

Sponsored by: Assemblymembers Hale and Yundt
Amended: 01/03/23
Adopted: 01/03/23

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 23-004**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REQUESTING THAT THE STATE OF ALASKA ADOPT A STANDARD FOR OPERATING A VEHICLE WHILE UNDER THE INFLUENCE OF MARIJUANA OR A STANDARD FOR THE PRESUMPTION OF BEING UNDER THE INFLUENCE OF MARIJUANA.

WHEREAS, the Borough is 24,500 square miles and public transit is virtually nonexistent; and

WHEREAS, except for a few limited providers and ride share services, travelling within the Borough but outside the cities is chiefly done by personal automobile; and

WHEREAS, marijuana, like alcohol, is a substance which can cause impairment to mental and physical functions of a person; and

WHEREAS, operating a vehicle while under the influence of alcohol or any controlled substance is dangerous, raises the probability of injury to people and property, and constitutes a public safety hazard; and

WHEREAS, to combat the issue of driving under the influence, AS 28.35.030 makes such action a crime; and

WHEREAS, operating under the influence can be proven either by showing impairment (also called an impairment standard) or a certain amount of alcohol in blood or breath (also called a *per se* standard); and

WHEREAS, AS 28.35.031, AS 28.35.032, and AS 28.35.033 provide for effective enforcement of the *per se* standard and also allow for tests to be used in support of proving an impairment standard; and

WHEREAS, across states and federal government standards for alcohol, there are various levels of criminality and presumptions when it comes to alcohol in a person's system; and

WHEREAS, when it comes to marijuana and the Alaska Statutes, there is no level of criminality and there is no level of presumption of being under the influence of marijuana while driving; and

WHEREAS, people will drive after consuming marijuana, just like people will drive after consuming alcohol; and

WHEREAS these standards range from zero tolerance, to 2 ng/ml and 5 ng/ml for *per se* violations, and 5 ng/ml as evidence of impairment only (and not *per se*); and

WHEREAS, regardless of where the State of Alaska might ultimately set a standard, one needs to be set; and

WHEREAS, a standard will enable the Borough Assembly to better evaluate whether local onsite consumption standards need to be set in light of the limits, presumptions, and risks; and

WHEREAS, a standard will also help the general public, patrons of onsite consumption, and users of legal marijuana to be able to

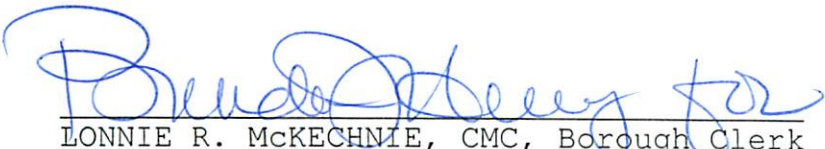
clearly and intelligently evaluate the rules associated with marijuana consumption and driving.

NOW, THEREFORE, BE IT RESOLVED, the Assembly requests that the state of Alaska adopt a standard for operating a vehicle while under the influence of marijuana or a standard for the presumption of being under the influence of marijuana.


ADOPTED by the Matanuska-Susitna Borough Assembly this 3 day of January, 2023.


EDNA DeVRIES, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)



PASSED UNANIMOUSLY: Hale, Nowers, McKee, Yundt, Tew, Sumner, and Bernier