



## MEMORANDUM

TO: Marijuana Control Board                      DATE: May 23, 2023

FROM: Jane P. Sawyer, Program Coordinator      RE: Regulations Project – Video  
Surveillance – power backup

At the December 2022 meeting, the project was sent out for second round of public; it was out for about 35 days closing on February 22, 2023. At the March 2023 meeting this project was tabled. All comments received during the first and second round are attached in this packet.

The board had discussions regarding the cost to licensees of complying with this regulation and whether enforcement is qualified to inspect backup power supplies such as generators.

The project was enforcement's request due to an incident where they were not able to obtain the records for an investigation. The amendment to 3 AAC 306.720 would require licensees to have backup power supply to support a minimum of one hour of recording time in the event of power interruption.

In reviewing the public comments received, consider the cost to the public of complying with the regulation.

### Potential Board actions:

- move to adopt
- move to amend and adopt as amended (or send back out for public comment if amendments are substantive)
- move to send back to staff for more work
- close project if not moving forward with it

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

The introductory language of 3 AAC 306.720(a) is amended to read:

(a) A marijuana establishment shall install and maintain a video surveillance [AND CAMERA] recording system as provided in this section. The video **surveillance recording** system must [COVER]

3 AAC 306.720(a)(1) is amended to read:

(1) **cover** each restricted access area and each entrance to a restricted access area within the licensed premises; **each entrance to the exterior of the licensed premises; each point-of-sale area; and**

3 AAC 306.720(a)(2) is amended to read:

(2) **have backup power supply to support a minimum of one hour of recording time in the event of power interruption** [EACH ENTRANCE TO THE EXTERIOR OF THE LICENSED PREMISES; AND

3 AAC 306.720(a)(3) is repealed:

(3) repealed \_\_\_/\_\_\_/\_\_\_\_; [EACH POINT-OF-SALE AREA].

(Eff. 2/21/2016, Register 217; am 12/10/2020, Register 236; 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



Date: 09/02/2022  
To: [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov)  
From: Alaska Marijuana Industry Association (AMIA)

Re: Public Comment on 3 AAC 306 of the Alaska Administrative Code,  
dealing with video surveillance-power backup

Dear Honorable Marijuana Control Board Members,

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with video surveillance—power backup. We **do not** support this change as written. There are regulation clean up elements in parts of this proposed change that we agree with, i.e 3 AAC 306.720 (a)(1) “(1) *cover each restricted access area and each entrance to a restricted access area within the licensed premises; each entrance to the exterior of the licensed premises; each point-of-sale area*” Additionally, we support the clarity that is provided by defining video surveillance system.

However, changes to 3 AAC 306.720 (a)(2) “(2) *have a backup power supply to support a minimum of one hour of recording time in the event of power interruption*” we do not support. We believe that in the event of a power outage there is nobody who is more focused on getting things back up and running than the business owner. There could be a requirement to have a power backup, but defining the time it must back up for is not appropriate. Additionally, the appropriate language to use would be to require a Uninterruptible Power Supply (UPS), the language as written in this proposed change suggests that an operator needs to have complete power backup. By design UPS are “fail-on,” meaning that if the system that it is attached to loses power, the UPS will turn on automatically. So there is already a layer of protection and redundancy built in. Requiring a UPS alone would be ok. But to define the time that it must stay on is an overreach. For businesses to comply with this regulation change as it is currently written, they would need to obtain expensive equipment, but they also would need to make arrangements for its installation. We have concerns that requiring a time limit of 1 hour may not be able to be obtained in the case of a power outage or interruption resulting in arbitrary compliance situations for licensees. We ask that you please rewrite this change with no arbitrary time limit and define instead as an uninterruptible power supply. Our objection to this aside, we do believe that it is wise, as a protection for the licensee, to have a UPS on their surveillance systems, and that UPS should be maintained in proper working order.

Respectfully,

On behalf of the AMIA Board of Directors:

A stylized signature of Ryan Tunseth in a dark, handwritten font.

Ryan Tunseth  
President (AMIA)  
[president@alaskamia.org](mailto:president@alaskamia.org)

*The Alaska Marijuana Industry Association is Alaska's only statewide cannabis industry trade group. Our mission is to promote and advocate for a vibrant and reasonably regulated Alaska-based marijuana industry. The AMIA serves to strengthen and enhance a network of connected, independent, informed, regionally, and community-directed Alaska marijuana organizations.*  
[www.alaskamia.org](http://www.alaskamia.org)



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February 21, 2023

**Re: Comment on Regulation Change to 3 AAC 306.720(a); Video Surveillance – Power Backup**

Dear Honorable Members of the Alaska Marijuana Control Board:

Please consider my public comment on this subject. After being an over regulated, highly taxed, and fledgling industry for going on seven years now, I feel that imposing such a financial burden on licensees is unreasonable. It does not seem to me that enough thought was put into this proposed regulation regarding how this would impact licensees with a high number of cameras in their facility. This proposed regulation change has the potential to put undue burden specifically on large cultivators financially. Cultivators already carry the tax burden, the high operating, utility, testing, and transportation costs, and are under continuous scrutiny if, heaven forbid, they are one day late paying their excise taxes.

The vertically integrated facilities would also get hit with an enormous expense; not just the battery backup equipment itself, but having to hire contractors, electricians, electrical engineers, and more professional services to fulfill this stipulation. Any issues with cameras have been minimal and the current camera requirements are beyond sufficient. This regulation change would impose unreasonable and undue stress on licensees, with no health or safety rationale that would be truly address but this additional requirement – the only addition this would add is new financial burden, more over regulation and stress for licensees.

Moreover, when you click the notice for this regulation on the AMCO site, the draft regulation has to do with renewal requirements and it is not linked to the draft regulation that that is identified as the video surveillance regulation.

We should not be adding more regulations, we should be focusing on fine-tuning the regulations already in place. We also shouldn't be dumping more burdens on cultivators, without whom there would be no industry.

Truly and Sincerely Yours,

A handwritten signature in black ink, appearing to read "Jana D. Weltzin", with a long, sweeping horizontal line extending to the right.

Jana D. Weltzin, Esq.

**From:** [CED AMCO REGS \(CED sponsored\)](#)  
**To:** "[budmasters@yahoo.com](mailto:budmasters@yahoo.com)"  
**Cc:** [CED AMCO REGS \(CED sponsored\)](#)  
**Subject:** RE: Proposed battery security backup questions.  
**Date:** Friday, February 10, 2023 4:06:00 PM  
**Attachments:** [image005.png](#)  
[image006.emz](#)  
[image007.png](#)

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Good afternoon, Russell,

Thank you for your question. I will save this email for the board to consider at its March 2023 meeting. In past board meetings regarding this project, the board has not determined whether a Blink system is appropriate.

Please know that because this is a project opened for public comment, AMCO cannot have a dialogue about the proposed draft. It all has to be considered during an open meeting.

If you wish to elaborate further on your question or would like to express concerns, including the monetary impact on you as a marijuana business, I encourage you to send those comments. The comments must be submitted to our office no later than February 22, 2023, at 4:30pm.

Respectfully,

Jane P. Sawyer  
Regulations Specialist/Acting Program Coordinator  
DCCED-Alcohol and Marijuana Control Office  
550 W. 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501

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**From:** Russell Williams <[budmasters@yahoo.com](mailto:budmasters@yahoo.com)>  
**Sent:** Friday, February 10, 2023 2:28 PM  
**To:** Sawyer, Jane Preston (CED) <[jane.sawyer@alaska.gov](mailto:jane.sawyer@alaska.gov)>  
**Subject:** Proposed battery security backup questions.

You don't often get email from [budmasters@yahoo.com](mailto:budmasters@yahoo.com). [Learn why this is important](#)

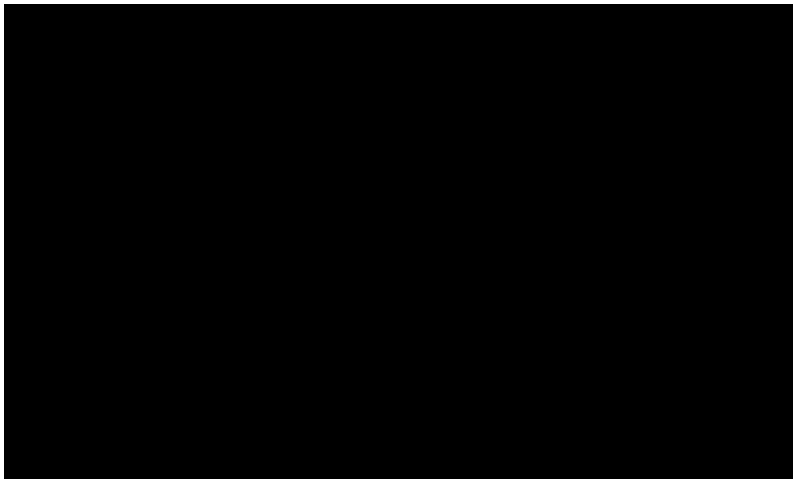
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Good day Jane,

This is Russell from Budmasters in Talkeetna #15530. Are we correct in our interpretation of the proposed battery security backup system to be like this Blink system please? Link below for verification. Or, is there a specific brand or style required? Thank you for your time! Have a great

day!  
Russell

Blink Indoor – wireless, HD security camera with two-year battery life, motion detection, and two-way audio – 5 camera kit [Blink Indoor – wireless, HD security camera with two-year battery life, motion detection, and two-way audio – 5 camera kit](#)



 **Blink Indoor – wireless, HD security camera with two-year battery life, motion detection, and two-way audio – 5 camera kit**

Blink Indoor – wireless, HD security camera with two-year battery life, motion detection, and two-way audio – 5 camera kit

[Sent from Yahoo Mail for iPhone](#)

**From:** [Peter Eberhardt](#)  
**To:** [CED AMCO REGS \(CED sponsored\)](#)  
**Subject:** Required Power Back UP  
**Date:** Friday, January 20, 2023 11:22:02 AM

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[You don't often get email from eberhardt@alaskan.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

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We've operated our business for six years and have never had an issue with power outages / associated with a break in.

#1 Power outages in the Anchorage bowl are rare

#2 this should be strictly VOLUNTARY!

#3 Who is pushing for this requirement that would undoubtedly very expensive?

Pete and Maureen Eberhardt owners, MoMo's Bakery



Submitted By	Comment
<p>1/21/2023 10:29:03 AM Anchorage, AK, US Anonymous User</p>	<p>this puts more of a burden upon Licensee to purchase a piece of equipment like a generator and find the space to have the generator where it wont interfere with operations ( if outside how will it impact snow removal or if inside say on Limited Cultivation Facilities to cut down on space). please consider how the regulation will effect licensees before making this regulation and if you make this regulation please give licensees time to research their best option then also the opportunity to get their choice. with supply chains for some electronic goods being what they are these days it could impact a licensee from being able to comply in a timely manner</p>
<p>1/21/2023 10:29:01 AM Anchorage, AK, US Anonymous User</p>	<p>this puts more of a burden upon Licensee to purchase a piece of equipment like a generator and find the space to have the generator where it wont interfere with operations ( if outside how will it impact snow removal or if inside say on Limited Cultivation Facilities to cut down on space). please consider how the regulation will effect licensees before making this regulation and if you make this regulation please give licensees time to research their best option then also the opportunity to get their choice. with supply chains for some electronic goods being what they are these days it could impact a licensee from being able to comply in a timely manner</p>