

Offered: 3/31/87
Referred: Judiciary & Finance

5-0131B

Original sponsors: Fischer and Faiks

1 IN THE SENATE BY THE HEALTH, EDUCATION AND
2 CS FOR SENATE BILL NO. 32 (HESS) SOCIAL SERVICES COMMITTEE
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to marijuana; and providing for an
7 effective date."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. FINDINGS. (a) The legislature finds that marijuana use
10 is a serious health problem for the following reasons, each of which con-
11 stitutes a legitimate and compelling state interest:
12 (1) marijuana and other cannabis preparations may contain over
13 420 different compounds;
14 (2) tetrahydrocannabinol (THC), one of the pharmacologically
15 active compounds in marijuana, is not soluble in water, but goes into the
16 fatty tissues of the brain, testicles, ovaries, and other internal organs,
17 and takes as long as 30 days to be eliminated from the body;
18 (3) the buildup of THC in the system means that repeated
19 administration of even small doses may lead to an accumulation of the drug
20 higher than levels reached at any time after a single dose;
21 (4) the buildup of THC in the body causes the user to smoke more
22 marijuana to achieve the desired high and may result in loss of sleep,
23 appetite, and initiative, as well as moodiness and depression;
24 (5) it is possible for a human being to overdose from the use of
25 marijuana, especially if it is used in conjunction with alcohol, because it
26 increases the effects of alcohol;
27 (6) the THC content of commonly obtainable marijuana has in-
28 creased from less than one percent 10 years ago to as high as 10 percent
29 today;

1 (7) marijuana with THC content higher than one percent is
2 generally available in the state, through both importation and local
3 cultivation;

4 (8) marijuana may cause schizophrenia, illusions, and hallucina-
5 tions, including a dulling of the senses, creating the possibility that the
6 user is unable to respond to body signals such as pain;

7 (9) although it may take a heavy cigarette smoker as long as 20
8 years to develop lung cancer, one marijuana cigarette a day may cause lung
9 cancer in three years;

10 (10) THC affects eggs, sperm, sexual hormones, and the develop-
11 ment of a fetus and marijuana use may result in deformed or undersized
12 offspring;

13 (11) other physical reactions to marijuana include irreversible
14 changes in the brain, sinusitis, pharyngitis, bronchitis, emphysema, in-
15 creased heart rate, and decreased blood circulation;

16 (12) other psychological reactions to marijuana include loss of
17 memory, anxiety, panic, paranoia, psychosis, psychological dependence, and
18 impairment in thinking, reading comprehension, verbal and arithmetic prob-
19 lem solving, and perception of distance and time;

20 (13) the use of even small amounts of marijuana by adults in the
21 home subjects children present to a substantial health hazard; and

22 (14) marijuana and tetrahydrocannabinols have been found by the
23 United States Congress to possess a high potential for abuse.

24 (b) The legislature further finds that

25 (1) patterns of marijuana use in the state have changed over the
26 past decade;

27 (2) the daily use of marijuana in the state has increased to as
28 high as four percent among the general population and as high as six
29 percent among secondary school students;

1 (3) marijuana use in the state within both the general popula-
2 tion and among adolescents is significantly higher than in the nation as a
3 whole;

4 (4) there is a direct relationship between the use of marijuana
5 at home by adults and the percentage of secondary school students who
6 experience disciplinary and academic problems in public schools; over the
7 last three years in the Anchorage School District, of the 230 students who
8 have been suspended from school for possession or use of marijuana, 29
9 percent have indicated that marijuana is used by adults in their living
10 environment;

11 (5) the changing patterns of marijuana use and the relationship
12 between marijuana use by adults and adolescents have significantly com-
13 promised the state's legitimate efforts to prevent the spread of marijuana
14 use to adolescents and protect the health of adolescents; and

15 (6) these efforts constitute a legitimate and compelling state
16 interest.

17 (c) The legislature further finds there is a legitimate and com-
18 pelling governmental interest, based on testimonial and scientific evi-
19 dence, that the public health and welfare will suffer if personal use of
20 marijuana even in small amounts is allowed.

21 * Sec. 2. AS 11.71.060(a) is amended to read:

22 (a) Except as authorized in AS 17.30, a person commits the crime
23 of misconduct involving a controlled substance in the sixth degree if
24 the person

25 (1) uses or displays any amount of a schedule VIA con-
26 trolled substance or possesses one or more preparations, compounds,
27 mixtures, or substances of an aggregate weight of less than one-half
28 pound [ONE OUNCE OR MORE] containing a schedule VIA controlled sub-
29 stance [ON A PUBLIC STREET OR SIDEWALK OR ON THE PREMISES OF A PUBLIC

1 CARRIER OR BUSINESS ESTABLISHMENT OR IN ANY OTHER PUBLIC PLACE]; or
2 [(2) KNOWINGLY POSSESSES ANY AMOUNT OF A SCHEDULE VIA
3 CONTROLLED SUBSTANCE WITHIN THE IMMEDIATE CONTROL OF THAT PERSON WHILE
4 OPERATING A PROPELLED VEHICLE;
5 (3) BEING UNDER 19 YEARS OF AGE, POSSESSES ONE OR MORE
6 PREPARATIONS, COMPOUNDS, MIXTURES, OR SUBSTANCES OF AN AGGREGATE
7 WEIGHT OF LESS THAN FOUR OUNCES CONTAINING A SCHEDULE VIA CONTROLLED
8 SUBSTANCE;
9 (4) POSSESSES ONE OR MORE PREPARATIONS, COMPOUNDS, MIX-
10 TURES, OR SUBSTANCES OF AN AGGREGATE WEIGHT OF FOUR OUNCES OR MORE
11 CONTAINING A SCHEDULE VIA CONTROLLED SUBSTANCE; OR]
12 (2) [(5)] refuses entry into a premises for an inspection
13 authorized under AS 17.30.
14 * Sec. 3. AS 11.71.070 is repealed.
15 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).