, it was so ordered.

[2:10:45 PM](#)

Vice-Chair Micciche MOVED to ADOPT Amendment 21, 29-LS0231\X.55, Martin, 3/12/15 (copy on file):

Page 6, lines 14 - 16:

Delete "transports, manufactures or delivers, or possesses with the intent to manufacture or deliver,
(A)"

Insert "transports [MANUFACTURES] or delivers
(A) [, OR POSSESSES WITH THE INTENT TO MANUFACTURE OR DELIVER,]"

Co-Chair MacKinnon OBJECTED for discussion.

Mr. Kopp explained that Amendment 21 addressed carry-over language in the law that had existed prior to the passage of the initiative. He relayed that under the initiative, in-home manufacturing, and possession with the intent to

manufacture in-home, was lawful. He shared that transport and delivery would still be illegal.

Co-Chair MacKinnon WITHDREW her OBJECTION to Amendment 21. There being NO further OBJECTION, it was so ordered.

2:12:55 PM

Vice-Chair Micciche MOVED to ADOPT Amendment 22, 29-LS0231\X.48, Martin, 3/12/15 (copy on file).

Page 3, following line 14:

Insert new bill sections to read:

"*Sec. 3. AS 11.56.375(a) is amended to read:

(a) A person commits the crime of promoting contraband in the first degree if the person violates AS 11.56.380 and the contraband is

1) a deadly weapon or a defensive weapon;

(2) an article that is intended by the defendant to be used as a means of facilitating an escape; or

(3) a schedule IA - VA controlled substance.

*Sec. 4. AS 11.56.380(a) is amended to read:

(a) A person commits the crime of promoting contraband in the second degree if the person

(1) introduces, takes, conveys, or attempts to introduce, take, or convey contraband into a correctional facility; [OR]

(2) makes, obtains, possesses, or attempts to make, obtain, or possess anything that person knows to be contraband while under official detention within a correctional facility; or

(3) introduces, takes, conveys, or attempts to introduce, take, or convey a schedule VIA controlled substance into a correctional facility."

Renumber the following bill sections accordingly.

Page 23, line 25:

Delete "sec. 3"
Insert "sec. 5"

Page 23, line 26:

Delete "sec. 4"
Insert "sec. 6"

Page 23, line 27:

Delete "sec. 6"
Insert "sec. 8"
Delete "sec. 8"
Insert "sec. 10"

Page 23, line 28:

Delete "sec. 10"
Insert "sec. 12"

Co-Chair MacKinnon OBJECTED for discussion.

Mr. Shilling explained that the amendment addressed the crime of promoting contraband. He shared that under current law bringing a controlled substance into a correctional facility was a class C felony. He suggested that it could be appropriate to treat marijuana like alcohol, which would drop the penalty to a class A misdemeanor.

Co-Chair MacKinnon WITHDREW her OBJECTION to Amendment 22. There being NO further OBJECTION, it was so ordered.

[2:14:13 PM](#)

Vice-Chair Micciche MOVED to ADOPT Amendment 23, 29-LS0231\X.50, Martin, 3/12/15 (copy on file):

Page 16, lines 18 - 24:

Delete all material and insert:

****Sec. 25.** AS 17.38.1 IO(a) is amended to read:

(a) A local government may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or by a voter initiative.

The operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores in the unorganized borough outside of a municipality is prohibited. An established village may permit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores as provided in AS 17.38.250."

Page 18, line 16:

Delete **"option"**

Insert **"options"**

Page 18, line 18:

Delete "prohibit the operation of marijuana establishments"

Insert "permit the operation of one or more of the following types of marijuana establishments:

(1) marijuana cultivation facilities;

(2) marijuana product manufacturing facilities;

(3) marijuana testing facilities; or

(4) retail marijuana stores"

Page 18, line 21:

Delete "prohibit the operation of marijuana establishments"

Insert "permit (specify local option under (a) of this section)"

Page 18, line 22:

Delete **"option"**

Insert **"options"**

Page 18, lines 28 - 29:

Delete "prohibits the operation of marijuana establishments"

Insert "permits (current local option under AS 17.38.250(a))"

Page 18, line 30, through page 19, line 3:

Delete all material.

Page 19, line 4:

Delete **"local option prohibition of"**

Insert **"removal of local options permitting"**

Page 19, lines 5 - 6:

Delete "prohibit the operation of marijuana establishments under AS 17.38.250"

Insert "remove a local option permitting the operation of marijuana establishments under AS 17.38.260"

Page 19, line 9:

Delete "AS 17.38.250"

Insert "AS 17.38.260"

Page 19, lines 26 - 27:

Delete "Only one local option question may be presented in an election"

Insert "A local option question to permit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores or to permit all marijuana establishments may be presented in one election"

Co-Chair MacKinnon OBJECTED for discussion.

LIBBY BAKALAR, ASSISTANT ATTORNEY GENERAL, DEPARTMENT OF LAW, related that the issue at hand was voter intent versus what could be done by the legislature. She thought that the question for the Supreme Court would ultimately be whether the change would be significant enough to effectuate a substantive repeal of a significant provision of the bill. She noted that the body had broad amendatory power and cited two court cases regarding legislative interpretation of voter's initiatives. She felt that the amendment was defensible in court. She furthered that if a plaintiff wanted to open a marijuana facility in an unorganized borough, and attempted to challenge the amendment, the court would need to determine whether the voters in the unorganized borough were receiving what they thought they had voted for. She thought that a relevant inquiry for that would be to examine voter turnout, up or down, for the measure in the unorganized borough.

[2:18:50 PM](#)

Ms. Bakalar offered that she could not give assurances that the amendment would stand in court as consistent with voter intent. She cited the bill:

***Sec. 25.** AS.17.38.110(a) is amended to read:

(a) A local government may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or by a voter initiative.

Ms. Bakalar said that under the section, the committee stood in the shoes of the assembly and the unorganized borough.

[2:19:50 PM](#)

Senator Hoffman related that the municipalities could keep in line with voter intent by being allowed the option to participate. He inquired what the amendment would accomplish.

[2:20:41 PM](#)

Ms. Bakalar responded that the amendment gave local government the authority to prohibit under Section 25, which was what the legislature was ostensibly attempting to do for established villages.

[2:21:27 PM](#)

Senator Hoffman understood that the rest of the law would remain the same, but in this instance the legislature would be acting on behalf of the unorganized areas of the state. He furthered that there would be a discussion concerning benefits and detriments to the community before growing and retail establishments were realized. He felt that this would allow communities to vote whether or not they wanted marijuana facilities in their communities. He felt that once communities experienced the problems attached to marijuana use, they would opt out of participation in the same way they had with alcohol. He believed having the discussion now could stave off problems related to marijuana in the future.

[2:23:41 PM](#)

Ms. Bakalar agreed.

Senator Hoffman said that if marijuana was to be treated like alcohol, and the committee agreed that alcohol played a significantly negative role in rural Alaska, then there should be little opposition to the amendment. He reiterated that a dialogue on the issue needed to occur before problems began, rather than after.

[2:24:53 PM](#)

Co-Chair MacKinnon explained that the local option amendment had been crafted out of the concern for rural Alaska and the committee's ability to act on their behalf.

[2:25:20 PM](#)

Senator Olson asserted that rural Alaska lacked the infrastructure to handle issues related to marijuana. He urged support for the amendment.

[2:27:22 PM](#)

AT EASE

[2:32:46 PM](#)

RECONVENED

[2:32:53 PM](#)

Co-Chair MacKinnon solicited further comments on the amendment.

[2:33:29 PM](#)

Co-Chair Kelly pointed out that the provision was constitutional and not statutory.

[2:33:42 PM](#)

Vice-Chair Micciche reiterated his dislike of the initiative. He voiced that rural Alaska did not need another substance challenge. He said that his district had voted "no" on the initiative. He thought that it would be patronizing to assume that rural communities did not understand what they had voted to support. He believed that the amendment was counter to the initiative.

[2:35:25 PM](#)

Co-Chair Kelly expressed his support for Amendment 23. He agreed that the amendment was most likely counter to the initiative, but he believed that the constitutional provision instructed that the body act as the sitting legislature for the unorganized areas. He contended that the ballot measure had attempted to subvert the power allowed to lawmakers by permitting the issue of marijuana to be settled by a public vote. He acknowledged that the people of the state had known about the issue of local option when voting, but thought that the legislature should intervene in the matter.

[2:37:22 PM](#)

Senator Dunleavy referred to Article 10 of The Constitution of the State of Alaska, which speaks to local governments.

[2:37:51 PM](#)

Senator Olson requested that representatives of the bill sponsor offer an opinion on the amendment.

Co-Chair MacKinnon pointed out that they would only be able to offer their personal opinions, which were unnecessary for crafting policy.

[2:38:43 PM](#)

AT EASE

[2:40:37 PM](#)

RECONVENED

Senator Olson stated that as a lifetime rural resident, he felt very strongly about the issue of local option. He felt that the bill sponsor would support the amendment.

[2:41:54 PM](#)

Co-Chair MacKinnon communicated that the bill sponsor, Senator Lesil Maguire, was unable to speak to the amendment because she was out of town. She did not think that it would be appropriate for the support staff in the room to speak on her behalf.

[2:43:34 PM](#)

Co-Chair MacKinnon requested that Ms. Bakalar speak to how the body could appropriately set forth and clarify in the legislative record the committee's intent to recognize that there were some communities with local control that might not have the ability to vote as others in the state. She asserted that this was a loophole that had been discovered by the legislature. She asked if public testimony should held on the amendment.

[2:45:18 PM](#)

Ms. Bakalar opined that the amendment could be bolstered by legislative findings. She a court ruling was undeterminable at this time. She said that is was the legislature's obligation to represent the assembly for unincorporated communities; however, the extent that the amendment changed the measure that was voted on from an opt-out to an opt-in system, it should be accompanied by legislative findings.

[2:46:32 PM](#)

Co-Chair MacKinnon understood that the legislature could research the possible negative effects marijuana might have on and unincorporated community, and provide legislative findings to support regulating marijuana like alcohol in those areas, in order to provide support for the amendment.

Ms. Bakalar agreed that the findings would inform the courts analysis of whether the amendment was sufficiently consistent with the initiative. She posited that the amendatory power of the body was broader due to the numerous issues contained in the bill. She concluded that legislative findings supporting the action taken under Article 10 would assist the court in evaluating whether the amendment was consistent with the will of the voters.

[2:49:00 PM](#)

Co-Chair MacKinnon clarified that she did not believe that alcohol was identical to marijuana, but that in support of the intent of the amendment she recognized the risk marijuana posed inside of smaller communities. She asked whether the amendment would provide for a future option to opt-in.

Ms. Bakalar replied in the affirmative.

[2:50:10 PM](#)

Co-Chair MacKinnon WITHDREW her OBJECTION to Amendment 23.

Vice-Chair Micciche MAINTAINED his OBJECTION.

[2:51:22 PM](#)

Senator Hoffman surmised that the committee was weighing the pros and cons, as well as good and ill that marijuana brought to the state. He contended that the legislature sat as the assembly for the unorganized boroughs, and would not be subverting the initiative via the amendment. He furthered that dialogue regarding operation of facilities and dispensaries was necessary before the unorganized boroughs opted-in rather than after. He emphasized that the amendment did not circumvent the will of the people by voting as their assembly and reversing the option.

[2:53:52 PM](#)

Senator Bishop wondered how much it would cost the communities to run an election and vote on whether to opt in or out.

Co-Chair MacKinnon believed that the problem was that there were not specific local boundaries in some communities to hold an election, as the boroughs were unorganized.

[2:54:25 PM](#)

Senator Dunleavy related that unorganized boroughs held Regional Education Attendance Area elections, and that the question could be attached to those ballots. He thought that the cost could run approximately \$1500.

[2:54:50 PM](#)

Senator Bishop expressed that he was conflicted on the issue.

[2:55:39 PM](#)

Senator Olson related that a special election for the purposes of voting on local option would be of minimal cost. He spoke of people in rural communities being confused by the ballot measure and asserted that the

translators that had been sent to help communities understand the initiative had been inadequate. He contended that a large percentage of the people in rural Alaska that voted on the measure had not understood what they were voting on.

[2:57:05 PM](#)

AT EASE

[3:02:37 PM](#)

RECONVENED

Vice-Chair Micciche shared that his objection was largely philosophical, and that he held a great deal of respect for the intention behind the amendment.

Vice-Chair Micciche MAINTAINED his OBJECTION.

[3:03:45 PM](#)

A roll call vote was taken on the motion to adopt Amendment 23.

IN FAVOR: Dunleavy, Hoffman, Olson, MacKinnon, Kelly

OPPOSED: Micciche, Bishop

The MOTION PASSED (5/2). There being NO further OBJECTION, Amendment 23 was ADOPTED.

[3:05:20 PM](#)

AT EASE

[3:07:10 PM](#)

RECONVENED

Senator Bishop withdrew Amendment 24.

[3:07:38 PM](#)

Vice-Chair Micciche MOVED to ADOPT Amendment 25, 29-LS0231\X.56, Martin, 3/13/15 (copy on file).

Co-Chair MacKinnon OBJECTED for discussion.

[3:07:46 PM](#)

Co-Chair Kelly believed that there was a flaw in the initiative that put the people of Alaska in danger,

particularly Alaska's children. He contended that voters had not taken marijuana concentrates into consideration when deciding on the ballot measure because "concentrates" had not been mentioned on the ballot. He stated that concentrates could fall under "marijuana products" in the initiative language. He stated that concentrates were highly manufactured and extremely potent, and had wreaked havoc in emergency rooms, burn units, and high schools across the country. He stated that the problem was widespread in Colorado, which had passed a similar initiative.

[3:11:18 PM](#)

AT EASE

[3:12:14 PM](#)

RECONVENED

Co-Chair Kelly said that the epidemiological data on THC was based on studies done with "leafy substance" and the THC levels therein. He read from an article provided by Smart Approaches to Marijuana (SAM)(copy on file):

LONDON, ENGLAND - Today, in one of the most prominent medical journals in the world, Lancet Psychiatry, a team of twenty-three scientists published a large study showing that people who smoked high-grade marijuana - about 16% THC with no CBD, similar to average US varieties of marijuana - were five times as likely than non-users to have a psychotic disorder. Weekend users were three times as likely than non-users to have a psychotic disorder..."

Co-Chair Kelly said that the studies established a link between psychosis and high dosages of THC across all age spectrums. He asserted that concentrates were 80 to 90 percent THC.

[3:14:48 PM](#)

Co-Chair Kelly referred to an image on the screen which depicted individuals partaking in the consumption of concentrated marijuana. He pointed out a young woman who coughed and collapsed after inhaling. He relayed that one hit of THC concentrate was equivalent to 15 to 20 marijuana cigarettes, could only be lit with a blow torch, and required a spotter due to the after affects.

[3:16:48 PM](#)

Co-Chair Kelly offered an anecdote about a young man who had taken a hit of THC concentrate that lead him to have a psychotic break. He said that the young man was high for three days. He said that the initiative had been more about commercialization than legalization. He felt commercialization would initiate a race to potency. He relayed that one marijuana cookie contained 10 servings of marijuana (350 milligrams) and was not meant to be consumed in one sitting, but could be fully consumed by a child in one sitting, and to tragic results.

[3:18:37 PM](#)

Co-Chair Kelly assumed that consuming marijuana by smoking allowed for self-regulation, which he believed was not an option with edibles. He hypothesized that with the race to potency that concentration levels would steadily rise. He feared that the method of extracting the THC would become more and more dangerous, as it required flammable solvents to separate the THC from the plant. He shared that there had been 26 explosions in Colorado as a result of THC extraction.

[3:21:47 PM](#)

Co-Chair Kelly continued to cite statistics related to THC extraction injuries. He opined that the people of Alaska voted to legalize marijuana, but not concentrates. He warned that there would be deaths associated with concentrates.

[3:23:26 PM](#)

Co-Chair MacKinnon cited Section 17.38.900 of the initiative.

(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.

(11) "Marijuana products" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

She argued that the underlying initiative approved by the Lt. Governor had contained the word "concentrates".

[3:24:59 PM](#)

Co-Chair Kelly qualified that he was referring to what the public had had directly before them when casting their vote.

Co-Chair MacKinnon concurred.

[3:25:47 PM](#)

Ms. Martin explained that Amendment 25 would repeal putting has, hash oil, and TCH into category VI(a) and put them back into category III(a), and amend the definition of marijuana by removing hash and hash oil, two years from the effective date. She added that the amendment would remove any other references to marijuana concentrate, such as the crime of manufacturing marijuana concentrate, and would make the necessary conforming changes.

[3:26:50 PM](#)

Senator Olson commented that the SAM article was reputable and spoke to some important issues. He said that accidental poisoning by edibles was a top concern due to the severity of the reactions. He likened the danger to allowing a loaded gun in the vicinity of children.

[3:28:17 PM](#)

Vice-Chair Micciche wondered about the removal of hash and hash oil from the definition of marijuana.

Co-Chair Kelly replied hash and hash oil would be removed, in addition to concentrates, because concentrates were derived from hash and hash oil.

[3:29:06 PM](#)

Co-Chair Kelly stated that the amendment met the constitutional requirement for initiatives because the mechanism for removal of the language would take effect after two years.

[3:29:42 PM](#)

AT EASE

[3:33:40 PM](#)

RECONVENED

Co-Chair Kelly asked that Ms. Martin respond to Vice-Chair Micciche's question.

[3:34:08 PM](#)

Ms. Martin said that she had reverted back to the original statute because the amendment would remove hash, hash oil, THC and other concentrates from the definition of marijuana.

[3:35:04 PM](#)

Vice-Chair Micciche wondered at what point hash became a concentrate. He pointed out that it was clearly in the initiative language, although not on the ballot, and had been discussed in each committee that the bill had traveled through. He requested more time to investigate the topic.

[3:36:01 PM](#)

Co-Chair Kelly suggested that time for contemplation was built in to the amendment due to the sunset clause. He maintained that that language of the initiative was broad and that the legislature should error on the side of caution so that little children did not get their hands on marijuana cookies.

[3:37:06 PM](#)

Vice-Chair Micciche queried the intent of the two year sunset clause. He philosophized whether the constitutional requirement would be met if the committee voted on the amendment immediately.

[3:37:39 PM](#)

Vice-Chair Micciche said that he shared Co-Chair Kelly's fear that children could accidentally eat a marijuana Popsicle out of the freezer. He wondered whether the issue could be raised again in two years.

[3:38:22 PM](#)

Co-Chair Kelly communicated that he was trying to meet objections that he had heard at the table over the past few weeks regarding different amendments and trying to stay within the constitutional limits of the initiative.

[3:39:17 PM](#)

Senator Dunleavy understood that concentrates would be allowed for the next two years whether or not the amendment passed.

Co-Chair Kelly said that a no vote would mean concentrates in perpetuity.

[3:39:39 PM](#)

Co-Chair MacKinnon agreed that marijuana edibles would be a danger to children. She felt that the packaging of edibles should be regulated and controlled and that the legislature should address the issue of labeling. She reiterated her request that the regulatory legislation should be drafted that spoke to those issues. She shared that under the legal aspects of the bill before the committee, the authority to develop regulations would be granted to the Alcoholic Beverage Control Board. She stated that the amendment did honor the two year constitutional requirement.

[3:41:58 PM](#)

AT EASE

[3:44:28 PM](#)

RECONVENED

Co-Chair MacKinnon MAINTAINED her OBJECTION.

[3:45:08 PM](#)

A roll call vote was taken on the motion to adopt Amendment 25.

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

The MOTION PASSED (4/3). There being NO further OBJECTION, Amendment 25 was ADOPTED.

[3:46:25 PM](#)

Co-Chair MacKinnon discussed housekeeping.

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

#

ADJOURNMENT

[3:46:53 PM](#)

The meeting was adjourned at 3:47 p.m.