

Ballot Measure Amending Alaska Statute 17.38 – Marijuana Legalization Overview

Below is a summary of the ballot measure approved by voters in the November 2014 election amending Title 17. Although the measure was approved, it has not been “signed into law.” The legislature is currently working through the formal process so defined regulation and information is not yet available.

AS 17.38.010

Legalizes the use of marijuana for persons 21 years of age and older, and indicates the production and distribution of marijuana should be regulated.

AS 17.38.020

Establishes personal use amount limits and mandates that personal use shall not be deemed a civil or criminal offense under Alaska law or the law of any political subdivision in the state. Possession limits mandated are one (1) ounce of marijuana or six (6) marijuana plants, no more than three (3) of which are to be flowering (budding or mature).

AS 17.38.030

Restricts personal cultivation. Plants must be out of public view and secure from unauthorized access. Marijuana can only be cultivated on property lawfully in the possession of the cultivator or with consent of the person lawfully possessing the property.

AS 17.38.040

Bans public consumption, but fails to define “public.” However, AS 11.81.900 defines public place as, *“a place to which the public or a substantial group of persons has access and includes highways, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, and hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.”*

AS 17.38.080 and 090

Authorizes the legislature to create a Marijuana Control Board, and mandates that the state will adopt regulations necessary for implementation of commercial marijuana operations.

AS 17.38.110 – Local Control

A local government may prohibit the operation of marijuana cultivation facilities, product manufacturing facilities, testing facilities, or retail stores through the enactment of an ordinance or by voter initiative.

A local government may enact ordinances or regulations governing the time, place, manner and number of marijuana establishment operations, and may establish penalties for violating regulations.

A local government may establish procedures for the issuance, suspension and revocation of a registration issued by the local government for commercial marijuana establishments, and may designate a local regulatory authority to be responsible for those processes.

The Alcohol Beverage Control Board has answers to frequently asked questions at:

<http://commerce.state.ak.us/dnn/abc/resources/MarijuanaInitiativeFAQs.aspx>