

**ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE**

March 11, 2019

3:16 p.m.

MEMBERS PRESENT

Representative Gabrielle LeDoux, Co-Chair
Representative Adam Wool, Co-Chair
Representative Zack Fields
Representative Sara Hannan
Representative Louise Stutes
Representative Josh Revak
Representative Dave Talerico

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S) :

Marijuana Control Board

Vivian Stiver - Fairbanks, Alaska

- CONFIRMATION(S) ADVANCED

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

VIVIAN STIVER, Nominee
Marijuana Control Board
Fairbanks, Alaska

POSITION STATEMENT: Testified as nominee for the Marijuana Control Board.

ACTION NARRATIVE

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CO-CHAIR LEDOUX called the House Labor and Commerce Standing Committee meeting to order at 3:16 p.m. Representatives Fields,

Hannan, Stutes, Revak, Talerico and LeDoux were present at the call to order. Representatives Wool arrived as the meeting was in progress.

CONFIRMATION HEARING(S): Marijuana Control Board

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CO-CHAIR LEDOUX announced the only order of business would be the confirmation hearing for the vacant seat on the Marijuana Control Board.

CO-CHAIR LEDOUX stated Ms. Stiver was online for questions.

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CO-CHAIR WOOL asked Ms. Stiver what she viewed as major issues facing the marijuana control board.

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VIVIAN STIVER, Nominee, Marijuana Control Board expressed her concern that the industry not become overly regulated. She said regulations can become too overwhelming and should not restrict the industry.

CO-CHAIR WOOL asked for the appointee's thoughts on the makeup of the board and whether she saw all the seats as public or specific to certain industries.

MS. STIVER indicated she thought all seats were public, but each represented the public concern in a different way. The board seats are concerned with a variety of issues such as rural issues, safety, or health issues; but all seats are public.

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The committee took an at-ease from 3:21 p.m. to 3:24 p.m.

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CO-CHAIR WOOL commented that Ms. Stiver indicated she was not a patron of the marijuana industry and voted against the legalization of marijuana. He asked if Ms. Stiver felt like she was a good public representative of the industry given those factors.

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MS. STIVER responded that the statewide vote had been decided by 6 percent, which is a good margin, but still [only] 6 percent difference. She shared that she is a voracious learner and had passed the marijuana handlers test. Ms. Stiver said she never condemned the industry. The nominee indicated she is a good representative of the public.

CO-CHAIR WOOL shared that during the last hearing with the nominee, some people from the drug and alcohol testing industry spoke in support of the nominee. He said one of the industry speakers brought up safe levels of [marijuana] consumption and, in doing so, mentioned a timeframe of 24 hours after consuming marijuana before driving. Representative Wool discussed the possible reactions of marijuana and alcohol users if they were prohibited from driving for that length of time after consumption of those products. He shared his awareness that issues regarding public on-site marijuana consumption would come before the board and asked the nominee if she could comment.

MS. STIVER said that currently, in Alaska, a person is not allowed to have any marijuana in his/her system while driving. She went on to say that the woman, [Jo McGuire], Representative Wool was referring to, was aware of a saliva test that would indicate if a person had consumed marijuana within the prior 24 hours. Ms. Stiver discussed a case where a person had tetrahydrocannabinol (THC) in their system and the difficulty in determining whether that person was impaired at the time of the incident. She recognized the difficulties regulations will have determining whether someone is impaired, or simply has consumed marijuana, with current testing.

CO-CHAIR LEDOUX asked Ms. Stiver for any final comments.

MS. STIVER offered a closing statement:

I want to thank you for the opportunity to address information that was included in the document, Ms. Stiver versus truth, which was provided to you by the Alaska Marijuana Industry Association. The statements in the document were selected from parts of my testimony and do not reflect my testimony as a whole. I encourage you to listen to my entire testimony. I have provided you with the links to my testimony and the documents that support the statement I chose to

make as part of my testimony. It is important to remember these statements must be viewed in the timeframe they were given as related to events and information. The statement, "Colorado opened it up like the Old West and we are fixing to do the very same thing, even more" was made during the time our borough was looking at allowing onsite consumption. Colorado did not allow for onsite consumption and no state, as of this writing, allows for onsite consumption. In another statement I said, "Sativa has been known to cause violence in people." This was suspected during the time at which I made this statement. I have provided the committee a copy of a more recent article, "Marijuana, Mental Illness, and Violence" by Alex Berenson.

As time progresses, we always learn more and we fine-tune our perspectives. I would like to acknowledge that I misspoke in my previous testimony relating to pharmacy, licensing, and dispensing of medical marijuana. I had spoken to one person who worked in the pharmacy believing they were one of the pharmacists, I did not follow up on what I was told. It was in the early [2000s] when pharmacists tried to develop a process to dispense marijuana, but it did not gain support.

Finally, in regard to the document Ms. Stiver Versus Truth, not one statement listed has me in any way advocating to criminalize marijuana or disrespecting the vote of the people. What I bring to this board are a set of skills that will serve the industry and communities well. I have small business experience, I do my homework, I'm deliberative, and I can speak and listen to information from all stakeholder groups. These skills have developed during my time on Fairbanks City Council, my time as a legislative aide, and as a small business owner; but most importantly I understand things change. We all must listen to new and relevant information as this young industry moves forward.

The people of Alaska have legalized marijuana; it is done - no debate. The board's duty is to regulate the industry following the statutory authority given by the legislature. Regulation should not stunt the growth of this industry but should work well with both

industry and the community in which they reside. I will look to make decisions on what is in the best interest of the industry, the communities in which they operate, and as described by statutory authority. It is very important to understand that communications are not a one-time event. In order to move forward all parties must engage in good productive conversations. Education and process are the key components that will bring success to the cannabis industry and confidence among our communities. This only happens with ongoing communication. I appreciate your time and consideration of my appointment to the Marijuana Control Board. Thank you.

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REPRESENTATIVE STUTES commented Ms. Stiver has not been a supporter of the marijuana industry, rather she's been somewhat adversarial to it. She questioned whether the nominee would be able to remain impartial in her duties.

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REPRESENTATIVE FIELDS stated he appreciated Ms. Stiver's time. He went on to discuss the positive economic impact the marijuana industry has had in his district. He discussed Ms. Stiver's prohibitionist record regarding the industry and whether another public health professional might be a better fit for the board seat.

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REPRESENTATIVE HANNAN shared her concerns regarding Ms. Stiver's nomination to the board. She went on to describe marijuana industry regulations that are onerous and her concerns regarding overregulating the industry.

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CO-CHAIR WOOL described his history with the nominee and the alcohol board. He mentioned his preference for the alcohol board format over that of the Marijuana Control Board because of the two industry-seat model. He offered that due to the amount of concern the industry shared regarding Ms. Stiver's nomination it would be a tough confirmation for some to approve.

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CO-CHAIR LEDOUX addressed the committee and explained the Alaska State Legislature does not hold nominees in committee regardless of the committee members' opinions.

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CO-CHAIR WOOL reminded members that signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees, and that the nominations are merely forwarded to the full legislature for confirmation or rejection.

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ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Committee meeting was adjourned at 3:48 p.m.