

1 IN THE HOUSE

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2

HOUSE BILL NO. 22

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH 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. The legislature finds that marijuana use is a
10 health problem for the reasons set out in this section. Many of the
11 reasons are based on new information obtained since 1975. Each of the
12 following constitutes a legitimate and compelling state interest:

13 (1) Marijuana and other cannabis preparations contain more than
14 420 different compounds, including 60 cannabinoids that have mind-altering
15 properties.

16 (2) The breakdown products or metabolites of marijuana are fat
17 and lipid soluble and may remain in the body for extended time periods.

18 (3) The tetrahydrocannabinol (THC) content of street samples of
19 marijuana generally has increased in potency from approximately one to two
20 percent in marijuana obtainable 10 years ago to as high or higher than five
21 to 10 percent in marijuana obtainable in 1989.

22 (4) Recent research has yielded findings that demonstrate that
23 marijuana may have a detrimental effect on

24 (A) respiratory and cardiovascular systems, in that

25 (i) sinusitis, pharyngitis, bronchitis, and emphysema
26 may be associated with chronic marijuana use;

27 (ii) habitual marijuana smoking may produce precancer-
28 ous change in the lung;

29 (iii) during a marijuana "high," the user may experience

1 tachycardia as the heart rate increases to as much as 130 - 150
2 beats a minute;

3 (B) reproductive systems, in that

4 (i) marijuana affects the network of glands and hor-
5 mones that are involved in reproduction;

6 (ii) a pregnant woman who uses marijuana takes an
7 increased risk that the chemical compounds in the marijuana will
8 pass across the placenta to the developing fetus;

9 (C) the brain, in that

10 (i) THC may accumulate in brain cell membranes;

11 (ii) marijuana and its metabolites may alter neuro-
12 chemicals and their receptor sites;

13 (iii) use of marijuana may impair visual tracking and
14 depth perception and may reduce coordination, reaction time, and
15 vigilance, making it dangerous to drive, fly, or operate machin-
16 ery;

17 (iv) chronic marijuana use, particularly by adoles-
18 cents, may interfere with reading comprehension, verbal and
19 mathematical problem solving, perception of time and distance,
20 short term memory, and the ability to concentrate, and reduce
21 motivation;

22 (v) the psychological effects of marijuana use may
23 include anxiety, panic, paranoia, psychosis, illusions, and
24 hallucinations, and some studies link marijuana to schizophrenia;
25 and

26 (D) the body's immune system, in that marijuana use

27 (i) may depress the immune system and alter the funda-
28 mental cellular defenses against disease; and

29 (ii) may reduce the chromosomes in T-lymphocyte cells.

1 (5) There is a common perception by youth and others that the
2 current Alaska Statutes "legalize" marijuana, and this misperception has a
3 social effect that is detrimental to the public health and welfare in that
4 it encourages drug use.

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

6 (a) Except as authorized in AS 17.30, a person commits the crime
7 of misconduct involving a controlled substance in the sixth degree if
8 the person

9 (1) uses or displays any amount of a schedule VIA con-
10 trolled substance;

11 (2) [OR] possesses one or more preparations, compounds,
12 mixtures, or substances of an aggregate weight of less than one-half
13 pound [ONE OUNCE OR MORE] containing a schedule VIA controlled sub-
14 stance [ON A PUBLIC STREET OR SIDEWALK OR ON THE PREMISES OF A PUBLIC
15 CARRIER OR BUSINESS ESTABLISHMENT OR IN ANY OTHER PUBLIC PLACE]; or

16 (3) [(2) KNOWINGLY POSSESSES ANY AMOUNT OF A SCHEDULE VIA,
17 CONTROLLED SUBSTANCE WITHIN THE IMMEDIATE CONTROL OF THAT PERSON WHILE
18 OPERATING A PROPELLED VEHICLE;

19 (3) BEING UNDER 19 YEARS OF AGE, POSSESSES ONE OR MORE
20 PREPARATIONS, COMPOUNDS, MIXTURES, OR SUBSTANCES OF AN AGGREGATE
21 WEIGHT OF LESS THAN FOUR OUNCES CONTAINING A SCHEDULE VIA CONTROLLED
22 SUBSTANCE;

23 (4) POSSESSES ONE OR MORE PREPARATIONS, COMPOUNDS, MIX-
24 TURES, OR SUBSTANCES OF AN AGGREGATE WEIGHT OF FOUR OUNCES OR MORE
25 CONTAINING A SCHEDULE VIA CONTROLLED SUBSTANCE; OR

26 (5)] refuses entry into a premises for an inspection
27 authorized under AS 17.30.

28 * Sec. 3. AS 12.45.155(a) is amended to read:

29 (a) In a prosecution under AS 11.71.010 - 11.71.060

1 [AS 11.71.010 - 11.71.070], a complete copy of an official laboratory
2 report from the Department of Public Safety or a laboratory operated
3 by another law enforcement agency is prime facie evidence of the
4 content, identity, and weight of a controlled substance. The report
5 must be signed by the person performing the analysis and must state
6 that the substance which is the basis of the alleged offense has been
7 weighed and analyzed. In the report, the author shall state with
8 specificity findings as to the content, weight, and identity of the
9 substance.

10 * Sec. 4. AS 17.30.080(b) is amended to read:

11 (b) A person who violates (a) of this section, or who otherwise
12 manufactures, distributes, dispenses, or conducts research with a
13 controlled substance in the state without fully complying with 21
14 U.S.C. 811 - 830 (Controlled Substances Act), and regulations adopted
15 under those sections, is guilty of misconduct involving a controlled
16 substance under AS 11.71.010 - 11.71.060 [AS 11.71.010 - 11.71.070] in
17 the degree appropriate to the circumstances as described in those
18 sections.

19 * Sec. 5. AS 11.71.070 is repealed.

20 * Sec. 6. This Act takes effect immediately under AS 01.10.070(c).