

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

February 11, 2015
1:34 p.m.

MEMBERS PRESENT

Senator Lesil McGuire, Chair
Senator John Coghill, Vice Chair
Senator Mia Costello
Senator Bill Wielechowski

MEMBERS ABSENT

Senator Peter Micciche

COMMITTEE CALENDAR

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."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 30

SHORT TITLE: MARIJUANA REG;CONT. SUBST;CRIMES;DEFENSES

SPONSOR(s): JUDICIARY

01/23/15	(S)	READ THE FIRST TIME - REFERRALS
01/23/15	(S)	JUD, FIN
01/26/15	(S)	JUD AT 1:00 PM BUTROVICH 205
01/26/15	(S)	Heard & Held
01/26/15	(S)	MINUTE(JUD)
01/28/15	(H)	JUD AT 1:00 PM CAPITOL 120
01/28/15	(H)	-- Companion Bill --
01/30/15	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
01/30/15	(S)	-- Meeting Postponed to Monday 2/2/2015
		--
02/02/15	(S)	JUD AT 1:30 PM BUTROVICH 205
02/02/15	(S)	-- Rescheduled from 01/30/15 --
02/05/15	(S)	FIN AT 9:00 AM SENATE FINANCE 532
02/05/15	(S)	Scheduled but Not Heard

02/06/15 (S) JUD AT 1:30 PM BUTROVICH 205
02/06/15 (S) -- MEETING CANCELED --
02/09/15 (S) JUD AT 1:30 PM BUTROVICH 205
02/09/15 (S) Heard & Held
02/09/15 (S) MINUTE(JUD)
02/11/15 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

AMY SALTZMAN, Staff
Senator Lesil McGuire
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Delivered a sectional analysis of SB 30, version I.

JORDAN SHILLING, Staff
Senator John Coghill
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Aided in the sectional analysis of SB 30.

HILARY MARTIN, Legal Drafter
Legislative Legal and Research Services
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: Legal drafter of SB 30.

NANCY MEADE, General Counsel
Administrative Staff
Office of the Administrative Director
Alaska Court System
Anchorage, Alaska

POSITION STATEMENT: Answered questions and provided information related to SB 30 from the Court's perspective.

BRUCE SHULTE, Spokesman
Coalition for Responsible Cannabis Legislation
Anchorage, Alaska

POSITION STATEMENT: Commented on and offered suggestions on SB 30, version I.

KACI SCHROEDER, Assistant Attorney General
Department of Law
Juneau, Alaska

POSITION STATEMENT: Answered questions related to SB 30, version I.

ACTION NARRATIVE

[1:34:03 PM](#)

CHAIR LESIL MCGUIRE called the Senate Judiciary Standing Committee meeting to order at 1:34 p.m. Present at the call to order were Senators Coghill, Costello, Wielechowski, and Chair McGuire.

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

[1:34:24 PM](#)

CHAIR MCGUIRE announced the consideration of SB 30. [CSSB 30, labeled 29-LS0231\I was before the committee.] She reviewed the agenda and the invited testifiers.

[1:36:25 PM](#)

AMY SALTZMAN, Aide to the Senate Judiciary Committee and Staff to Senator McGuire, introduced herself.

[1:36:28 PM](#)

JORDAN SHILLING, Staff to Senator John Coghill, introduced himself.

SENATOR COGHILL informed the committee that he asked Ms. Saltzman and Mr. Shilling to read through the first 2-3 sections to show how they conform and then move on to the new crimes.

MS. SALTZMAN reviewed the sectional analysis for Sections 1-4 of SB 30, version I.

Section 1 Amends AS 02.30.030(b) Operation of an aircraft under the influence.

A person cannot operate an aircraft with a crew member or passenger who is intoxicated.

Adds "marijuana."

Section 2 Amends AS 04.16.050(e) Possession, control, or consumption by a person under the age of 21.

Requires the court to prohibit the use of alcohol as a condition of probation.

Adds "marijuana."

Section 3 Amends AS 05.45.100(c) Duties and responsibilities of skiers.

Prohibiting the use of a tramway, ski slope or trail under the influence.
Adds "marijuana."

Section 4 Amends AS 08.68.270 Grounds for denial, suspension, or revocation.
Grounds for denial, suspension, or revocation of a nursing license for habitual use of alcohol.
Adds "marijuana."

SENATOR COGHILL suggested Ms. Saltzman move past the first 44 sections unless members had questions.

CHAIR MCGUIRE clarified that these changes are being made because marijuana is being removed as a controlled substance and will be regulated the same way as alcohol.

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SENATOR WIELECHOWSKI said he didn't object to Senator Coghill's proposal but some sections may cause concern because there are some differences between drug and alcohol abuse and the use of marijuana. Section 4, for example, talks about license revocation for someone who habitually abuses alcoholic beverages or marijuana. He questioned how it would apply to someone who uses medical marijuana and if it would be considered abuse if someone used it every day. Section 26 provides another example. A judicial officer may require a person to refrain from the consumption of alcoholic beverages or marijuana. If a person is using marijuana that is prescribed for medical purposes, this allows a judge to deny that use.

CHAIR MCGUIRE summarized the concern. A prior initiative passed that allowed for the use of medical marijuana but the legislature did not fully implement the law. The question is how these uses would interplay with medical marijuana.

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HILARY MARTIN, Legal Drafter, Legislative Legal and Research Services, Legislative Affairs Agency, stated that the issue existed when marijuana was a controlled substance. She advised that it is still a bit of an open question but the defense would cover anyone who is charged with a marijuana crime. She directed attention to page 37 where the affirmative defense that exists in statute is moved into Sec. 17.38.300.

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SENATOR WIELECHOWSKI said he didn't think that would apply to the sections he pointed out because Sec. 17.38.300 relates to prosecutions.

MS. MARTIN agreed and reiterated that it was a problem before and the bill doesn't fix the issue.

CHAIR MCGUIRE said it would be a policy call to amend the bill to insert "notwithstanding the use of medical marijuana" as opposed to keeping the affirmative defense in Sec 17.38.300.

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SENATOR COSTELLO questioned why the reference to a schedule VIA controlled substance appears on page 13, lines 13-16 if marijuana is removed as a controlled substance in statute.

MS. MARTIN responded that it's drafted that way in criminal law to preserve the numbering of statutes. If sections are bracketed and renumbered it can be an issue when looking at court records because the crimes look different for previous convictions. The subsections that contain a reference to a VIA controlled substance are in the repealer section.

SENATOR COSTELLO asked where the repealer section is located.

MS. MARTIN replied it's on page 91 Section 160.

Responding to a drafting question from Senator Coghill, she confirmed that after the bill passes those sections will show they are repealed.

SENATOR WIELECHOWSKI directed attention to Section 42 on page 25 and asked if the provision would generate a fiscal note. It adds alcohol and marijuana to the educational programs the commissioner of health and social services is required to provide to deter abuse.

MS. SALTZMAN said she asked the question but has not received an answer.

SENATOR COSTELLO described an educational program from Colorado to deter marijuana abuse. She asked if the committee might entertain a conversation about expanding that to include information about the law and what conduct is and is not legal with regard to marijuana use and possession.

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MR. SHILLING reviewed Section 45.

Section 45 Amends AS 17.38.070(a) Lawful operation of marijuana - related facilities.

Establishes that a person 21 years of age or older may own, operate, be an agent of or be employed by a retail marijuana store with a valid registration and perform all of the related duties and activities and not be prosecuted for it or have it be a basis for seizure or forfeiture. Language from Ballot Measure 2 with the exception of the phrase: "NOTWITHSTANDING ANY OTHER PROVISION OF LAW" and other stylistic clarifying changes.

He noted that the clause "notwithstanding any other provision of law" was not included in the next five sections of the bill. He suggested that Ms. Martin discuss why that clause could be problematic.

MS. MARTIN said the phrase generally is avoided in statutes because it can cause confusion and conflict.

SENATOR COGHILL summarized the reason for removing the phrase.

MS. MARTIN agreed that the language potentially would have nullified the criminal laws and penalties associated with the actions in Section 45.

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MR. SHILLING began a review of Section 50.

Section 50

AS 17.38.200. Misconduct involving marijuana in the first degree.

A person commits the crime of MIM in the 1st degree, which is a class A misdemeanor, if they:

- Possess marijuana with an aggregate weight of more than four ounces
- Possess 25+ plants
- Manufacture or deliver more than one ounce.
- Deliver any amount to a person under 21 years of age, who is not a patient registered under AS 17.37 (medical marijuana statutes).
- Manufacture "butane hash" without a license.
- Are a marijuana establishment and allows for a person under the age of 21 to enter and remain in the

facility; allow the use of marijuana; or deliver marijuana to a person under the age of 21.

He acknowledged that there is a question about the term "deliver."

CHAIR MCGUIRE advised that a class A misdemeanor carries a maximum fine of \$10,000 and a potential jail time of 0-1 year.

SENATOR COGHILL stated that this section specifies more than four ounces because of the Ravin case.

MR. SHILLING acknowledged that there is some question as to which case allows possession of up to 25 plants.

SENATOR COGHILL asked how many plants are currently permitted in the home.

MR. SHILLING replied it is a violation to have from 7-24 plants and a misdemeanor to have 25 or more.

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SENATOR WIELECHOWSKI referred to page 30, lines 1-3, and asked why water-based extraction is not included in Sec. 17.38.200.

MR. SHILLING replied the intention is to exclude the use of solvents that might be flammable.

SENATOR WIELECHOWSKI asked if the language in paragraph (4) includes water-based extraction.

MS. MARTIN said it's a possibility, but it isn't clear because the term solvent isn't defined.

SENATOR WIELECHOWSKI asked if she agrees that it's a good idea to clarify the matter.

MS. MARTIN said it should be included if the committee wants to make it clear that a person could use water-based extraction methods.

SENATOR COGHILL offered his understanding that manufacturing "butane hash" in the home is volatile. He questioned whether it needs to be defined.

MR. SHILLING said the bill specifies that a person who is registered or licensed is not prohibited from using a solvent-

based extraction method for manufacturing "butane hash." He admitted that the sectional does not make that clear.

[2:00:52 PM](#)

MR. SHILLING reviewed AS 17.38.210.

AS 17.38.210. Misconduct involving marijuana in the second degree.

A person commits the crime of MIM in the 2nd degree, which is a class B misdemeanor, if they are:

- In possession of 7-24 plants.
- Unlicensed and deliver more than 1 ounce of marijuana and 6 immature plants, 1 ounce or less for remuneration, or up to 6 immature plants for remuneration.
- Selling any amount of marijuana without a license.

MR. SHILLING noted that he misspoke earlier when he said that possession of 7-24 plants was a violation.

CHAIR MCGUIRE advised that a class B misdemeanor carries a maximum fine of \$2,000 and a potential jail time of 0-90 days.

MR. SHILLING reviewed AS 17.38.220

AS 17.38.220. Misconduct involving marijuana in the third degree.

A person commits the crime of MIM in the 3rd degree, which is a violation, if he/she:

- Manufactures marijuana in a location where the plants are in public view, not secure from unauthorized access, or on property not in possession of the person or without consent of the property owner.
- Is under 21 and attempts to purchase marijuana with false identification, or otherwise misrepresents the person's age.
- Is under 18 and possesses, uses, or displays one ounce or less of marijuana.
- Possesses 1.01 ounces up to four ounces.

SENATOR COGHILL asked if the provision relating to a person under age 18 aligns with the statutory provisions for alcohol for a person under age 18.

MR. SHILLING answered no; it becomes a class B misdemeanor when a minor under age 18 possesses alcohol three or more times.

SENATOR WIELECHOWSKI asked what the punishment is.

CHAIR MCGUIRE advised that a violation carries a maximum fine of \$500 and no jail time.

SENATOR COSTELLO asked if a violation would go on a minor's record.

MS. SALTZMAN replied a violation for a minor is treated the same as for an adult. She deferred further explanation to Ms. Meade.

CHAIR MCGUIRE explained that the goal is to divert behavior so the idea is to move towards a violation versus a class B misdemeanor.

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NANCY MEADE, General Counsel, Administrative Staff, Office of the Administrative Director, Alaska Court System, stated that the court is neutral on the bill. Addressing the question of keeping some records confidential, she explained that in this draft somebody under age 18 who is charged with the crime of misconduct involving marijuana in the first and second degree would be adjudicated as a juvenile delinquent. Those cases are confidential and the juvenile's name would not appear on CourtView.

In the current draft, misconduct involving marijuana in the third and fourth degree are violations. Violations are termed minor offenses (mo) for court processing reasons and are public. They are not confidential. If a person under age 18 commits a crime, they generally are under the jurisdiction of the Division of Juvenile Justice (DJJ), but DJJ does not have the authority to prosecute violations so the minor would be treated like an adult. His or her name would be on CourtView and the case would not be confidential. She noted that the legislature could certainly decide to make those cases confidential.

SENATOR COSTELLO expressed concern about protections for minors and suggested the committee revisit the penalties.

MS. MEADE restated that the legislature could draft legislation to make certain violations confidential, but under current law a 17-year-old who gets a speeding ticket will have their name appear on CourtView with a case suffix of mo for minor offense.

She noted that the current draft of the bill has a juvenile delinquency provision on pages [80-81] that lists all the minor offenses (including alcohol offenses) for which a minor is treated like an adult.

SENATOR COSTELLO asked for clarification of minor offenses.

MS. MEADE explained that if a 17-year-old received a ticket it would be a violation. In the bill those would be misconduct involving marijuana in the third and fourth degree. Those cases appear on CourtView and the case suffix is mo. She clarified that a minor offense does not refer to age; it's that the offense is less substantial than a major offense. Clicking on the suffix in CourtView will show the actual offense.

SENATOR COGHILL stated that a misdemeanor is a crime and a violation is not.

SENATOR MCGUIRE agreed and added that Senator Costello's concern is that it may be a disproportionate penalty. In the context of the bill, a minor who is charged with a marijuana violation will have their name appear on CourtView, but a minor who is charged with a marijuana crime will not. She asked the members to consider adding language in the bill that makes it clear that these violations for minors are to be held confidential.

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SENATOR WIELECHOWSKI stated support for clarifying that these violations should not appear on CourtView. He added that it doesn't make sense that the more serious crimes are not public, yet these minor crimes are public and will appear on CourtView forever. He asked if marijuana is a barrier crime on the federal level for future employment.

MS. MEADE replied a sub-group of the Criminal Justice Commission is collecting that information, but she didn't know the answer.

CHAIR MCGUIRE said it's a good point since marijuana is treated differently at the federal level.

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SENATOR COGHILL argued that it is a significant reproof and it will get a minor's attention if they are caught and ticketed for a violation. "To me the reproofs for youngsters need to be there." It will be on CourtView but it's not as damning as a criminal penalty, he opined.

SENATOR COSTELLO stressed the importance of understanding precisely what the bill does in order to make a better policy call.

SENATOR WIELECHOWSKI said he believes it's important to correct the behavior when a child makes a mistake, but the current draft imposes more than a slap on the wrist. His perspective is that it's a bad policy call.

MS. MEADE suggested the committee look at paragraph (5) on page 81, lines 4-6. It is the current statute for minor consuming or possession of alcohol. Those are currently on CourtView.

SENATOR WIELECHOWSKI stated that it's time to rethink the punishments for minor consuming and possession.

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CHAIR MCGUIRE said that whatever policy decision is made with respect to the violations that appear on CourtView, it makes sense to consider what's on page 81, paragraph (5).

MS. SALTZMAN continued the review of Section 50.

AS 17.38.230. Misconduct involving marijuana in the fourth degree.

A person commits the crime of MIM in the 4th degree, which is a violation, if they:

- Are over 21 and use any amount of marijuana in a public place
- Are between 18-20 and use, display, or possess 1 ounce or less of marijuana.

She noted that the definition for "public place" is the same as in current statute.

SENATOR WIELECHOWSKI asked if MIM 4 violations will appear on CourtView.

MS. SALTZMAN answered yes. She continued to review Section 50.

AS 17.38.240. Proof of registration to be exhibited on demand; penalty.

Requires a licensee to have a copy of their marijuana license at all times when transporting more than one ounce of marijuana, and shall present the license on demand by a peace officer.

AS 17.38.250. Bail forfeiture for certain offenses.

Requires the court to make a bail schedule allowing defendants to pay the fine for violations without a court appearance for MIM 3rd (AS 17.38.220) and MIM 4th (AS 17.38.230.)

AS 17.38.260. Aggregate weight of live marijuana plants.

For purposes of calculating the aggregate weight of a marijuana plant, the weight shall be 1/6th the weight of the plant after the roots have been removed.

AS 17.38.270. Rehabilitation.

A person convicted of misconduct relating to the use of marijuana may be committed to the Department of Corrections for treatment for not more than one year.

MS. SALTZMAN noted that this provision needs to be removed because it doesn't apply.

AS 17.38.280. Restriction on prosecution for certain persons in connection with a marijuana overdose.

A person may not be prosecuted for certain marijuana crimes if that person, in good faith, sought medical or law enforcement assistance for themselves or another person who is experiencing a marijuana overdose.

AS 17.38.290. Forfeitures and seizures.

Provides and establishes a process for forfeiture of marijuana and other assets upon violation of AS 17.38.200 - 17.38.230.

MS. SALTZMAN advised that the foregoing section needs to be rewritten or eliminated.

AS 17.38.300. Affirmative defense to a prosecution under AS 17.38.200-17.38.230; medical use of marijuana.

Establishes an affirmative defense in Title 17 for certain conduct by medical marijuana patients and caregivers.

MS. SALTZMAN reviewed Section 51.

Section 51 Amends AS 17.38.900(6) Definitions

Provides the definition of marijuana.

MS. SALTZMAN said the definition that was used in the ballot initiative was amended to delete the word "salt." A few stylistic changes were also made.

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SENATOR WIELECHOWSKI asked Ms. Martin to clarify whether a person who uses medical marijuana has to mount an affirmative defense to prove that possession is legal.

MS. MARTIN responded that the affirmative defense language in AS 11.71 for medical marijuana patients was moved to AS 17.38. She added that neither a medical marijuana patient nor a parent caregiver would have an issue with possession of less than 1 ounce.

SENATOR WIELECHOWSKI asked for clarification that this would only apply to the sections previously discussed where there could be over 1 ounce.

MS. MARTIN said that's correct; if there is no crime associated with the possession there is no need to have a defense.

SENATOR COSTELLO asked how an affirmative defense for medical marijuana works.

CHAIR MCGUIRE asked Ms. Schroeder to address the question.

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KACI SCHROEDER, Assistant Attorney General, Department of Law, explained that the normal course of events is that the prosecution is notified that the defendant intends to put on an affirmative defense. At trial, the burden of proof is on the defendant to prove his/her innocence by a preponderance of the evidence rather than beyond a reasonable doubt which is generally the burden of proof required for the prosecution.

SENATOR COGHILL asked if first there would have to be an underlying crime, and then the affirmative defense for medical marijuana.

MS. SCHROEDER said that's correct. She added that Senator Wielechowski brings up a good point that the medical marijuana statutes do not provide any more protection in the criminal context than the initiative.

SENATOR COGHILL opined that the mixed standard relating to one ounce and four ounces adds to the confusion.

CHAIR MCGUIRE drew a parallel between possession of medical marijuana and possession of OxyContin after shoulder surgery. She opined that the likelihood of being charged with a crime is fairly low.

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MS. SALTZMAN reviewed Section 52.

Section 52 Adds a new section to AS 17.38.900 Definitions
Adds definitions for criminal negligence, deliver(y), knowingly, manufacture, marijuana concentrate, and public place.

MR. SHILLING added that the language on page 39, line 11, specifies that growing marijuana for personal use is not part of the definition of "manufacturing."

SENATOR WIELECHOWSKI asked Mr. Shilling to discuss the reasoning for selecting the definition of "public place" given in AS 11.81.900.

MR. SHILLING replied it was a policy call to have all the crimes on the books point towards the same comprehensive definition of "public place."

SENATOR WIELECHOWSKI read the definition of "public place" in AS 11.81.900(b)(53) and suggested that some people would question including apartment houses and businesses.

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

He asked where this definition is used.

MR. SHILLING deferred to Ms. Schroeder.

CHAIR MCGUIRE asked Ms. Schroeder to also discuss whether or not consumption of alcohol in a public place is treated the same way.

MS. SCHROEDER advised that there is no state law that prohibits alcohol consumption in public; it is generally done through local ordinance. She couldn't give a ready example of another crime that refers to public place and wasn't sure if Title 4 defines it differently.

CHAIR MCGUIRE asked Ms. Martin if she could answer the question.

[2:35:54 PM](#)

MS. MARTIN confirmed that Title 4 does not use "public place." The term is used in a handful of criminal statutes including stalking in the second degree.

SENATOR COGHILL stated that the term was used in an effort to align with the initiative.

CHAIR MCGUIRE agreed with Senator Coghill that the initiative said no marijuana use in a public place. She described the current definition as a placeholder and noted that the Alcoholic Beverage Control (ABC) Board is looking for a definition.

SENATOR COGHILL read the initiative language that refers to public consumption of marijuana.

SENATOR WIELECHOWSKI noted that part of the definition of "public place" in Title 11 includes hallways. He asked what constitutes a hallway and if that it might include part of a personal residence.

MS. MARTIN clarified that it is talking about hallways and lobby areas in an apartment house or hotel, not individual rooms or apartments.

SENATOR WIELECHOWSKI asked if the reference to "places of business" would prohibit setting up a place where people can smoke at an authorized business.

MS. MARTIN conceded that "business" is not defined and it would require some drafting changes to allow marijuana establishments.

SENATOR COGHILL suggested that the committee may have to develop a definition because smoking tobacco in your own car is

acceptable, but some people considered a car to be a public place.

CHAIR MCGUIRE asked Mr. Shulte to discuss what he envisioned when the term "public place" was included in the initiative and how that fits in the context of the current draft.

2:40:30 PM

BRUCE SHULTE, Spokesman, Coalition for Responsible Cannabis Legislation (CRCL), stated that CRCL does not dispute that public consumption of marijuana is unlawful, but would like the definition to be expanded to provide a little more flexibility. He described it as an opportunity for businesses to allow the consumption of marijuana on their premises the same as establishments that can serve alcohol under varying circumstances and for different durations, and a challenge to make the distinction.

CHAIR MCGUIRE asked if he had additional testimony on the current draft.

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MR. SHULTE said he would highlight a few points in the written comments he submitted. The first is that while he agrees with the intent of AS 17.38.200(a)(4), he would suggest a specific reference to the use of volatile or explosive gases to extract hash or hash oil. This would allow other, completely safe extraction processes such as ice water or dry ice that a home user might employ.

He then highlighted item 4) on page three of his written comments relating to 17.38.200(a)(5). He acknowledged that the rewrite of [Title 4] isn't before the legislature yet, but suggested it might be an opportunity to bring the rules for marijuana into line with the eventual rules for alcohol. In this context, it would become a regulatory infraction rather than a criminal act for a person working in a retail store to intentionally or unintentionally sell marijuana to a person under age 21.

He next suggested eliminating AS 17.38.260 entirely. This section describes the method for ascertaining the aggregate weight of a live marijuana plant. The process requires removal of the roots, which would destroy the plant. He pointed out that in a commercial setting that it could amount to tens of thousands of dollars in inventory.

MR. SHULTE articulated concern with AS 17.38.290 relating to forfeiture and seizures, but acknowledged that it more or less mimics the language in the corresponding statute for alcohol. If the language is included, he requested that the legislature clarify that the intent is that any property or funds seized under this law would be used to fund drug education and treatment programs.

He stated agreement with removing the term "salt" from the definition of marijuana under AS 17.38.900(6).

2:48:06 PM

MR. SHULTE said he first viewed the repeal of AS 17.38.020 and AS 17.38.030 as a drafting decision given that many of the provisions are addressed in the new AS 17.38.200. However, on further reflection he determined that both sections should be retained. Both were in the voter initiative and they articulate what is lawful while AS 17.38.200 states the penalties for activities that are unlawful. He described the sections as complementary and respectfully requested that they be retained.

SENATOR COGHILL noted the penalty for misconduct involving marijuana in the third degree for possessing more than one ounce and then the definition of "marijuana." He asked Mr. Shulte if he agrees that it could be one ounce of the oil derivative.

MR. SHULTE conceded that could be one interpretation. He then pointed out that one ounce of hash oil would be a rather large quantity outside a commercial transaction.

SENATOR COGHILL expressed concern that the penalty is basically a ticket. He asked for help understanding what an ounce means and how to value the derivatives under the definitions for imposing penalties.

MR. SHULTE responded that he understands the concern and he would work on some recommendations.

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MR. SHULTE stated that CRCL is committed to an orderly process and recognizes that February 24 only changes personal consumption and cultivation. The group looks forward to a nine-month regulatory process and then another three months before the state starts to accept permits.

We're not expecting to see commercial or retail businesses go into effect until sometime in 2016,

spring or summer. That's what our members are committed to and that's the message we're trying to get out there.

CHAIR MCGUIRE asked how he might help communicate with the public so there is an orderly transition.

MR. SHULTE replied CRCL intends to get the message out through social media and letters to the editor. The goal is to articulate what is lawful as of February 24, 2015 and what will not be lawful for the 9-14 months thereafter.

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SENATOR COGHILL reiterated the request for help with a definition based on value.

MR. SHULTE committed to help with the clarification.

CHAIR MCGUIRE held SB 30 in committee.

[2:57:41 PM](#)

There being no further business to come before the committee, Chair McGuire adjourned the Senate Judiciary Standing Committee meeting at 2:57 p.m.