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Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: SB 163

Sponsor: P. FISCHER

Date referred to committee: 2/19/85

Synopsis completed:

Fiscal note:

Further referrals: JUDICIARY

CONTACTS:

Bob Dawkins, Minority business task force, Chair
586-6429

Dirk Nelson, PO Box 81273 College 99708 479-5693
Jack Shockley, Jr., 1570 Kepner Anch 99504 338-5500/561-0458

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

MAR 12 1986

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 163
 Title: "An Act relating to marijuana....."
 Sponsor: Sen. P. Fischer
 Requestor: Sen. HESS
 Date of Request: 3/7/85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: _____
Administration of Justice
 BRJ, Program or Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Paul Conger

Phone: 465-4338

Division: Administrative Services

Date: 3-7-85

Approved by Commissioner: Michael J. Clever

Date: 7-8-85

Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

Introduced: 2/19/85
Referred: Health, Education & Social Services
and Judiciary

BY P.FISCHER, FERGUSON
AND FAIKS

1 IN THE SENATE

2

SENATE BILL NO. 163

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH 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

10 (1) THC, the mind altering ingredient in marijuana, is not
11 soluble in water, but goes into the fatty tissues of the brain, testicles,
12 ovaries, and other internal organs, and takes 30 days to be eliminated from
13 the body;

14 (2) the buildup of THC in the body causes the user to smoke more
15 marijuana to achieve the desired high and may result in loss of sleep,
16 appetite, and initiative, as well as moodiness and depression;

17 (3) it is possible for a human being to overdose from the use of
18 marijuana, especially if it is used in conjunction with alcohol, because it
19 increases the effects of alcohol;

20 (4) the THC content of a marijuana cigarette 10 years ago was
21 one percent, but is as high as 10 percent per cigarette today;

22 (5) marijuana causes schizophrenia, illusions, and hallucina-
23 tions, including a dulling of the senses, creating the possibility that the
24 user is unable to respond to body signals, such as pain;

25 (6) although it may take a heavy cigarette smoker as long as 20
26 years to develop lung cancer, one marijuana cigarette a day may cause lung
27 cancer in three years;

28 (7) THC affects eggs, sperm, sexual hormones, and the develop-
29 ment of a fetus, and marijuana use may result in deformed or undersized

1 offspring;

2 (8) other physical reactions to marijuana include irreversible
3 changes in the brain, sinusitis, pharyngitis, bronchitis, emphysema, in-
4 creased heart rate, and decreased blood circulation;

5 (9) other psychological reactions to marijuana include loss of
6 memory; impairment in thinking, reading comprehension, and verbal and
7 arithmetic problem solving; impairment of perception of distance and time;
8 and anxiety, panic, paranoia, psychosis, and psychological dependence; and

9 (10) the use of even small amounts of marijuana by adults in the
10 home subjects children present to a substantial health hazard.

11 (b) The legislature further finds there is a legitimate and com-
12 pelling governmental interest, based on testimonial evidence, that the
13 public health and welfare will suffer if personal use of marijuana even in
14 small amounts is allowed.

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

16 (a) Except as authorized in AS 17.30 or AS 17.35, a person
17 commits the crime of misconduct involving a controlled substance in
18 the sixth degree if the person

19 (1) uses or displays any amount of a schedule VIA con-
20 trolled substance 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 [(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 (2) [(5)] refuses entry into a premises for an inspection
7 authorized under AS 17.30.
8 * Sec. 3. AS 11.71.070 is repealed.
9 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
10 10.070(c).

keep in bill file

Alaska State Legislature

Senator Paul A. Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269 H



While in Juneau
Pouch V
Juneau, Alaska 99811
(907) 465-3791

State Senate

February 14, 1985

Dear Senator,

Tuesday, February 19th, I will be introducing two measures that relate to the control of dangerous drugs.

The first proposal is a Constitutional Amendment making clear that possession or use of cocaine, heroin, marijuana etc. is not to be interpreted as a protected right under the State Constitution. The effect of passage of this measure would be to reverse the State Supreme Court decision in Ravin v. State (1975) which construed the privacy section of our Constitution to "encompass the possession and ingestion of substances such as marijuana---in the home". It also restricts the court from expanding this opinion to protect the use of cocaine or other drugs.

The second measure is a bill which would declare possession of marijuana to be criminal misconduct. The enactment of this legislation would force the Judiciary to once again confront the question of marijuana in light of a decade of our experience with the existing status quo. In addition, passage of my measure would bring Alaska Law into conformance with the existing laws of both the federal government and all our sister states with regard to to marijuana.

I hope that you will join me as a cosponsor of the attached measures. If you have any questions or would care to have us add your name to either or both, please contact me or my staff at 465-3791.

Cordially,

Paul A. Fischer

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SB 163

Support

March 5, 1985

SB 163 - An Act relating to Marijuana; and providing for an effective date."

The purpose of this legislation is to recriminalize the possession of any amount of Marijuana. The bill states that Marijuana is injurious to public health and welfare.

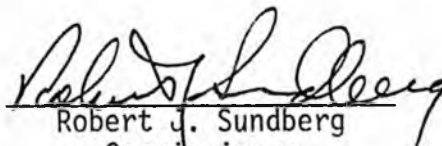
In addition to the public health and welfare issue from the standpoint of law enforcement, there are additional purely objective reasons why this bill should be passed.

- (1) Existing state law, which provides for up to four ounces of Marijuana for personal use is in direct conflict with existing federal law. By having legalized small amounts, the state is in effect encouraging violations of federal law. Thus, only in Alaska can one sit at home and smoke Marijuana, secure in the knowledge that you are breaking federal law with the blessing of the State Supreme Court.
- (2) The existing dichotomy of federal and state law is confusing in the mind of the public, which expects continuity, rather than conflict in the law. Such conflict tends to breed disrespect for the law in general, especially upon the impressionable minds of our youth.
- (3) Alaska's lenient attitude toward Marijuana in effect creates a legal market for a substance grown illegally in other states, thereby worsening the problem of Marijuana cultivation in other states.
- (4) Alaska's legalization of small amounts directly contravene the terms of the Single Narcotics Convention, the international treaty which outlaws Marijuana and other controlled substances. The United States is one of the numerous countries which are signators to the Convention.

(Continued).

POSITION PAPER
SB 163 (Continued).

- (5) Legalization of small amounts of Marijuana encourages most users to break the law. Absent personally growing the plants, users must buy Marijuana from sellers-an illegal act, and sellers must in turn buy from their sources which is equally illegal. In effect, the state's permissiveness encourages violations of the law, by stimulating illegal transactions involving the sale of Marijuana.
- (6) Legalization of small amounts of Marijuana has had a chilling effect upon the investigation and prosecution of any amounts of Marijuana, as witness the multi-pound transaction requirements of federal and state prosecutors, and the very few cases adjudicated involving Marijuana for the past few years.
- (7) Recriminalizing Marijuana would not, as some fear, result in wholesale arrests of individuals possessing small amounts of marijuana, since the present drug enforcement philosophy of source interdiction recognizes the far greater cost-effectiveness of striking against high-level distributors, and sadly, there is no lack of high-level drug dealers in Alaska to occupy the enforcement efforts of narcotics officers.


Robert J. Sundberg
Commissioner