

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

May 6, 2024

1:33 p.m.

MEMBERS PRESENT

Senator Matt Claman, Chair
Senator James Kaufman
Senator Löki Tobin

MEMBERS ABSENT

Senator Jesse Kiehl, Vice Chair
Senator Cathy Giessel

COMMITTEE CALENDAR

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 228(STA) AM

"An Act establishing the Alaska task force for the regulation of psychedelic medicines approved by the United States Food and Drug Administration; and providing for an effective date."

- MOVED CSHB 228(STA) AM OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 238(JUD)

"An Act relating to criminal mischief in the third degree; and providing for an effective date."

- MOVED SCS CSHB 238(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 228

SHORT TITLE: MENTAL HEALTH/PSYCHEDELIC MED. TASK FORCE

SPONSOR(S): REPRESENTATIVE(S) ARMSTRONG

01/16/24	(H)	PREFILE RELEASED 1/8/24
01/16/24	(H)	READ THE FIRST TIME - REFERRALS
01/16/24	(H)	HSS, STA, FIN
02/02/24	(H)	MLV REPLACES HSS REFERRAL
02/02/24	(H)	BILL REPRINTED
02/13/24	(H)	MLV AT 1:00 PM GRUENBERG 120
02/13/24	(H)	Heard & Held
02/13/24	(H)	MINUTE(MLV)
02/29/24	(H)	MLV AT 1:00 PM GRUENBERG 120

02/29/24 (H) Heard & Held
 02/29/24 (H) MINUTE(MLV)
 03/05/24 (H) MLV AT 1:00 PM GRUENBERG 120
 03/05/24 (H) Moved CSHB 228(MLV) Out of Committee
 03/05/24 (H) MINUTE(MLV)
 03/06/24 (H) MLV RPT CS(MLV) 1DNP 4NR 1AM
 03/06/24 (H) DNP: SADDLER
 03/06/24 (H) NR: GROH, CARPENTER, SHAW, WRIGHT
 03/06/24 (H) AM: GRAY
 03/13/24 (H) FIN REFERRAL REMOVED
 03/14/24 (H) STA AT 3:00 PM GRUENBERG 120
 03/14/24 (H) Heard & Held
 03/14/24 (H) MINUTE(STA)
 04/02/24 (H) STA AT 3:00 PM GRUENBERG 120
 04/02/24 (H) Moved CSHB 228(STA) Out of Committee
 04/02/24 (H) MINUTE(STA)
 04/03/24 (H) STA RPT CS(STA) NEW TITLE 2DP 3NR
 04/03/24 (H) DP: CARRICK, STORY
 04/03/24 (H) NR: CARPENTER, WRIGHT, SHAW
 05/02/24 (H) TRANSMITTED TO (S)
 05/02/24 (H) VERSION: CSHB 228(STA) AM
 05/03/24 (S) READ THE FIRST TIME - REFERRALS
 05/03/24 (S) JUD
 05/06/24 (S) JUD AT 1:30 PM BUTROVICH 205

BILL: HB 238

SHORT TITLE: CRIMINAL MISCHIEF 3RD DEGREE

SPONSOR(S): REPRESENTATIVE(S) JOSEPHSON

01/16/24 (H) PREFILE RELEASED 1/8/24
 01/16/24 (H) READ THE FIRST TIME - REFERRALS
 01/16/24 (H) JUD
 02/26/24 (H) JUD AT 1:30 PM GRUENBERG 120
 02/26/24 (H) Heard & Held
 02/26/24 (H) MINUTE(JUD)
 03/01/24 (H) JUD WAIVED PUBLIC HEARING NOTICE, RULE
 23
 03/01/24 (H) JUD AT 1:30 PM GRUENBERG 120
 03/01/24 (H) Heard & Held
 03/01/24 (H) MINUTE(JUD)
 03/11/24 (H) JUD AT 1:00 PM GRUENBERG 120
 03/11/24 (H) Moved CSHB 238(JUD) Out of Committee
 03/11/24 (H) MINUTE(JUD)
 03/13/24 (H) JUD RPT CS(JUD) 5DP
 03/13/24 (H) DP: GRAY, GROH, SUMNER, CARPENTER,
 VANCE
 03/20/24 (H) TRANSMITTED TO (S)

03/20/24 (H) VERSION: CSHB 238 (JUD)
03/22/24 (S) READ THE FIRST TIME - REFERRALS
03/22/24 (S) JUD
04/03/24 (S) JUD AT 1:30 PM BUTROVICH 205
04/03/24 (S) Heard & Held
04/03/24 (S) MINUTE (JUD)
05/06/24 (S) JUD AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

CALVIN ZUELOW, Staff
Representative Jennie Armstrong
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Paraphrased the differences between companion bills HB 228 and SB 166 on behalf of the sponsor.

BAILEY STUART, Owner
Stuart Consulting
Wasilla, Alaska

POSITION STATEMENT: Testified in support of HB 228.

BREANNA KAKARUK, Staff
Senator Matt Claman
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the summary of changes for HB 238 from version B to S.

KACI SCHROEDER, Senior Assistant Attorney General
Criminal Division
Department of Law
Juneau, Alaska

POSITION STATEMENT: Answered questions during the discussion of HB 238.

ALEXANDER SCHROEDER, Staff
Representative Andy Josephson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Offered closing remarks on HB 238.

ACTION NARRATIVE

[1:33:24 PM](#)

CHAIR MATT CLAMAN called the Senate Judiciary Standing Committee meeting to order at 1:33 p.m. Present at the call to order were Senators Kaufman, Tobin, and Chair Claman.

HB 228-MENTAL HEALTH/PSYCHEDELIC MED. TASK FORCE

[1:33:51 PM](#)

CHAIR CLAMAN announced the consideration of CS FOR HOUSE BILL NO. 228(STA) am "An Act establishing the Alaska task force for the regulation of psychedelic medicines approved by the United States Food and Drug Administration; and providing for an effective date."

CHAIR CLAMAN said this is the first hearing of HB 228 in the Senate Judiciary Committee. The committee heard and reported out the Senate companion bill, SB 166.

[1:34:08 PM](#)

CHAIR CLAMAN invited Mr. Zuelow to put himself on the record and explain the differences between the two companion bills, HB 228 and SB 166.

[1:34:34 PM](#)

CALVIN ZUELOW, Staff, Representative Jennie Armstrong, Alaska State Legislature, Juneau, Alaska, paraphrased the differences between companion bills HB 228 and SB 166 on behalf of the sponsor:

[Original punctuation provided.]

**Summary of Differences
with
CSHB 228 (STA) am - 33-LS0976\T.A
Companion CSSB 166 (JUD) - 33-LS1062\N**

1. The title of the task force has been changed in HB 228 from the "Alaska mental health and psychedelic medicine task force" to the "Alaska task force for the regulation of psychedelic medicines approved by the United States Food and Drug Administration." This change was made to better represent the duties of the task force. This change is reflected in the title of the bill, in the beginning of section 1 (page 1 lines 7 to 9), and in section 1(h).
2. A new paragraph has been added to HB 228 as section 1(b)(11), and the following subsections were

- renumbered. The new section 1(b)(11) reads, "one member who is a pharmacist, selected by the board of directors of the Alaska Pharmacy Association."
3. The language in section 1(b)(10) of SB 166, which reads, "one member of the faculty of the division of population health sciences at the University of Alaska, selected by the president of the University of Alaska," was deleted from HB 228 and following subsections were renumbered.
 4. A new paragraph has been added to HB 228 as section 1(b)(7), and the following subsections were renumbered. The new section 1(b)(7) reads, "one member who is a physician or osteopath specializing in behavioral health, selected by the Board of Trustees of the Alaska State Medical Association."
 5. The language in section 1(b)(7) of SB 166, which reads "one member representing the psychiatric profession, selected by the governing body of the Alaska Psychiatric Association" was reworded in HB 228's equivalent section 1(b)(8) to read, "one member who is a physician or osteopath specializing in psychiatry, selected by the governing body of the Alaska Psychiatric Association."
 6. The number of members the task force could appoint after assembling under section 1(b)(13) of SB 166 was reduced from three to one in HB 228's equivalent section, 1(b)(14).
 7. The language in section 1(c) of SB 166, which reads, "The task force shall elect a chair from among its members," was deleted and replaced in HB 228 with language that reads, "The members appointed by the president of the senate and the speaker of the house of representatives under (b)(12) and (13) of this section shall serve as co-chairs of the task force. A member appointed under (b)(12) or (13) of this section may select a designee to attend a meeting of the task force on the member's behalf."
 8. The date the task force's report is due to the legislature and the governor was moved to January 31, 2025 in HB 228, from December 31, 2024 in SB 166. The task force's termination date was moved to

the end of the first session of the Thirty-Fourth Legislature, where in SB 166 the task force terminates the day the Thirty-Fourth Legislature convenes.

9. The language in section 1(a)(1) in SB 166 reads, "assess the potential use of psychedelic medicine in addressing the state's ongoing mental health crisis, as well as in treating chronic and terminal illnesses and in end-of-life care." Section 1(a)(1) of HB 228 was not amended to include the second and third clauses and reads, "assess the potential use of psychedelic medicine in addressing the state's ongoing mental health crisis."

[1:37:01 PM](#)

SENATOR TOBIN referred to page 2, line 3 of HB 228 and number 9 in the summary of differences. She sought confirmation that the sponsor's definition of "ongoing mental health crisis" would include Alaska's aging population and individuals experiencing mental health stress related to potential palliative care or geriatric needs.

[1:37:49 PM](#)

MR. ZUELOW replied yes, that is correct.

[1:37:56 PM](#)

CHAIR CLAMAN asked about the impetus for designating legislative appointees as the co-chairs of the task force, rather than allowing the task force to select its own co-chairs.

[1:38:12 PM](#)

MR. ZUELOW replied that HB 228 was originally drafted as an executive task force. The House Special Committee on Military and Veterans' Affairs adopted a committee substitute that changed it to a legislative task force and determined it would be appropriate for legislative members to appoint the chairs.

[1:38:31 PM](#)

CHAIR CLAMAN asked whether legislators are eligible to vote.

MR. ZUELOW replied that they are voting members of the task force.

[1:38:42 PM](#)

CHAIR CLAMAN opened public testimony on HB 228.

[1:39:16 PM](#)

BAILEY STUART, Owner, Stuart Consulting, Wasilla, Alaska, testified in support of HB 228. She stated that she is an adjunct professor at the University of Alaska Anchorage, where she educates students on cannabis regulations. She noted that she opened the first dispensary in the Mat-Su Borough, serves on a nonprofit board supporting veterans and disabled active-duty members, and serves on the Marijuana Control Board.

MS. STUART stated that, based on her experience with Schedule I substances, she believes it is in the best interest of the state and its veterans to begin holding discussions. She referenced human trials conducted through the Federal Drug Administration (FDA) and noted that, in January, the U.S. Department of Veterans Affairs (VA) issued a request for proposals to study the use of certain psychedelic compounds for treating post-traumatic stress disorder and depression. She highlighted that this is the first time since the 1960s that the VA has conducted studies on these compounds.

MS. STUART expressed her belief that it is important to public health and safety for veterans and Alaska residents to begin discussions now about what regulatory structures should be in place following FDA approval of psychedelic medicines. She emphasized the need to anticipate and prepare a regulatory framework before approval occurs to avoid confusion among practitioners and the public. Drawing on her experience during the legalization of marijuana in Alaska before regulations were established, she cautioned that a lack of preparation could create similar public uncertainty, even though legalization and FDA approval are different processes.

MS. STUART stated that the future of medicine, particularly in mental health care, is moving toward assisted psychedelic therapy. She expressed her belief that HB 228 outlines an appropriate membership structure for the task force and that it could play a vital role in addressing the mental health crisis faced by Alaska and its veterans.

MS. STUART requested the committee support HB 228, emphasizing the importance of preparing for the anticipated use of psychedelic medicine in a way that prioritizes public health and safety.

[1:42:07 PM](#)

CHAIR CLAMAN closed public testimony on HB 228.

CHAIR CLAMAN solicited the will of the committee.

[1:42:19 PM](#)

SENATOR TOBIN moved to report CSHB 228(STA) am, work order 33-LS0976\T.A, from committee with individual recommendations and attached zero fiscal note(s).

[1:42:38 PM](#)

CHAIR CLAMAN found no objection and CSHB 228(STA) am was reported from the Senate Judiciary Standing Committee.

HB 238-CRIMINAL MISCHIEF 3RD DEGREE

[1:42:48 PM](#)

CHAIR CLAMAN announced the consideration of CS FOR HOUSE BILL NO. 238(JUD) "An Act relating to criminal mischief in the third degree; and providing for an effective date."

CHAIR CLAMAN said this is the second hearing of HB 238 in the Senate Judiciary Committee. The intention is to hear a proposed Senate committee substitute (SCS). He invited Ms. Kakaruk to present the summary of changes.

[1:43:26 PM](#)

BREANNA KAKARUK, Staff, Senator Matt Claman, Alaska State Legislature, Juneau, Alaska, presented the summary of changes for HB 238 from version B to S:

[Original punctuation provided.]

Summary of Changes

Senate Judiciary Committee: Version B to Version S

In the Committee Substitute to HB 238, the following changes were made:

- **Section 1. AS 11.46.482(a)**
 - Page 2, line 6-11
 - Delete:
 - "**(C) defaces, damages, or desecrates**
(i) real property that has a place of religious education or worship located on it and is owned, leased, or used by a religious organization or used for any religious purpose;
or

(ii) tangible personal property used by a religious organization or used for any religious purpose."

- Insert:
"(C) defaces or damages real property that (i) has a place of religious education or worship located on it; and (ii) if leased or used by a religious organization and is a part of a larger property, is the part of the property leased or used by the religious organization, including the access to the entry of the part of the property; or (D) defaces or damages tangible personal property that has religious significance and is used by religious organizations or displayed for educational purposes."

- **Sec. 2 AS 11.46.482(b)**
 - Page 2, line 24, following (a)(3)(C),
 - Insert:
"or (D)"
- **Conforming changes:**
 - Renumbering

[1:44:55 PM](#)

CHAIR CLAMAN asked the Criminal Division to update the committee on the Department of Law's position regarding the changes made in HB 238, version S.

[1:45:10 PM](#)

KACI SCHROEDER, Senior Assistant Attorney General, Criminal Division, Department of Law, Juneau, Alaska, said the division reviewed SCS version S and concluded that the language is workable and can be implemented. The department is neutral on the bill overall.

[1:45:27 PM](#)

CHAIR CLAMAN asked whether a committee member's previously raised concerns, which led to the drafting of SCS version S, were addressed in version S.

[1:45:38 PM](#)

MS. SCHROEDER replied yes.

[1:45:44 PM](#)

CHAIR CLAMAN solicited a motion.

[1:45:48 PM](#)

SENATOR TOBIN moved to adopt the Senate committee substitute (SCS) for CSHB 238, work order 33-LS1101\S, as the working document.

[1:46:05 PM](#)

CHAIR CLAMAN found no objection and SCS CSHB 238 was adopted as the working document.

CHAIR CLAMAN invited Mr. Schroeder to offer closing remarks.

[1:46:23 PM](#)

ALEXANDER SCHROEDER, Staff, Representative Andy Josephson, Alaska State Legislature, Juneau, Alaska, expressed appreciation to committee members for their time, work, and support on HB 238.

[1:46:38 PM](#)

CHAIR CLAMAN solicited the will of the committee.

[1:46:42 PM](#)

SENATOR TOBIN moved to report SCS CSHB 238, work order 33-LS1101\S, from committee with individual recommendations and attached zero fiscal note(s).

[1:46:58 PM](#)

CHAIR CLAMAN found no objection and SCS CSHB 238(JUD) was reported from the Senate Judiciary Standing Committee

[1:47:11 PM](#)

There being no further business to come before the committee, Chair Claman adjourned the Senate Judiciary Standing Committee meeting at 1:47 p.m.