

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

April 18, 2015

10:12 a.m.

MEMBERS PRESENT

Senator Lesil McGuire, Chair
Senator John Coghill, Vice Chair
Senator Mia Costello
Senator Peter Micciche

MEMBERS ABSENT

Senator Bill Wielechowski

COMMITTEE CALENDAR

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 75(JUD) AM

"An Act relating to the registration of marijuana establishments by municipalities; relating to the definition of 'marijuana'; clarifying standards for personal use of marijuana by persons 21 years of age or older; prohibiting the public consumption of marijuana; authorizing the registration of marijuana clubs; relating to established villages and to local option elections regarding the operation of marijuana establishments; and providing for an effective date."

- MOVED SCS CSHB 75(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 75

SHORT TITLE: MARIJUANA REG;CLUBS;MUNIS;LOCAL OPT ELECT

SPONSOR(S): COMMUNITY & REGIONAL AFFAIRS

01/23/15	(H)	READ THE FIRST TIME - REFERRALS
01/23/15	(H)	CRA, JUD
02/21/15	(H)	CRA AT 10:00 AM BARNES 124
02/21/15	(H)	<Bill Hearing Canceled>
02/24/15	(H)	CRA AT 8:00 AM BARNES 124
02/24/15	(H)	Heard & Held
02/24/15	(H)	MINUTE(CRA)
03/03/15	(H)	CRA AT 8:00 AM BARNES 124
03/03/15	(H)	Moved CSHB 75(CRA) Out of Committee
03/03/15	(H)	MINUTE(CRA)
03/05/15	(H)	CRA AT 8:00 AM BARNES 124

03/05/15 (H) Moved CSHB 75(CRA) Out of Committee
 03/05/15 (H) MINUTE(CRA)
 03/06/15 (H) CRA RPT CS(CRA) NT 3DP 3NR
 03/06/15 (H) DP: NAGEAK, SEATON, TILTON
 03/06/15 (H) NR: DRUMMOND, REINBOLD, HUGHES
 03/11/15 (H) JUD AT 1:00 PM CAPITOL 120
 03/11/15 (H) Heard & Held
 03/11/15 (H) MINUTE(JUD)
 03/18/15 (H) JUD AT 1:00 PM CAPITOL 120
 03/18/15 (H) <Bill Hearing Canceled>
 03/25/15 (H) JUD AT 1:00 PM CAPITOL 120
 03/25/15 (H) <Bill Hearing Canceled>
 03/27/15 (H) JUD AT 1:00 PM CAPITOL 120
 03/27/15 (H) Moved CSHB 75(JUD) Out of Committee
 03/27/15 (H) MINUTE(JUD)
 03/30/15 (H) JUD RPT CS(JUD) NT 1DP 3NR 3AM
 03/30/15 (H) DP: LEDOUX
 03/30/15 (H) NR: MILLETT, CLAMAN, FOSTER
 03/30/15 (H) AM: LYNN, KELLER, GRUENBERG
 04/02/15 (H) TRANSMITTED TO (S)
 04/02/15 (H) VERSION: CSHB 75(JUD) AM
 04/03/15 (S) READ THE FIRST TIME - REFERRALS
 04/03/15 (S) CRA, JUD
 04/07/15 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)
 04/07/15 (S) Heard & Held
 04/07/15 (S) MINUTE(CRA)
 04/14/15 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)
 04/14/15 (S) Moved SCS CSHB 75(CRA) Out of Committee
 04/14/15 (S) MINUTE(CRA)
 04/15/15 (S) CRA RPT SCS 1DP 3AM NEW TITLE
 04/15/15 (S) DP: BISHOP
 04/15/15 (S) AM: EGAN, STEDMAN, HOFFMAN
 04/15/15 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 04/15/15 (S) Heard & Held
 04/15/15 (S) MINUTE(JUD)
 04/17/15 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 04/17/15 (S) Heard & Held
 04/17/15 (S) MINUTE(JUD)
 04/18/15 (S) JUD AT 10:00 AM BUTROVICH 205

WITNESS REGISTER

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

POSITION STATEMENT: Commented on proposed Amendments 1-3 for HB 75.

HEATH HILYARD, Staff
Senator Cathy Tilton
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided supporting information for amendments to HB 75.

ACTION NARRATIVE

[10:12:21 AM](#)

CHAIR LESIL MCGUIRE called the Senate Judiciary Standing Committee meeting to order at 10:12 a.m. Present at the call to order were Senators Costello, Coghill, Micciche, and Chair McGuire.

HB 75-MARIJUANA REG;CLUBS;MUNIS;LOCAL OPT ELECT

[10:12:53 AM](#)

CHAIR MCGUIRE announced the consideration of HB 75. "An Act relating to the registration of marijuana establishments by municipalities; relating to the definition of 'marijuana'; clarifying standards for personal use of marijuana by persons 21 years of age or older; prohibiting the public consumption of marijuana; authorizing the registration of marijuana clubs; relating to established villages and to local option elections regarding the operation of marijuana establishments; and providing for an effective date." She recapped that version R was adopted during the hearing yesterday and the question of Amendment 1, labeled 29-LS0345\R.2, was before the committee.

She reopened public testimony and asked Mr. Schulte to offer his perspective of Amendment 1.

[10:13:10 AM](#)

BRUCE SCHULTE, Spokesman, Coalition for Responsible Cannabis Legislation, said he believes it is reasonable to remove the references to marijuana clubs, because it doesn't really impact the commercial industry at this point. He expressed hope that through the regulatory process the Marijuana Control Board could better define the operating parameters of marijuana clubs and other license types by November 2015. This would provide ample opportunity for review before permit applications start to come in.

CHAIR MCGUIRE said she expects Mr. Schulte to be part of the process for years to come as the legislature helps the public define its relationship to marijuana. She suggested it would be helpful to the public if he would op-ed clarifying what has happened during this legislative session.

MR. SCHULTE agreed to carry the message forward once the session is over.

SENATOR MICCICHE said he's pleased with the work this committee has done to meet the intent of the voters.

MR. SCHULTE expressed appreciation for the work that legislators have done.

[10:18:26 AM](#)

CHAIR MCGUIRE removed her objection to Amendment 1. Finding no further objection or discussion, Amendment 1 was adopted.

[10:18:46 AM](#)

CHAIR MCGUIRE moved Amendment 2 labeled 29-LS0345\R.6.

AMENDMENT 2

OFFERED IN THE SENATE

TO: SCS CSHB 75(JUD), Draft Version "R"

Page 9, lines 7 - 8:

Delete "use of marijuana authorized under"

Insert "conduct authorized in"

SENATOR COGHILL objected for discussion purposes.

[10:18:59 AM](#)

HEATH HILYARD, Staff, Senator Cathy Tilton, explained that Amendment 2 clarifies the intent that even if an established village holds a local option election to prohibit commercial marijuana establishments, that does not preclude any of the provisions governing the personal use of marijuana in AS 17.38.020.

[10:20:16 AM](#)

SENATOR MICCICHE asked if this clarifies the decision in Ravin v. State of Alaska.

CHAIR MCGUIRE said she believes so.

MR. HILYARD confirmed that this is further clarification of Ravin.

[10:20:52 AM](#)

SENATOR COGHILL removed his objection.

CHAIR MCGUIRE found no further objection and Amendment 2 was adopted.

[10:21:03 AM](#)

CHAIR MCGUIRE motioned to adopt Amendment 3, labeled 29-LS0345\R.7.

AMENDMENT 3

OFFERED IN THE SENATE

TO: SCS CSHB 75(JUD), Draft Version "R"

Page 3, lines 8 - 10:

Delete all material.

SENATOR COGHILL objected for discussion purposes

[10:21:20 AM](#)

MR. HILYARD explained that Amendment 3 deletes reference to a provision that would have allowed municipalities by ordinance to establish a household limit lower than 24 marijuana plants.

[10:21:57 AM](#)

SENATOR MICCICHE asked if this means he doesn't have offer an amendment that clarifies that the minimum is six plants per person.

MR. HILYARD answered that's correct.

CHAIR MCGUIRE asked Mr. Schulte to offer his perspective.

[10:22:20 AM](#)

MR. SCHULTE stated support for Amendment 3. It maintains a consistent message statewide about household plant limits and clarifies what law enforcement is to do in the event that 2-4 adults live together. He clarified that this does not change the 6 plant per person limit set forth in the initiative.

CHAIR MCGUIRE said this provides another opportunity for the board to hear concerns about public safety and think about reasonable types of licenses.

[10:25:11 AM](#)

SENATOR COGHILL removed his objection.

CHAIR MCGUIRE found no further objection and Amendment 3 was adopted.

[10:25:31 AM](#)

SENATOR COGHILL motioned to strike Section 1 from the bill.

[10:25:46 AM](#)

CHAIR MCGUIRE objected for discussion purposes.

SENATOR COGHILL explained that his primary objection to Section 1 is that marijuana concentrates are included in the definition of marijuana. This appears to be a significant change from the initiative.

[10:26:43 AM](#)

MR. HILYARD explained that Section 1 comports the definition of marijuana in Title 11 with the language of the initiative. The goal was to have a uniform definition of marijuana through the statute. HB 75 amends the definition in Title 11 rather than removing the definition as SB 30 does.

SENATOR COGHILL asked the citation in Title 11.

At ease from 10:28:12 am to 10:29:25 am.

[10:29:42 AM](#)

MR. HILYARD pointed out that Section 1 amends the definition in AS 11.71.90(14) to conform to the definition provided in AS 17.38, which also appears in Section 22 on pages 10-11. He reiterated the explanation provided above.

[10:30:24 AM](#)

SENATOR COGHILL withdrew Amendment 4.

SENATOR MICCICHE reviewed the definition in Section 22 and asked if anybody figured out what "salt" was.

SENATOR COGHILL answered no and that's one of the reasons that it's being removed.

MR. SCHULTE said his understanding is that the term was included in the federal prohibition of marijuana. Including it in the initiative was based on a lack of understanding and he told Senator Coghill that the coalition would support removing it.

SENATOR MICCICHE indicated satisfaction with the answer.

[10:32:36 AM](#)

CHAIR MCGUIRE closed public testimony.

[10:32:51 AM](#)

SENATOR COGHILL motioned to report the Senate CS for HB 75 from committee with individual recommendations and attached fiscal note(s).

[10:33:13 AM](#)

CHAIR MCGUIRE announced that without objection SCS CSHB 75(JUD) is reported from the Senate Judiciary Standing Committee.

[10:33:21 AM](#)

There being no further business to come before the committee, Chair McGuire adjourned the Senate Judiciary Standing Committee meeting at 10:33 p.m.