



## MEMORANDUM

TO: Marijuana Control Board                      DATE: March 19, 2021  
FROM: Jane P. Sawyer, Regulations Specialist    RE: Regulations Project – Exit  
Package - Opacity

At the October 2020 meeting, the board opened this regulations project to address opaque exit packaging at retail stores. Attached is the initial draft.

The intent of this project, in a simple example, is to allow the consumer to put their purchased marijuana or marijuana product in their own opaque bag.

In the draft, language from 3 AAC 306.345(a)(3) is removed but used and reworded to create a new paragraph (3 AAC 306.345(a)(4)). This new paragraph allows for the opaque package to be provided by the product being already opaque-packaged for final retail sale by the cultivator or the manufacturer, or the retail store, or the consumer's own opaque package/bag.

Options for the board:

- Put out for public comment
- Amend and put out for public comment
- Send back to staff for revisions
- Close the project without action

(Words in boldface and underlined indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

3 AAC 306.345(a) is amended to read:

**3 AAC 306.345. Packaging and labeling.** (a) A retail marijuana store shall assure that

(1) marijuana sold on its licensed premises is packaged and labeled in compliance with 3 AAC 306.470 and 3 AAC 306.475;

(2) any marijuana product sold on its licensed premises is packaged and labeled in compliance with 3 AAC 306.565 and 3 AAC 306.570; [AND]

(3) **at the point of sale,** marijuana or a marijuana product sold is packaged in [OPAQUE], resealable, child-resistant packaging [WHEN THE PURCHASER LEAVES THE RETAIL SECTION OF THE LICENSED PREMISES; THE PACKAGING MUST BE] designed or constructed to be significantly difficult for children under five years of age to open, but not normally difficult for adults to use properly; [.] **and**

**(4) unless already packaged by the cultivation facility or the manufacturing facility in an opaque package for final retail sale, prior to the consumer exiting the store, all marijuana or marijuana product purchased by the consumer is placed in an opaque exit package by the store or the consumer.**

3 AAC 306.345 is amended by adding a new subsection to read:

(c) For the purpose of this section, “Opaque” means that the package does not allow the product to be seen without opening the package. (Eff. 2/21/2016, Register 217; am 11/8/2018, Register 228; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 17.38.010 AS 17.38.150 AS 17.38.200  
AS 17.38.070 AS 17.38.190 AS 17.38.900  
AS 17.38.121