

Offered: 3/8/89
Referred: Finance

6-0257E

Original sponsors: Fischer, Faiks,
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1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE BILL NO. 18 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act making the possession of less than eight
7 ounces of marijuana a class B misdemeanor and making
8 specific findings that constitute a legitimate and
9 compelling state interest to prohibit the possession
10 of less than eight ounces of marijuana; and providing
11 for an effective date."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

13 * Section 1. FINDINGS. The legislature finds that marijuana use is a
14 health problem for the reasons set out in this section. Many of the rea-
15 sons are based on new information obtained since 1975. Each of the follow-
16 ing constitutes a legitimate and compelling state interest:

17 (1) Marijuana and other cannabis preparations contain more than
18 420 different compounds, including 60 cannabinoids that have mind-altering
19 properties.

20 (2) Marijuana induces biochemical alterations in the central
21 nervous system that result in the five characteristics that identify addic-
22 tive, dependence producing drugs: primary pleasurable reward, reversible
23 neuropsychological impairment, abstinence syndrome, tolerance, and self-
24 administration.

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

27 (4) The tetrahydrocannabinol (THC) content of street samples of
28 marijuana generally has increased in potency from approximately one to two
29 percent in marijuana obtainable 10 years ago to as high or higher than 5 to

1 10 percent in marijuana obtainable in 1989.

2 (5) Recent research has yielded findings that demonstrate that
3 marijuana may have a detrimental effect on

4 (A) respiratory and cardiovascular systems, in that

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

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

9 (iii) during a marijuana "high," the user may experience
10 tachycardia as the heart rate increases to as much as 130 - 150
11 beats a minute;

12 (B) reproductive systems, in that

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

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

18 (C) the brain, in that

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

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

22 (iii) use of marijuana may impair visual tracking and
23 depth perception and may reduce coordination, reaction time, and
24 vigilance, making it dangerous to drive, fly, or operate machin-
25 ery;

26 (iv) chronic marijuana use, particularly by adoles-
27 cents, may interfere with reading comprehension, verbal and
28 mathematical problem solving, perception of time and distance,
29 short term memory, and the ability to concentrate, and reduce

1 motivation;

2 (v) the psychological effects of marijuana use may
3 include anxiety, panic, paranoia, psychosis, illusions, and
4 hallucinations, and some studies link marijuana to schizophrenia;
5 and

6 (D) the body's immune system, in that marijuana use
7 (i) may depress the immune system and alter the funda-
8 mental cellular defenses against disease; and

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

10 (6) There is a common perception by youth and others that the
11 current Alaska Statutes "legalize" marijuana, and this misperception has a
12 social effect that is detrimental to the public health and welfare in that
13 it encourages drug use.

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

15 (a) Except as authorized in AS 17.30, a person commits the crime
16 of misconduct involving a controlled substance in the sixth degree if
17 the person

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

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

25 (3) [(2) KNOWINGLY POSSESSES ANY AMOUNT OF A SCHEDULE VIA
26 CONTROLLED SUBSTANCE WITHIN THE IMMEDIATE CONTROL OF THAT PERSON WHILE
27 OPERATING A PROPELLED VEHICLE;

28 (3) BEING UNDER 19 YEARS OF AGE, POSSESSES ONE OR MORE
29 PREPARATIONS, COMPOUNDS, MIXTURES, OR SUBSTANCES OF AN AGGREGATE

1 WEIGHT OF LESS THAN FOUR OUNCES CONTAINING A SCHEDULE VIA CONTROLLED
2 SUBSTANCE;

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

6 (5)] refuses entry into a premises for an inspection au-
7 thorized under AS 17.30.

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

9 (a) In a prosecution under AS 11.71.010 - 11.71.060 [AS 11.-
10 71.010 - 11.71.070], a complete copy of an official laboratory report
11 from the Department of Public Safety or a laboratory operated by
12 another law enforcement agency is prima facie evidence of the content,
13 identity, and weight of a controlled substance. The report must be
14 signed by the person performing the analysis and must state that the
15 substance which is the basis of the alleged offense has been weighed
16 and analyzed. In the report, the author shall state with specificity
17 findings as to the content, weight, and identity of the substance.

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

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

27 * Sec. 5. AS 11.71.070 is repealed.

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