

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

January 29, 2015

9:01 a.m.

MEMBERS PRESENT

Senator Bill Stoltze, Chair
Senator John Coghill, Vice Chair
Senator Charlie Huggins
Senator Lesil McGuire
Senator Bill Wielechowski

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

OVERVIEW: MARIJUANA BALLOT MEASURE - DISCUSSION OF
IMPLEMENTATION / ADMINISTRATION

- HEARD

PREVIOUS COMMITTEE ACTION

See Senate State Affairs minutes from 1/22/15 and 1/27/15.

WITNESS REGISTER

JAY BUTLER, Chief Medical Officer/Director
Division of Public Health
Department of Health and Social Services (DHSS)
Anchorage, Alaska

POSITION STATEMENT: Presented information related to the
Marijuana Ballot Measure.

JEFF ROGERS, Operations Manager
Division of Administrative Services
Department of Commerce, Community and Economic Development
(DCCED)
Juneau, Alaska

POSITION STATEMENT: Presented information related to the
Marijuana Ballot Initiative.

ELAINE BUSSE FLOYD, Director
Division of Environmental Health

Department of Commerce, Community and Economic Development
(DCCED)

Anchorage, Alaska

POSITION STATEMENT: Presented information related to the
Marijuana Ballot Initiative.

RACHAEL PETRO, President/CEO

Alaska State Chamber of Commerce

Anchorage, Alaska

POSITION STATEMENT: Presented information related to the
Marijuana Ballot Initiative.

JOEY CRUM, President/CEO

Northern Industrial Training and

Executive Board Member

Alaska Trucking Association

Anchorage, Alaska

POSITION STATEMENT: Presented information related to the
Marijuana Ballot Initiative.

ACTION NARRATIVE

[9:01:49 AM](#)

CHAIR BILL STOLTZE called the Senate State Affairs Standing
Committee meeting to order at 9:01 a.m. Present at the call to
order were Senators McGuire, Wielechowski, Huggins, Coghill, and
Chair Stoltze.

Overview: Marijuana Ballot Measure - Discussion of Implementation / Administration

[9:02:12 AM](#)

CHAIR STOLTZE announced that the committee would hear a
presentation on the Marijuana Ballot Measure. He said today's
presenters are from the Department of Health and Social Services
(DHSS) and the Department of Commerce, Community and Economic
Development (DCCED), as well as from the business community
regarding their drug testing mandates. He noted letters in
members' packets. He stated the purpose of the meeting is to
further public awareness of the issue.

[9:04:03 AM](#)

CHAIR STOLTZE referenced an email from Mr. Schulte that
referenced the word "salt" found in the initiative.

CHAIR STOLTZE introduced Dr. Butler.

[9:05:31 AM](#)

JAY BUTLER, MD, Chief Medical Officer, Director, Division of Public Health, Department of Health and Social Services (DHSS), presented information related to the Marijuana Ballot Measure. He said he would provide an overview of the short-term and long-term effects of recreational marijuana, what has been learned from Colorado, the effects on health of legalizing marijuana, and the developing of policy and regulation.

Dr. Butler began with the short-term effects of marijuana use on health: impaired short-term memory, temporary loss of coordination, an increase in motor vehicle accident risk when driving soon after using, Tetrahydrocannabinol (THC) blood levels of 2 to 5 nanograms per milliliter (ng/ml) associated with impaired driving skills, and altered judgment. At high doses, stimulation can consist of agitation, paranoia, and psychosis and can be followed by sedation, which can lead to respiratory insufficiency in children. There is no specific antidote for marijuana toxicity.

[9:08:31 AM](#)

DR. BUTLER addressed long-term effects of Marijuana use on health: risk of addiction - one in ten who use marijuana will become addicted, and the risk increases with earlier age of initiation and daily use (25 percent to 50 percent). Cannabis withdrawal syndrome includes craving, irritability, sleep difficulties, anxiety, and depression. Regular use during adolescence is associated with altered brain development, poorer educational outcome, cognitive impairment, lower IQ score, and diminished life satisfaction. He noted that association does not prove causation of dissatisfaction.

DR. BUTLER continued with additional long-term effects of Marijuana use on health: association with use of other substances, psychiatric symptoms associated with anxiety and depression, and unmasking of schizophrenia (genetic predisposition), as well as increased symptoms of chronic bronchitis in persons who regularly smoke marijuana.

[9:11:24 AM](#)

DR. BUTLER addressed the effects on the health system learned from his experience in Colorado: increased admissions to burn centers because of butane use as a solvent to extract THC, cyclic vomiting syndrome/marijuana hyperemesis syndrome associated with frequent use of high THC products and abdominal pain, sweating, severe vomiting. There was also THC intoxication from edible products - 10 mg to 30 mg THC for intoxication - and

THC blood levels begin to rise about 30 minutes after consumption, peak at about 3 hours, and are clear about 12 hours after ingestion.

[9:14:29 AM](#)

DR. BUTLER showed a table that depicts the effect on the health care system for children under 12 years old in Denver from 2005 to 2011. It listed the number of emergency department visits for ingestions of marijuana before and after the liberalization of medical marijuana in 2009 and recreational use legalization in 2012.

DR. BUTLER addressed many caveats and poorly understood issues related to marijuana: association does not prove causation, health effects may take years to manifest, effects of prenatal exposure on brain development, cancer risk - confounded by high rates of concurrent tobacco use, risk of heart attack and stroke, opportunities for effective public health education to reduce the health risks, second hand marijuana smoke exposure, e-cigarettes (vaping), and the "re-normalization" of smoking.

[9:18:35 AM](#)

DR. BUTLER commented on the health effects of legalization. He said very little is known, and the health effects depend on the prevalence of use and age-specific prevalence of use, the frequency and duration of use, the modalities of use, and the regulation, taxation, and market forces.

[9:21:13 AM](#)

DR. BUTLER discussed what the legalization of marijuana means for writing policy. There is a need for clearly defined terminology and a discussion about the packaging of edibles in order to prevent children from considering them as treats. Labeling of products will be important, too.

He said the regulation of marketing and advertising will have a direct impact on use. The types of sales venues, such as liquor stores and state fairs, will have to be defined under the definition of a public place. There should be an attempt to harmonize marijuana regulations with those of tobacco use. Concentrates for vaping need to be considered.

[9:24:09 AM](#)

DR. BUTLER summarized that it is a complex topic and emphasized that there is much that remains unknown about marijuana legalization. He offered to answer questions.

CHAIR STOLTZE voiced appreciation for Dr. Butler's comments. He noted this is not a debate about legalization of marijuana, but the administration's concerns for public health.

DR. BUTLER agreed. The issue is how to have legal marijuana used in a way that has the least amount of negative effect on health.

CHAIR STOLTZE said he appreciates the information within the scope of the department's constitutional mandate.

SENATOR HUGGINS noted parallels with tobacco use and asked if marijuana use could be considered a health risk similar to cigarettes for the purpose of health insurance coverage.

[9:26:18 AM](#)

DR. BUTLER answered that tobacco and alcohol use have been included by the insurance industry and employers in surveys of personal habits. He said he has seen surveys that have asked about marijuana and other drug use, but whether or not marijuana could be added to an insurance rate survey, he could not say.

SENATOR HUGGINS asked for the number of the high THC content in marijuana in Alaska.

DR. BUTLER asked if Senator Huggins was referring to the specific concentration in the marijuana.

SENATOR HUGGINS replied yes.

DR. BUTLER deferred to the producers in Colorado to answer because there the THC content is increased to 12 percent from a much lower percentage. He assumed it would be the same in Alaska.

[9:28:45 AM](#)

SENATOR COGHILL asked if there have been peer reviews on smoke toxins.

DR. BUTLER replied that there has been some analysis about residual THC content in exhaled marijuana smoke. It is an area of great interest.

SENATOR COGHILL noted an article regarding THC versus CBD [cannabidiol], the first being the psycho-active element and the latter the pain management element. He inquired if the health benefits of CBD have been valuable.

[9:31:06 AM](#)

DR. BUTLER shared his experience regarding medical marijuana in caring for HIV patients in the early 90's, and with a patient who had liver disease.

CHAIR STOLTZE asked Dr. Butler to formalize his professional findings into recommendations for this committee and others, as well as for the executive branch. He termed it a "team effort" to put the people's law into effect.

[9:34:28 AM](#)

SENATOR WIELECHOWSKI asked if DHSS anticipates having a public awareness campaign to educate Alaskans on the effects of marijuana use.

DR. BUTLER answered yes. The department is developing a website for the public and for providers. He said there is currently not much available to Alaskans.

[9:36:49 AM](#)

JEFF ROGERS, Operations Manager, Division of Administrative Services, Department of Commerce, Community and Economic Development (DCCED), presented information related to the Marijuana Ballot Initiative.

CHAIR STOLTZE asked if DCCED would discuss its role in public health and safety. He asked for information about the Crime Lab as testing facility.

[9:38:04 AM](#)

ELAINE BUSSE FLOYD, Director, Division of Environmental Health, Department of Commerce, Community and Economic Development (DCCED), answered questions related to the Marijuana Ballot Initiative. She said if a marijuana product is considered to be a food, DCCED's expertise is in regulating the production, handling, and sale of it. The Food Safety and Sanitation Program could regulate most aspects of the processing and handling of edible marijuana products under the Alaska Food Code.

She pointed out that marijuana and cannabis are now considered drugs. Implementation of the initiative depends on how marijuana products are viewed legally. The Alaska Food, Drug, and Cosmetic Act contains language very similar to the Federal Food, Drug, and Cosmetic Act and outlines DCCED's authority relative to food and cosmetics and DHSS's authority relative to the oversight of drugs and devices.

CHAIR STOLTZE requested a comparison of the Food and Drug Administration's (FDA) role versus the state's role in this issue.

MS. BUSSE FLOYD asked for clarification of the question.

CHAIR STOLTZE inquired if the federal government has capabilities the state does not have and if the state's mission should be expanded as it relates to marijuana.

[9:40:43 AM](#)

MS. BUSSE FLOYD explained that part of the confusion, and what still has to be determined, are the standards of identity and composition relative to safe THC consumption levels, and disclosure of additives that can cause the product to be more potent. The department receives guidance from the FDA, which cannot provide the department with any technical expertise or scientific guidance, or regulatory standards because marijuana has not been approved as a safe, effective drug.

CHAIR STOLTZE summarized that the department can determine how the product is processed, but not the consequences of possessing it.

MS. BUSSE FLOYD agreed.

SENATOR COGHILL asked about the department's capability in determining THC and CBD levels.

[9:42:16 AM](#)

MS. BUSSE FLOYD replied that DCCED has not done any research into that process because it is uncertain if it has a role at all, depending on the legislative outcome. She concluded that the Food Safety and Sanitation Program would probably oversee basic sanitation and food safety hazards and defer to Commerce to deal with potency, serving size, and other marijuana-specific issues. This is similar to how alcohol-related issues are dealt with.

SENATOR COGHILL thanked Ms. Busse Floyd for the distinction.

CHAIR STOLTZE asked if the department anticipates assistance from the FDA in the future or if federal law prevents that.

MS. BUSSE FLOYD said assistance from the FDA is not available.

CHAIR STOLTZE asked if it was because of conflicting laws or if they do not provide assistance.

MS. BUSSE FLOYD said it was both.

SENATOR COGHILL commented that the new U.S. Attorney General-designee does not support marijuana legalization.

SENATOR WIELECHOWSKI asked if Ms. Busse Floyd has any legislative changes to recommend at this time.

MS. BUSSE FLOYD answered no.

[9:44:32 AM](#)

SENATOR HUGGINS asked if the state should be concerned about genetically modified marijuana (GMO).

MS. BUSSE FLOYD replied that she has no expertise in the subject of GMO's.

SENATOR HUGGINS encouraged her to research that subject.

CHAIR STOLTZE noted that the testifiers are constrained in their answers because they, like others, lack information to about how to regulate marijuana. There are challenges and uncertainties related to the initiative.

[9:47:00 AM](#)

SENATOR COGHILL agreed. He said they are waiting for the regulations to be written.

CHAIR STOLTZE called for the Executive Branch to be a forceful partner in developing regulations.

SENATOR MCGUIRE agreed.

MS. BUSSE FLOYD emphasized that the Food Safety and Sanitation Program is well-prepared to handle the sanitation aspects of the potential food product.

CHAIR STOLTZE agreed that they do that job well.

[9:50:16 AM](#)

CHAIR STOLTZE addressed the subject of drug testing, including current law and expectations of employers.

RACHAEL PETRO, President/CEO, Alaska State Chamber of Commerce, Anchorage, Alaska, presented information on the Marijuana Ballot Initiative. She pointed out that the Alaska State Chamber of Commerce opposed Ballot Measure 2 due to the uncertainty and lack of clarity. She said it comes down to workforce safety, readiness, productivity, and the risks to workers and employers. She stated that the business community needs certainty as this legislation proceeds. She suggested looking to other states for guidance and have good practices in place initially, rather than rushing into compliance.

SENATOR MCGUIRE thanked Ms. Petro. She noted supporters' statements that legalization does not interfere with business's right to retain a zero tolerance policy for drugs in the workplace. She said both the Judiciary Committee and this committee are trying to determine the legislature's role. She inquired where Ms. Petro would like to see the legislature clarify workplace zero tolerance use of marijuana. She requested examples of how Washington and Colorado have dealt with this issue.

[9:55:54 AM](#)

MS. PETRO said she is not an expert and supports the legislature's due diligence. She said she would be happy to contact counterparts in those states to seek more information. She added that she is encouraging the business community to become familiar with enforcing a zero tolerance policy. She reiterated the importance of getting regulations right the first time.

CHAIR STOLTZE noted the legislature's intention to not interfere with the rights of public safety. He thought that workplace requirements would remain in place.

[9:57:57 AM](#)

MS. PETRO specified testing concerns.

SENATOR MCGUIRE agreed that testing technology is not up to date. The Department of Public Safety has said that currently there is no road-side test for marijuana impairment. She requested Ms. Petro forward to the committees any information she comes across related to testing and workplace rights.

MS. PETRO noted that many employers already have a zero-tolerance policy in place due to federal mandates.

[10:01:55 AM](#)

JOEY CRUM, President/CEO, Northern Industrial Training, and Executive Board Member, Alaska Trucking Association, presented information related to the Marijuana Ballot Initiative. He echoed Ms. Petro's comments about federal mandates. All employees under the federal Motor Safety Carrier Act are under federal mandates that, regardless of state initiatives, the U.S. Department of Transportation's (USDOT) Drug and Alcohol Testing does not authorize the use of Schedule I drugs, including marijuana, for any reason. He said the trucking industry is already a zero tolerance industry. He said concerns that in an industry with a growing shortage of skilled workers, labeling and accidental consumption are very detrimental to the industry. He gave an example of random drug testing requirements and costs to the industry as a result of accidental consumption.

[10:05:38 AM](#)

MR. CRUM explained that Northern Industrial Training is part of a data network required by oil producers that includes a zero tolerance drug testing program. He voiced concern about Ballot Measure 2 resulting in a shrinking employee pool. He hoped there would be a public education campaign and predictable and certain laws regarding advertising, packaging, and sales.

[10:07:11 AM](#)

SENATOR COGHILL questioned the levels of THC and CBD in the zero tolerance drug policy.

MR. CRUM explained that the test is a USDOT-sanctioned panel test that includes specific drug levels.

SENATOR COGHILL asked if it is a federal or state requirement.

MR. CRUM said it is a federal requirement.

SENATOR COGHILL said the state should be aware of it.

SENATOR WIELECHOWSKI asked what type of test is used and the levels of THC and CBD allowed.

MR. CRUM answered that the test is a urine test and he offered to find out the levels allowed.

SENATOR COGHILL added the he would like that information as well.

[10:09:30 AM](#)

CHAIR STOLTZE remarked about similar standards of the AFL-CIO. He pointed out that it is not the Legislature's job to make statutory changes, but to educate the public.

10:11:20 AM

SENATOR WIELECHOWSKI noted previous testimony about marijuana staying in a person's system for months. He said it will be important for people to understand the federal mandates surrounding drug testing. He agreed that educating Alaskans is very important.

SENATOR COGHILL pointed out that there will be a state/federal conflict in the laws regarding the use of marijuana.

10:13:01 AM

CHAIR STOLTZE commented that public testimony will be held and is a critical part of the process. The committee is tending to the deliberate process of invited testimony now. He welcomed testimony of experts.

10:15:15 AM

SENATOR COGHILL commented that the Coalition for Responsible Cannabis Legislation provided a white paper that answers questions. He voiced appreciation for the information.

CHAIR STOLTZE noted the committee's intent regarding a proposed bill.

10:16:28 AM

There being no further business to come before the committee, Chair Stoltze adjourned the Senate State Affairs Standing Committee hearing at 10:16 a.m.