



**Alcoholic Beverage Control Board
Marijuana Agenda
July 2, 2015
Fairbanks, Alaska**

- **DIRECTOR BRIEFING**
 - A. Director's Report **9:00 AM** **TAB 1**

- **PUBLIC TESTIMONY**
 - A. Period of time for public testimony on marijuana issues not on this agenda. Please phone 1-800-315-6338 code 69173#. **9:15 AM**
 - B. Written Public Testimony **TAB 2**

- **REVISED TIMELINE** **9:45 AM** **TAB 3**

- **MARIJUANA ENFORCEMENT ACTIVITY**
 - A. Washington Trip Report **TAB 4**
 - B. Identification of Illegal Marijuana Establishments **10:00 AM** **TAB 5**

- **DRAFT REGULATIONS** **10:15 AM**
 - A. Regulations Process **TAB 6**
 - B. Set 1: Board-approved Draft Put Out for Public Comment **TAB 7**
 - 1. Public Comments Received **TAB 8**

2. Public Questions and Answers **TAB 9**

3. Legal Considerations **TAB 10**

4. Suggested Revisions to Set 1 (Definitions and Article 2:
Local Options) **TAB 11**

C. Set 2: First Draft for Board Review for Public Comment Process

1. Article 1: Licensing and Fees **TAB 12**

2. Article 3: Retail Stores **TAB 13**

3. Article 4: Packaging and Labels **TAB 14**

4. Article 7: Operating Requirements **TAB 15**

● **NEXT MARIJUANA CONTROL BOARD MEETING**

Tab

1



MEMORANDUM

TO: Robert Klein, Chair
and Members of the ABC Board

DATE: June 22, 2015

FROM: Cynthia Franklin, Director

RE: Director's Report – Marijuana Business

Marijuana Control Board (MCB)

The Governor's Office of Boards and Commissions has conducted interviews for the Marijuana Control Board since the ABC last met. Interest in the board was high. The Governor's Office received approximately 130 applications for the board. We are expecting the Governor to announce the new board soon. The director and staff have kept the Governor's Office in the loop on the timelines and urgency of seating the board.

Training and Travel

The director and licensing supervisor (Sarah Oates) traveled to Washington May 4-6 to visit the Washington Liquor Control Board. We attended a licensing huddle, toured several licensed establishments, saw the Bio-Track seed-to-sale software in action, and observed a board meeting, among other activities. The WLCB has been extremely supportive and continues to openly share their knowledge and processes with us.

Chief Investigator Beasley is scheduled to take Investigators Hamilton and Finney to Colorado July 6-9 to shadow marijuana enforcement officers in that state. Other enforcement activities related to marijuana are contained in an agenda item.

Position Recruitment and Staffing Update

Recruitments have been posted for two Business Registration Examiners and for an Administrative Assistant Position. The reason for 2 BRE's is that Erwin Domingo, an April 1 hire for one of the two new BRE positions, has been hired away from us and his last day was June 26, 2015.



Timeline for Regulations and Meeting

As we move through the process of bringing draft regulations to the board, we have been tweaking the timeline to maximize the number of public comment periods we can use in the months between now and November 24, 2015. There is a revised timeline agenda item.

Public Comments Process for Regulations

Managing the public comments for the regulations process is both the most exciting and most challenging part of the regulations package. We need to encourage public participation in the process in anticipation of the legislature reviewing both the substance of the regulations and the process used to put together a final product. Please continue to urge people interested in the process to submit comments in the time frames set forth in the public notices related to each set of regulations.

Tab

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From: [Gordon Epperly](#)
Subject: Adoption of Marijuana Regulations
Date: Friday, June 19, 2015 12:05:32 PM
Attachments: [Brandon Coats vs. Dish Network, L.L.C. 13SC394-\(103897\).pdf](#)

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An Open Letter

Honorable Members of the Alaska Alcoholic Beverage [Marijuana] Control Board

I understand that the "Alaska Alcoholic Beverage [Marijuana] Control Board" will be holding another meeting on July 2, 2015 to continue addressing the adoption of "Regulations" to implement the Alaska Marijuana Ballot Initiative No. 2 (2014). Although I will not be able to attend the meeting in Fairbanks, I submit this email message into the "Record" of that Meeting.

There is one question that needs to be addressed before any consideration be given to the adoption of any "Regulation," that being the required action is defining the word: "lawful" as that word is used within the "Marijuana Ballot Initiative[s]" (e.g. Alaska Statutes, Title 17. Chapter 38).

This past Monday (06-15-15), the "Supreme Court" for the "State of Colorado" defined the word "lawful" as used within the "Colorado Marijuana Ballot Initiative." The "Marijuana Ballot Initiative" of the "State of Colorado" was worded almost identical to the "Marijuana Ballot Initiative No. 2' (2014)" of the "State of Alaska." In both "Ballot Initiatives," the Sponsors used the word "lawful" throughout. As the use of the word "lawful" is identical to both "Marijuana Ballot Initiatives" of "Alaska" and "Colorado," the definition of that word "lawful" as given by the State of Colorado

Supreme Court must be given to the word “*lawful*” as used within the State of Alaska’s “*Marijuana Ballot Initiative No. 2*” (e.g. *Alaska Statutes, Title 17, Chapter 38*).

According to the Judges of the Colorado State Supreme Court, for “*Marijuana*” to be “*lawful*” for any use – “*Marijuana*” must not only be lawful under the laws of a “*State*,” but “*Marijuana*” must also be lawful under the laws of the government of “*The United States of America*”:

“Coats contends that the General Assembly intended the term “lawful” here to mean “lawful under Colorado state law,” which, he asserts, recognizes medical marijuana use as “lawful.” Coats, ¶ 6, 303 P.3d at 149. We do not read the term “lawful” to be so restrictive. ...

“The CSA lists marijuana as a Schedule I substance, meaning federal law designates it as having no medical accepted use, a high risk of abuse, and a lack of accepted safety for use under medical supervision. Id. at § 812(b)(1) (A)–(C). This makes the use, possession, or manufacture of marijuana a federal criminal offense, except where used for federally-approved research projects. Id. at § 844(a); see also *Gonzales v. Raich*, 545 U.S. 1, 14 (2005). There is no exception for marijuana use for medicinal purposes, or for marijuana use conducted in accordance with state law. 21 U.S.C. § 844(a); see also *Gonzales*, 545 U.S. at 29 (finding that “[t]he Supremacy Clause unambiguously provides that if there is any conflict between federal and state law, federal law shall prevail,” including in the area of marijuana regulation). Coats’s use of medical marijuana was unlawful under federal law and thus not protected by [*Colorado State Law*] section 24-34-402.5.”

Brandon Coats vs. Dish Network, L.L.C.,
Case No. 13SC394 @ Paragraphs 18 & 19.

If another legal definition is to be given to the word “*lawful*” as used within the “*Alaska Marijuana Ballot Initiative*” from that which is given by the “*Colorado State Supreme Court*,” please provide the legal arguments and references which the “*Alaska Alcoholic Beverage [Marijuana] Control Board*” relies upon for its definition.

A copy of this message has been forwarded to the “*Office of the Alaska Attorney General*.” A true and correct copy of the “*State of Colorado Supreme Court Opinion*” of “*Brandon Coats vs. Dish Network, L.L.C.*” is attached to this message as a

PDF Document.

Gordon Warren Epperly

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Opinions of the Colorado Supreme Court are available to the public and can be accessed through the Court's homepage at <http://www.courts.state.co.us>. Opinions are also posted on the Colorado Bar Association homepage at <http://www.cobar.org>.

ADVANCE SHEET HEADNOTE

June 15, 2015

2015 CO 44

No. 13SC394, Coats v. Dish Network – Labor and Employment- Protected Activities

The supreme court holds that under the plain language of section 24-34-402.5, C.R.S. (2014), Colorado's "lawful activities statute," the term "lawful" refers only to those activities that are lawful under both state and federal law. Therefore, employees who engage in an activity such as medical marijuana use that is permitted by state law but unlawful under federal law are not protected by the statute. We therefore affirm the court of appeals' opinion.

The Supreme Court of the State of Colorado
2 East 14th Avenue • Denver, Colorado 80203

2015 CO 44

Supreme Court Case No. 13SC394
Certiorari to the Colorado Court of Appeals
Colorado Court of Appeals Case Nos. 12CA595 & 12CA1704

Petitioner:

Brandon Coats,

v.

Respondent:

Dish Network, LLC.

Judgment Affirmed

en banc

June 15, 2015

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JUSTICE EID delivered the Opinion of the Court.
JUSTICE MÁRQUEZ does not participate.

¶1 This case requires us to determine whether the use of medical marijuana in compliance with Colorado’s Medical Marijuana Amendment, Colo. Const. art. XVIII, § 14, but in violation of federal law, is a “lawful activity” under section 24-34-402.5, C.R.S. (2014), Colorado’s “lawful activities statute.” This statute generally makes it an unfair and discriminatory labor practice to discharge an employee based on the employee’s “lawful” outside-of-work activities. § 24-34-402.5(1).

¶2 Here, petitioner Brandon Coats claims respondent Dish Network, LLC (“Dish”) violated section 24-34-402.5 by discharging him due to his state-licensed use of medical marijuana at home during nonworking hours. He argues that the Medical Marijuana Amendment makes such use “lawful” for purposes of section 24-34-402.5, notwithstanding any federal laws prohibiting medical marijuana use. The trial court dismissed Coats’s complaint for failure to state a claim after finding that medical marijuana use is not “lawful” under Colorado state law. Coats appealed, and the court of appeals affirmed.

¶3 In a split decision, the majority of the court of appeals held that Coats did not state a claim for relief because medical marijuana use, which is prohibited by federal law, is not a “lawful activity” for purposes of section 24-34-402.5. Coats v. Dish Network, LLC, 2013 COA 62, ¶ 23, 303 P.3d 147, 152. In dissent, Judge Webb would have held that section 24-34-402.5 does protect Coats’s medical marijuana use, because the term “lawful” as used in the statute refers only to Colorado state law, under which medical marijuana use is “at least lawful.” Id. at ¶ 56, 303 P.3d at 157 (Webb, J., dissenting).

¶4 We granted certiorari and now affirm. The term “lawful” as it is used in section 24-34-402.5 is not restricted in any way, and we decline to engraft a state law limitation onto the term. Therefore, an activity such as medical marijuana use that is unlawful under federal law is not a “lawful” activity under section 24-34-402.5. Accordingly, we affirm the opinion of the court of appeals.

I.

¶5 We take the following from the complaint. Brandon Coats is a quadriplegic and has been confined to a wheelchair since he was a teenager. In 2009, he registered for and obtained a state-issued license to use medical marijuana to treat painful muscle spasms caused by his quadriplegia. Coats consumes medical marijuana at home, after work, and in accordance with his license and Colorado state law.

¶6 Between 2007 and 2010, Coats worked for respondent Dish as a telephone customer service representative. In May 2010, Coats tested positive for tetrahydrocannabinol (“THC”), a component of medical marijuana, during a random drug test. Coats informed Dish that he was a registered medical marijuana patient and planned to continue using medical marijuana. On June 7, 2010, Dish fired Coats for violating the company’s drug policy.

¶7 Coats then filed a wrongful termination claim against Dish under section 24-34-402.5, which generally prohibits employers from discharging an employee based on his engagement in “lawful activities” off the premises of the employer during nonworking hours. § 24-34-402.5(1). Coats contended that Dish violated the statute by terminating him based on his outside-of-work medical marijuana use, which he argued

was “lawful” under the Medical Marijuana Amendment and its implementing legislation.

¶8 Dish filed a motion to dismiss, arguing that Coats’s medical marijuana use was not “lawful” for purposes of the statute under either federal or state law.

¶9 The trial court dismissed Coats’s claim. It rejected Coats’s argument that the Medical Marijuana Amendment made his use a “lawful activity” for purposes of section 24-34-402.5. Instead the court found that the Amendment provided registered patients an affirmative defense to state criminal prosecution without making their use of medical marijuana a “lawful activity” within the meaning of section 24-34-402.5. As such, the trial court concluded that the statute afforded no protection to Coats and dismissed the claim without examining the federal law issue.

¶10 On appeal, Coats again argued that Dish wrongfully terminated him under section 24-34-402.5 because his use of medical marijuana was “lawful” under state law. Dish likewise reiterated that it did not violate section 24-34-402.5 because medical marijuana use remains prohibited under federal law.

¶11 In a split decision, the court of appeals affirmed based on the prohibition of marijuana use under the federal Controlled Substances Act, 21 U.S.C. § 844(a) (2012) (the “CSA”). Looking to the plain language of section 24-34-402.5, the majority found that the term “lawful” means “that which is ‘permitted by law.’” Coats, ¶ 13, 303 P.3d at 150. Applying that plain meaning, the majority reasoned that to be “lawful” for purposes of section 24-34-402.5, activities that are governed by both state and federal law must “be permitted by, and not contrary to, both state and federal law.” Id. at ¶ 14,

303 P.3d at 151. Given that the federal CSA prohibits all marijuana use, the majority concluded that Coats’s conduct was not “lawful activity” protected by the statute. The majority therefore affirmed the trial court’s decision on different grounds, not reaching the question of whether the state constitutional amendment created a constitutional right for registered patients to use medical marijuana or an affirmative defense to prosecution for such use. Coats, ¶ 23, 303 P.3d at 152.

¶12 In dissent, Judge Webb argued that the term “lawful” must be interpreted according to state, rather than federal, law. He argued that the majority’s interpretation failed to effectuate the purpose of the statute by improperly narrowing the scope of the statute’s protection. Id. at ¶ 47, 303 P.3d at 156 (Webb, J., dissenting). Finding that the Medical Marijuana Amendment made state-licensed medical marijuana use “at least lawful,” Judge Webb concluded that Coats’s use should be protected by the statute. Id. at ¶ 56, 303 P.3d at 157 (Webb, J., dissenting).

¶13 We granted review of the court of appeals’ opinion¹ and now affirm. The term “lawful” as it is used in section 24-34-402.5 is not restricted in any way, and we decline to engraft a state law limitation onto the term. Therefore, an activity such as medical

¹ We granted certiorari to review the following issues:

1. Whether the Lawful Activities Statute, section 24-34-402.5, protects employees from discretionary discharge for lawful use of medical marijuana outside the job where the use does not affect job performance.
2. Whether the Medical Marijuana Amendment makes the use of medical marijuana “lawful” and confers a right to use medical marijuana to persons lawfully registered with the state.

marijuana use that is unlawful under federal law is not a “lawful” activity under section 24-34-402.5. Accordingly, we affirm the opinion of the court of appeals.

II.

¶14 We review de novo the question of whether medical marijuana use prohibited by federal law is a “lawful activity” protected under section 24-34-402.5. DuBois v. People, 211 P.3d 41, 43 (Colo. 2009).

¶15 The “lawful activities statute” provides that “[i]t shall be a discriminatory or unfair employment practice for an employer to terminate the employment of any employee due to that employee’s engaging in any lawful activity off the premises of the employer during nonworking hours” unless certain exceptions apply. § 24-34-402.5(1) (emphasis added). An employee discharged in violation of this provision may bring a civil action for damages, including lost wages or benefits. § 24-34-402.5(2)(a).

¶16 By its terms the statute protects only “lawful” activities. However, the statute does not define the term “lawful.” Coats contends that the term should be read as limited to activities lawful under state law. We disagree.

¶17 In construing undefined statutory terms, we look to the language of the statute itself “with a view toward giving the statutory language its commonly accepted and understood meaning.” People v. Schuett, 833 P.2d 44, 47 (Colo. 1992). We have construed the term “lawful” once before and found that its “generally understood meaning” is “in accordance with the law or legitimate.” See id. (citing Webster’s Third New International Dictionary 1279 (1986)). Similarly, courts in other states have construed “lawful” to mean “authorized by law and not contrary to, nor forbidden by

law.” Hougum v. Valley Memorial Homes, 574 N.W.2d 812, 821 (N.D. 1998) (defining “lawful” as used in similar lawful activities provision); In re Adoption of B.C.H., 22 N.E.3d 580, 585 (Ind. 2014) (“Upon our review of the plain and ordinary meaning of ‘lawful custody,’ . . . ‘lawful’ means ‘not contrary to law.’”). We therefore agree with the court of appeals that the commonly accepted meaning of the term “lawful” is “that which is ‘permitted by law’ or, conversely, that which is “not contrary to, or forbidden by law.” Coats, ¶ 13, 303 P.3d at 150.

¶18 We still must determine, however, whether medical marijuana use that is licensed by the State of Colorado but prohibited under federal law is “lawful” for purposes of section 24-34-402.5. Coats contends that the General Assembly intended the term “lawful” here to mean “lawful under Colorado state law,” which, he asserts, recognizes medical marijuana use as “lawful.” Coats, ¶ 6, 303 P.3d at 149. We do not read the term “lawful” to be so restrictive. Nothing in the language of the statute limits the term “lawful” to state law. Instead, the term is used in its general, unrestricted sense, indicating that a “lawful” activity is that which complies with applicable “law,” including state and federal law. We therefore decline Coats’s invitation to engraft a state law limitation onto the statutory language. See State Dep’t of Revenue v. Adolph Coors Co., 724 P.2d 1341, 1345 (Colo. 1986) (declining to read a restriction into unrestricted statutory language); Turbyne v. People, 151 P.3d 563, 567 (Colo. 2007) (stating that “[w]e do not add words to the statute”).

¶19 Coats does not dispute that the federal Controlled Substances Act prohibits medical marijuana use. See 21 U.S.C. § 844(a). The CSA lists marijuana as a Schedule I

substance, meaning federal law designates it as having no medical accepted use, a high risk of abuse, and a lack of accepted safety for use under medical supervision. Id. at § 812(b)(1)(A)-(C). This makes the use, possession, or manufacture of marijuana a federal criminal offense, except where used for federally-approved research projects. Id. at § 844(a); see also Gonzales v. Raich, 545 U.S. 1, 14 (2005). There is no exception for marijuana use for medicinal purposes, or for marijuana use conducted in accordance with state law. 21 U.S.C. § 844(a); see also Gonzales, 545 U.S. at 29 (finding that “[t]he Supremacy Clause unambiguously provides that if there is any conflict between federal and state law, federal law shall prevail,” including in the area of marijuana regulation).² Coats’s use of medical marijuana was unlawful under federal law and thus not protected by section 24-34-402.5.

¶20 Echoing Judge Webb’s dissent, Coats argues that because the General Assembly intended section 24-34-402.5 to broadly protect employees from discharge for outside-of-work activities, we must construe the term “lawful” to mean “lawful under Colorado law.” Coats, ¶¶ 46-47, 303 P.3d at 156 (Webb, J., dissenting). In this case, however, we find nothing to indicate that the General Assembly intended to extend section

² The Department of Justice has announced that it will not prosecute cancer patients or those with debilitating conditions who use medical marijuana in accordance with state law. Similarly, in December 2014, Congress passed the Consolidated and Further Continuing Appropriations Act that prohibited the Department of Justice from using funds made available through the Act to prevent Colorado and states with similar medical marijuana laws from “implementing their own State laws that authorize the use, distribution, possession, or cultivation of medical marijuana.” Consolidated and Further Continuing Appropriations Act, 2015, Pub. Law No. 113-235, § 538, 128 Stat. 2130, 2217 (2015). However, marijuana is still a Schedule I substance, and no medical marijuana exception yet exists in the CSA. As such, medical marijuana use remains prohibited under the CSA.

24-34-402.5's protection for "lawful" activities to activities that are unlawful under federal law. In sum, because Coats's marijuana use was unlawful under federal law, it does not fall within section 24-34-402.5's protection for "lawful" activities.

¶21 Having decided this case on the basis of the prohibition under federal law, we decline to address the issue of whether Colorado's Medical Marijuana Amendment deems medical marijuana use "lawful" by conferring a right to such use.

IV.

¶22 For the reasons stated above, we affirm the decision of the court of appeals.

JUSTICE MÁRQUEZ does not participate.

Tab

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THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

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TO: Bob Klein, Chair and ABC Board
FROM: Cynthia Franklin, Director, ABC Board
DATE: June 23, 2015

REVISED TIMELINE- MARIJUANA REGULATIONS AND MEETING DATES*

04/30/15 ABC Board held marijuana meeting in succession to 4/29/15 alcohol meeting
ABC Board voted to make emergency regulation permanent
ABC Board reviewed draft regulations- set 1

May 19, 2015 – June 20, 2015 Public Comment Period for Set #1 (Round 1)

07/02/15 MCB (Marijuana Control Board), if seated, or ABC Board holds marijuana meeting in succession to ABC's 7/01/15 alcohol meeting in Fairbanks
MCB, if seated, or ABC Board reviews public input/recommends changes to set 1 and approves set for another round of public comment
MCB, if seated, or ABC Board reviews draft regulations- set 2

July 7, 2015 – August 8, 2015 Public Comment Period for Set #1 (Round 2)

July 7, 2015 – August 8, 2015 Public Comment Period for Set #2, if approved

08/10/15 MCB stand-alone meeting in Anchorage
MCB determines whether to implement, enforce, amend or repeal emergency regulation that was permanently adopted by the ABC Board 4/29/15 per the transition language of HB 123, p. 7, l. 5-8.
MCB determines whether to vote to accept set 1 as a final version to set aside for adoption with sets 2 and 3 at a later date

MCB reviews public comment/recommends changes to set 2, reviews proposed revisions to set 2, and determines whether set 2 needs another round of public comment

MCB reviews draft regulations- set 3

August 12, 2015 – September 13, 2015 Public Comment Period for Set #3, if approved
August 12, 2015 – September 13, 2015 Public Comment Period for Set #2(if round 2)

09/15/15 MCB meets following ABC Board's regular meeting held 09/14/15 in Nome

MCB determines whether to vote to accept set 2 as a final version to set aside for adoption with sets 1 and 3 at a later date

MCB reviews public comment/recommends changes to set 3, reviews proposed revisions to set 3, and determines whether set 3 needs another round of public comment; MCB could decide to accept set 3 as final version

MCB reviews Sets 1, 2 and 3 together and determines if there are inconsistencies that needs resolution before putting entire package out for public comment

September 17, 2015 – October 18, 2015 Public Comment Period Set #3 (if round 2)
September 17, 2015 – October 18, 2015 Public Comment Period Entire Package

10/19/15 MCB stand-alone meeting in Anchorage

MCB reviews public comment on entire regulatory package, determines whether to put package back out for another round of comment if substantive changes made; MCB could adopt entire package

October 19, 2015 – November 19, 2015 Public Comment Period Entire Package (extra comment period if needed)

11/20/15 MCB meets following to ABC Board's meeting held 11/19/15 in Anchorage

MCB votes on adoption of entire package of regulations

11/24/15 Deadline for adoption of regulations

* The MCB, once seated, will be provided these dates as a framework for meeting statutory deadlines for the adoption of regulations per AS 17.38 with adequate public comment periods. All meeting dates of the Marijuana Control Board are subject to change and if changed required public notice of new meeting dates will be given.

Tab

4

provided a presentation of their seed to sale software, along with an opportunity to ask questions regarding the software.

We then traveled to Longview, Washington (70 miles) and met with WLCB Sgt. Paul Mageral and Officer John Kana. Again, we split up in pairs with each of the Washington officers. Chief Investigator Beasley and Investigator Steve Johnson accompanied Officer Kana, and traveled to Battle Ground, Washington where they toured Agrijuana, a producer / processor.

Chief Investigator Dishman and Investigator Bankowski accompanied Sgt. Mageral to Honu Enterprises, a producer / processor and toured the facility's indoor grow operation. The business was in the process of constructing a kitchen and extraction room to begin manufacturing edibles and oils. Our tours were completed at approximately 5:30 p.m.

On Friday, June 5, 2015, our team met with WLCB Officer Susan Anderson at their Headquarters building in Olympia to discuss our training plan, which included assisting with an unscheduled inspection of Forte Farms, LLC, a producer / processor located in Tacoma, Washington.

Upon our arrival, employees were observed loading a shipment of product into a pickup truck for delivery to a licensed retail store. Officer Anderson had the employees return the container to the inside of the facility's warehouse, where she conducted an audit of its contents.

Our team also accompanied the officer with her inspection of the facility, where numerous violations were observed, including unlabeled items for shipment, 83 untagged plants, and product in non-designated areas, as an example. Following the inspection, our team traveled to the Seattle airport for our return to Alaska.

During our team's interaction with the Washington officers, we were provided with information regarding their current and proposed statutes and regulations, as well as their administrative procedures.

Tab

5



MEMORANDUM

TO: Robert Klein, Chair
and Members of the ABC Board

DATE: June 22, 2015

FROM: Cynthia Franklin, Director

RE: Marijuana Enforcement Activities

Full Enforcement Authority

On June 8, 2015, the ABC/MCB investigators received the last necessary document to expand their authority regarding marijuana enforcement. The investigators received their updated commissions from the Department of Public Safety authorizing them to enforce Title 4, AS 11.71, and AS 17.38 offenses. The updated commissions enable the board to move forward with its examination of businesses that have "gotten out ahead" and opened marijuana establishments and businesses before the rules are in place.

Cooperation with Law Enforcement Agencies

The enforcement team has reached out to the Department of Public Safety and local law enforcement agencies for cooperation in early enforcement efforts. Both DPS and APD have indicated their willingness to work with ABC/MCB officers on marijuana enforcement issues. The Department of Revenue Investigations Unit has also met with the enforcement supervisor, director, and licensing supervisor regarding the tax collection aspect of marijuana enforcement.

Director's Letters to Illegal Establishments

On June 18, 19 and 20, the director sent letters to six marijuana businesses that have either started selling marijuana or are providing marijuana for public use and consumption on their business premises or promoting the consumption of marijuana on their premises through games and giveaways. Letters from the director outlining the illegality of the activities of these businesses and requesting that the businesses cease operations were mailed to the following:

Absolutely Chronic Delivery Company, Anchorage
Alaska Cannabis Club, Anchorage
Discreet Deliveries, Wasilla
Green Rush Events, Kenai
Northern Heights, LLC, Wasilla
Pot Luck Events, Anchorage



THE STATE
of ALASKA

GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD
MARIJUANA CONTROL BOARD

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June 19, 2015

Michael P. Crites
DBA Absolutely Chronic Delivery Company
13223 Old Seward Highway, Apt 3
Anchorage, AK 99515

Re: Illegal Marijuana Business- Absolutely Chronic Delivery Company

Dear Mr. Crites,

On February 24, 2015, AS 17.38, also known as Ballot Measure 2, became law in the State of Alaska. That law provides for legalized personal use and possession of marijuana and for four types of regulated, licensed marijuana establishments. The law gives the Alcoholic Beverage Control Board (ABC) rule making authority until the Marijuana Control Board (MCB) is seated and assumes its responsibility. AS 17.38.085 gives the MCB, and its director and staff, enforcement authority not only over licensees but over non-licensees who violate Alaska's marijuana laws.

It has come to our attention that you are operating an illegal marijuana business. Although AS 17.38 provides for legal and regulated marijuana establishments, it sets forth a timeline for the ABC and MCB to create the regulations, accept applications, and issue licenses for such establishments. That timeline is running and no licenses have yet been issued. The anticipated issuance date for the first marijuana establishment licenses is May, 2016.

We have reviewed your business, Absolutely Chronic Delivery Company, by its online presence, including your website, advertisements on TV and in the newspaper and by viewing posts made by the business on social media. Based on all of the information compiled, you are selling marijuana and marijuana infused products through an internet platform and delivering such products to individuals in multiple locations in the State of Alaska.

Absolutely Chronic Delivery Company does not qualify as a marijuana establishment under AS 17.38.900(9). That statute defines "marijuana establishment" as a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store. AS 17.38.070 provides that a retail store providing marijuana to the public must possess a current, valid registration issued by the ABC or MCB for its activities to be lawful. Further, AS 17.38.010(b) provides:

- (b) In the interest of the health and public safety of our citizenry, the people of the state of Alaska further find and declare that the production and sale of marijuana should be regulated so that:
- (1) Individuals will have to show proof of age before purchasing marijuana;
 - (2) Legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; and
 - (3) Marijuana sold by regulated businesses will be labeled and subject to additional regulations to ensure that consumers are informed and protected.

Your business, Absolutely Chronic Delivery Company, is not legitimate, does not pay taxes, is not regulated and is not subject to consumer protection regulations, which the ABC/MCB is still in the process of creating.

The campaign for Ballot Measure 2 was "The Campaign to Regulate Marijuana like Alcohol." The job of writing regulations and enforcement of marijuana laws was given to the ABC until the MCB can be seated and take over. Delivery of alcohol to individuals by liquor licensed establishments is illegal aside from the narrow exception for cruise ship and wedding delivery reflected in 3 AAC 304.647, and even then requires an additional permit. It is unlikely that activity that is illegal for liquor licensees relating to alcohol will be legal for marijuana licensees relating to marijuana. In other words, your business model is unlikely to be legal even when the rules are written and licenses become available.

This letter will serve as official notice that your business is illegal and enforcement action will be taken against you. You should immediately cease and desist from operating your illegal marijuana business. The legal consequences of operating this business are varied and could range from criminal penalties to civil fines, tax penalties and prohibition from receiving an actual marijuana license when they become available in 2016.

Sincerely,



Cynthia Franklin, Director
Alcoholic Beverage Control Board
Marijuana Control Board

Sent via certified mail: 7013 2250 0000 9616 9759

cc: Stephenson Chin Sun, Property Owner of 13223 Old Seward Hwy
Robert Klein, Chair, Alcoholic Beverage Control Board
Chris Hladick, Commissioner, Department of Commerce, Community and Economic Development
Randall Hoffbeck, Commissioner, Department of Revenue
Gary Folger, Commissioner, Department of Public Safety
John Moosey, Manager, Matanuska-Susitna Borough
Nicholas Spiropolous, Borough Attorney, Matanuska-Susitna Borough
Lonnie McKechnie, Clerk, on behalf of Assembly and Mayor of the Matanuska-Susitna Borough
Bert Cottle, Mayor, City of Wasilla
Chief Gene Belden, Wasilla Police Department
Chief Mark Mew, Anchorage Police Department
Dennis Wheeler, Anchorage Municipal Attorney
Dick Traini, Chair, Anchorage Assembly
John Eberhart, Mayor, City of Fairbanks
Chief Randall Aragon, Fairbanks Police Department
Paul Ewers, Fairbanks City Attorney
Luke Hopkins, Mayor, Fairbanks North Star Borough
Rene Broker, Borough Attorney, Fairbanks North Star Borough
Karen Loeffler, United States Attorney for the State of Alaska



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Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD
MARIJUANA CONTROL BOARD

550 W 7th Ave. STE 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

June 22, 2015

Charlene Egbe AKA Charlo Greene
DBA Alaska Cannabis Club
628 Gambell Street
Anchorage, AK 99507

Re: Illegal Marijuana Club- Alaska Cannabis Club

Dear Ms. Egbe,

On February 24, 2015, AS 17.38, also known as Ballot Measure 2, became law in the State of Alaska. That law provides for legalized personal use and possession of marijuana and for four types of regulated, licensed marijuana establishments. The law gives the Alcoholic Beverage Control Board (ABC) rule making authority until the Marijuana Control Board (MCB) is seated and assumes its responsibility. AS 17.38.085 gives the MCB, and its director and staff, enforcement authority not only over licensees but over non-licensees who violate Alaska's marijuana laws.

It has come to our attention that you are operating an illegal marijuana business. Although AS 17.38 provides for legal and regulated marijuana establishments, it sets forth a timeline for the ABC and MCB to create the regulations, accept applications, and issue licenses for such establishments. That timeline is running and no licenses have yet been issued. The anticipated issuance date for the first marijuana establishment licenses is May, 2016.

We have reviewed your business, Alaska Cannabis Club, by its online presence, including a website and Facebook page, print advertising, flyers describing business events, and by viewing videos produced by you regarding the activities of the business. Based on all of the information compiled, you are operating a marijuana club where you charge members of the public to enter your business for the purpose of consuming marijuana that they have either brought into the establishment or which you provide for free in exchange for the price of membership and/or an event cover charge.

Alaska Cannabis Club does not qualify as a marijuana establishment under AS 17.38.900(9). That statute provides that a "marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store. AS 17.38.040 prohibits the consumption of marijuana in public, which includes a business to which the public or a substantial portion of the public has access.

The campaign for Ballot Measure 2 was "The Campaign to Regulate Marijuana like Alcohol." The job of writing regulations and enforcement of marijuana laws was given to the ABC until the MCB can be seated and take over. In alcohol a club like Alaska Cannabis Club is illegal. It is called a prohibited bottle club. The language is as follows:

Sec. 04.16.090. Prohibition of bottle clubs.

(a) A person may not maintain a place in which alcohol beverages are received or kept, or to which alcoholic beverages are brought, for consumption by members of the public or by members of a club, corporation, or association, unless the person is authorized to do so under this title.

(b) A person may not maintain, operate, or lease premises for the purpose of providing, for a consideration, a place for drinking alcoholic beverages by members of the public or other persons, unless the person is authorized to do so under this title.

(c) For the purposes of this section, "consideration" includes but is not limited to cover charge, the sale of food, ice, mixers, or other liquids used with alcoholic beverage drinks, or the furnishing of glassware or other containers for use in the consumption of alcoholic beverages.

Alaska Cannabis Club's business model fits both sections (a) and (b) of this class A misdemeanor offense. You are operating an unlicensed marijuana business whose equivalent in the liquor licensing rules has been illegal for more than 30 years. This business model is not accounted for in AS 17.38. Unless a future legislature explicitly creates a statute allowing for marijuana clubs, this business model will continue to be unauthorized and illegal.

This letter will serve as official notice that your business is illegal and enforcement action will be taken against you. You should immediately cease and desist from operating your illegal marijuana business. The legal consequences of continuing to operate are varied and could range from criminal penalties to civil fines, tax penalties, forfeiture of property and prohibition from receiving an actual marijuana license when they become available in 2016.

Sincerely,



Cynthia Franklin, Director
Alcoholic Beverage Control Board
Marijuana Control Board

Sent via certified mail: 7013 2250 0000 9616 9773

cc: Wang Licia, Owner, 628 Gambell Street
Robert Klein, Chair, Alcoholic Beverage Control Board
Chris Hladick, Commissioner, Department of Commerce, Community and Economic Development
Randall Hoffbeck, Commissioner, Department of Revenue
Gary Folger, Commissioner, Department of Public Safety
Dick Traini, Chair, Anchorage Assembly
Dennis Wheeler, Anchorage Municipal Attorney
Chief Mark Mew, Anchorage Police Department
Karen Loeffler, United States Attorney for the State of Alaska



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Fax: 907.334.2285

June 19, 2015

Rocky Burns and Larry Stamper
DBA Discreet Deliveries
P.O. Box 879956
Wasilla, AK 99687

Re: Illegal Marijuana Business- Discreet Deliveries

Dear Mr. Burns and Mr. Stamper,

On February 24, 2015, AS 17.38, also known as Ballot Measure 2, became law in the State of Alaska. That law provides for legalized personal use and possession of marijuana and for four types of regulated, licensed marijuana establishments. The law gives the Alcoholic Beverage Control Board (ABC) rule making authority until the Marijuana Control Board (MCB) is seated and assumes its responsibility. AS 17.38.085 gives the MCB, and its director and staff, enforcement authority not only over licensees but over non-licensees who violate Alaska's marijuana laws.

It has come to our attention that you are operating an illegal marijuana business. Although AS 17.38 provides for legal and regulated marijuana establishments, it sets forth a timeline for the ABC and MCB to create the regulations, accept applications, and issue licenses for such establishments. That timeline is running and no licenses have yet been issued. The anticipated issuance date for the first marijuana establishment licenses is May, 2016.

We have reviewed your business, Discreet Deliveries, by its online presence, including your website, by reading interviews with Rocky Burns and other media coverage, and by viewing posts made by the business on social media. Based on all of the information compiled, you are selling marijuana and marijuana infused products through an internet platform and delivering such products to individuals in multiple locations in the State of Alaska.

Discreet Deliveries does not qualify as a marijuana establishment under AS 17.38.900(9). That statute provides that a "marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store. AS 17.38.070 provides that a retail store providing marijuana to the public must possess a current, valid registration issued by the ABC or MCB for its activities to be lawful. Further, AS 17.38.010(b) provides:

(b) In the interest of the health and public safety of our citizenry, the people of the state of Alaska further find and declare that the production and sale of marijuana should be regulated so that:

- (1) Individuals will have to show proof of age before purchasing marijuana;
- (2) Legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; and
- (3) Marijuana sold by regulated businesses will be labeled and subject to additional regulations to ensure that consumers are informed and protected.

Your business, Discreet Deliveries, is not legitimate, does not pay taxes, is not regulated and is not subject to consumer protection regulations, which the ABC/MCB is still in the process of creating.

The campaign for Ballot Measure 2 was "The Campaign to Regulate Marijuana like Alcohol." The job of writing regulations and enforcement of marijuana laws was given to the ABC until the MCB can be seated and take over. Delivery of alcohol to individuals by liquor licensed establishments is illegal aside from the narrow exception for cruise ship and wedding delivery reflected in 3 AAC 304.647, and even then requires an additional permit. It is unlikely that activity that is illegal for liquor licensees relating to alcohol will be legal for marijuana licensees relating to marijuana. In other words, your business model is unlikely to be legal even when the rules are written and licenses become available.

This letter will serve as official notice that your business is illegal and enforcement action will be taken against you. You should immediately cease and desist from operating your illegal marijuana business. The legal consequences of operating this business are varied and could range from criminal penalties to civil fines, tax penalties and prohibition from receiving an actual marijuana license when they become available in 2016.

Sincerely,



Cynthia Franklin, Director
Alcoholic Beverage Control Board
Marijuana Control Board

Sent via certified mail: 7013 2250 0000 9616 9742

cc: Robert Klein, Chair, Alcoholic Beverage Control Board
Chris Hladick, Commissioner, Department of Commerce, Community and Economic Development
Randall Hoffbeck, Commissioner, Department of Revenue
Gary Folger, Commissioner, Department of Public Safety
John Moosey, Manager, Matanuska-Susitna Borough
Nicholas Spiropolous, Borough Attorney, Matanuska-Susitna Borough
Lonnie McKechnie, Clerk, on behalf of Assembly and Mayor of the Matanuska-Susitna Borough
Bert Cottle, Mayor, City of Wasilla
Chief Gene Belden, Wasilla Police Department
Chief Mark Mew, Anchorage Police Department
Dennis Wheeler, Anchorage Municipal Attorney
Dick Traini, Chair, Anchorage Assembly
John Eberhart, Mayor, City of Fairbanks
Chief Randall Aragon, Fairbanks Police Department
Paul Ewers, Fairbanks City Attorney
Luke Hopkins, Mayor, Fairbanks North Star Borough
Rene Broker, Borough Attorney, Fairbanks North Star Borough
Karen Loeffler, United States Attorney for the State of Alaska



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550 W 7th Ave. STE 1600
Anchorage, Alaska 99501
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Fax: 907.334.2285

June 18, 2015

Joshua T. Bird and Corey D. Rorem
DBA Green Rush Events
11888 Kenai Spur Highway #1
Kenai, AK 99611

Re: Illegal Marijuana Club- Green Rush Events

Dear Mr. Bird and Mr. Rorem,

On February 24, 2015, AS 17.38, also known as Ballot Measure 2, became law in the State of Alaska. That law provides for legalized personal use and possession of marijuana and for four types of regulated, licensed marijuana establishments. The law gives the Alcoholic Beverage Control Board (ABC) rule making authority until the Marijuana Control Board (MCB) is seated and assumes its responsibility. AS 17.38.085 gives the MCB, and its director and staff, enforcement authority not only over licensees but over non-licensees who violate Alaska's marijuana laws.

It has come to our attention that beginning June 20, 2015, you are opening an illegal marijuana establishment. Although AS 17.38 provides for legal and regulated marijuana establishments, it sets forth a timeline for the ABC and MCB to create the regulations, accept applications, and issue licenses for such establishments. That timeline is running and no licenses have yet been issued. The anticipated issuance date for the first marijuana establishment licenses is May, 2016.

We have reviewed your business, Green Rush Events, by its online presence, including a website and Facebook page, print advertising, written pamphlets describing the business handed out by you at marijuana events, and by viewing the physical presence of the business from outside the building. Based on all of the information compiled, you intend to begin operating a marijuana club where you will charge members of the public to enter your business for the purpose of consuming marijuana that they have either brought into the establishment or which you will provide for free in exchange for the price of membership and/or an event cover charge.

Green Rush Events does not qualify as a marijuana establishment under AS 17.38.900(9). That statute provides that a "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store. AS 17.38.040 prohibits the consumption of marijuana in public, which includes a business to which the public or a substantial portion of the public has access.

The campaign for Ballot Measure 2 was "The Campaign to Regulate Marijuana like Alcohol." The job of writing regulations and enforcement of marijuana laws was given to the ABC until the MCB can be seated and take over. In alcohol a club like Green Rush Events is illegal. It is called a prohibited bottle club. The language is as follows:

Sec. 04.16.090. Prohibition of bottle clubs.

- (a) A person may not maintain a place in which alcohol beverages are received or kept, or to which alcoholic beverages are brought, for consumption by members of the public or by members of a club, corporation, or association, unless the person is authorized to do so under this title.
- (b) A person may not maintain, operate, or lease premises for the purpose of providing, for a consideration, a place for drinking alcoholic beverages by members of the public or other persons, unless the person is authorized to do so under this title.
- (c) For the purposes of this section, "consideration" includes but is not limited to cover charge, the sale of food, ice, mixers, or other liquids used with alcoholic beverage drinks, or the furnishing of glassware or other containers for use in the consumption of alcoholic beverages.

Green Rush Events' business model fits both sections (a) and (b) of this class A misdemeanor offense. You are opening an unlicensed marijuana business whose equivalent in the liquor licensing rules is illegal and has been illegal for more than 30 years. This business model is not accounted for in AS 17.38. Unless a future legislature explicitly creates a statute allowing for marijuana clubs, this business model will continue to be unauthorized and illegal.

This letter will serve as official notice that your business is illegal and enforcement action will be taken against you if you do not immediately cease and desist from opening or operating your illegal marijuana business. The legal consequences of opening or operating this business are varied and could range from criminal penalties to civil fines, tax penalties and prohibition from receiving an actual marijuana license when they become available in 2016.

Sincerely,



Cynthia Franklin, Director
Alcoholic Beverage Control Board
Marijuana Control Board

Sent via certified mail: 7013 2250 0000 9616 9728

cc: Suzette and Stephanie Swanson, Landlords, Green Rush Events
Robert Klein, Chair, Alcoholic Beverage Control Board
Chris Hladick, Commissioner, Department of Commerce, Community and Economic Development
Randall Hoffbeck, Commissioner, Department of Revenue
Pat Porter, Mayor, City of Kenai
Scott Bloom, Kenai City Attorney
Chief Gus Sandahl, Kenai Police Department
Karen Loeffler, United States Attorney for the State of Alaska



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550 W 7th Ave, STE 1600
Anchorage, Alaska 99501
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TDD: 907.465.5437
Fax: 907.334.2285

June 18, 2015

Dottie Edwards
DBA Northern Heights, LLC
1850 Bogard Road
Wasilla, AK 99654

Re: Illegal Marijuana Club- Northern Heights, LLC

Dear Ms. Edwards,

On February 24, 2015, AS 17.38, also known as Ballot Measure 2, became law in the State of Alaska. That law provides for legalized personal use and possession of marijuana and for four types of regulated, licensed marijuana establishments. The law gives the Alcoholic Beverage Control Board (ABC) rule making authority until the Marijuana Control Board (MCB) is seated and assumes its responsibility. AS 17.38.085 gives the MCB, and its director and staff, enforcement authority not only over licensees but over non-licensees who violate Alaska's marijuana laws.

It has come to our attention that you are operating an illegal marijuana establishment. Although AS 17.38 provides for legal and regulated marijuana establishments, it sets forth a timeline for the ABC and MCB to create the regulations, accept applications, and issue licenses for such establishments. That timeline is running and no licenses have yet been issued. The anticipated issuance date for the first marijuana establishment licenses is May, 2016.

We have reviewed your business, Northern Lights, LLC, by its online presence, including your website and by viewing posts made by the business on social media. Based on all of the information compiled, you are operating a marijuana club where you charge members of the public to enter your business and permit them to consume marijuana that they have either brought into the establishment or which you will provide for free in exchange for the price of membership and/or an event cover charge.

Northern Heights, LLC does not qualify as a marijuana establishment under AS 17.38.900(9). That statute provides that a "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store. AS 17.38.040 prohibits the consumption of marijuana in public, which includes a business to which the public or a substantial portion of the public has access.

The campaign for Ballot Measure 2 was "The Campaign to Regulate Marijuana like Alcohol." The job of writing regulations and enforcement of marijuana laws was given to the ABC until the MCB can be seated and take over. In alcohol a club like Northern Heights, LLC is illegal. It is called a prohibited bottle club. The language is as follows:

Sec. 04.16.090. Prohibition of bottle clubs.

(a) A person may not maintain a place in which alcohol beverages are received or kept, or to which alcoholic beverages are brought, for consumption by members of the public or by members of a club, corporation, or association, unless the person is authorized to do so under this title.

(b) A person may not maintain, operate, or lease premises for the purpose of providing, for a consideration, a place for drinking alcoholic beverages by members of the public or other persons, unless the person is authorized to do so under this title.

(c) For the purposes of this section, "consideration" includes but is not limited to cover charge, the sale of food, ice, mixers, or other liquids used with alcoholic beverage drinks, or the furnishing of glassware or other containers for use in the consumption of alcoholic beverages.

Northern Heights, LLC's business model fits both sections (a) and (b) of this class A misdemeanor offense. You are operating an unlicensed marijuana business whose equivalent in the liquor licensing rules is illegal and has been illegal for more than 30 years. This business model is not accounted for in AS 17.38. Unless a future legislature explicitly creates a statute allowing for marijuana clubs, this business model will continue to be unauthorized and illegal.

This letter will serve as official notice that your business is illegal and enforcement action will be taken against you. You should immediately cease and desist from operating your illegal marijuana business. The legal consequences of opening or operating this business are varied and could range from criminal penalties to civil fines, tax penalties and prohibition from receiving an actual marijuana license when they become available in 2016.

Sincerely,



Cynthia Franklin, Director
Alcoholic Beverage Control Board
Marijuana Control Board

Sent via certified mail: 7013 2250 0000 9616 9735

cc: Sarah Backlin, Manager, Northern Heights, LLC
John Emmi, Owner, North Shore Ale House
Robert Klein, Chair, Alcoholic Beverage Control Board
Chris Hladick, Commissioner, Department of Commerce, Community and Economic Development
Randall Hoffbeck, Commissioner, Department of Revenue
Gary Folger, Commissioner, Department of Public Safety
John Moosey, Manager, Matanuska-Susitna Borough
Nicholas Spiropolous, Borough Attorney, Matanuska-Susitna Borough
Lonnie McKechnie, Clerk, on behalf of Assembly and Mayor of the Matanuska-Susitna Borough
Bert Cottle, Mayor, City of Wasilla
Chief Gene Belden, Wasilla Police Department
Karen Loeffler, United States Attorney for the State of Alaska



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550 W 7th Ave, STE 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

June 18, 2015

Theresa Collins
DBA Pot Luck Events
420 W. 3rd Avenue
Anchorage, AK 99501

Re: Illegal Marijuana Club- Pot Luck Events

Dear Ms. Collins,

On February 24, 2015, AS 17.38, also known as Ballot Measure 2, became law in the State of Alaska. That law provides for legalized personal use and possession of marijuana and for four types of regulated, licensed marijuana establishments. The law gives the Alcoholic Beverage Control Board (ABC) rule making authority until the Marijuana Control Board (MCB) is seated and assumes its responsibility. AS 17.38.085 gives the MCB, and its director and staff, enforcement authority not only over licensees but over non-licensees who violate Alaska's marijuana laws.

It has come to our attention that you are operating an illegal marijuana establishment. Although AS 17.38 provides for legal and regulated marijuana establishments, it sets forth a timeline for the ABC and MCB to create the regulations, accept applications, and issue licenses for such establishments. That timeline is running and no licenses have yet been issued. The anticipated issuance date for the first marijuana establishment licenses is May, 2016.

We have reviewed your business, Pot Luck Events, by its online presence, including a website and Facebook page, print advertising, written pamphlets describing the business handed out by you at marijuana events, and by viewing the physical presence of the business from outside the building. We have also read correspondence describing the daily operation of your business written by a neighbor in your building, Beacon Hill. Based on all of the information compiled, you are operating a marijuana club where you charge members of the public to enter your business for the purpose of consuming marijuana that they have either brought into the establishment or which you provide for free in exchange for the price of membership and/or an event cover charge.

Pot Luck Events does not qualify as a marijuana establishment under AS 17.38.900(9). That statute provides that a "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store. AS 17.38.040 prohibits the consumption of marijuana in public, which includes a business to which the public or a substantial portion of the public has access.

The campaign for Ballot Measure 2 was "The Campaign to Regulate Marijuana like Alcohol." The job of writing regulations and enforcement of marijuana laws was given to the ABC until the MCB can be

seated and take over. In alcohol a club like Pot Luck Events is illegal. It is called a prohibited bottle club. The language is as follows:

Sec. 04.16.090. Prohibition of bottle clubs.

(a) A person may not maintain a place in which alcohol beverages are received or kept, or to which alcoholic beverages are brought, for consumption by members of the public or by members of a club, corporation, or association, unless the person is authorized to do so under this title.

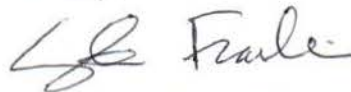
(b) A person may not maintain, operate, or lease premises for the purpose of providing, for a consideration, a place for drinking alcoholic beverages by members of the public or other persons, unless the person is authorized to do so under this title.

(c) For the purposes of this section, "consideration" includes but is not limited to cover charge, the sale of food, ice, mixers, or other liquids used with alcoholic beverage drinks, or the furnishing of glassware or other containers for use in the consumption of alcoholic beverages.

Pot Luck Events' business model fits both sections (a) and (b) of this class A misdemeanor offense. You are operating an unlicensed marijuana business whose equivalent in the liquor licensing rules is illegal and has been illegal for more than 30 years. This business model is not accounted for in AS 17.38. Unless a future legislature explicitly creates a statute allowing for marijuana clubs, this business model will continue to be unauthorized and illegal.

This letter will serve as official notice that your business is illegal and enforcement action will be taken against you if you do not immediately cease and desist from operating your illegal marijuana business. The legal consequences of continuing to operate are varied and could range from criminal penalties to civil fines, tax penalties and prohibition from receiving an actual marijuana license when they become available in 2016.

Sincerely,



Cynthia Franklin, Director
Alcoholic Beverage Control Board
Marijuana Control Board

Sent via certified mail: 7013 2250 0000 9616 9711

cc: Robinson Garcia, Landlord, Pot Luck Events
Robert Klein, Chair, Alcoholic Beverage Control Board
Chris Hladick, Commissioner, Department of Commerce, Community and Economic Development
Randall Hoffbeck, Commissioner, Department of Revenue
Dick Traini, Chair, Anchorage Assembly
Dennis Wheeler, Anchorage Municipal Attorney
Chief Mark Mew, Anchorage Police Department
Karen Loeffler, United States Attorney for the State of Alaska

Tab

6



MEMORANDUM

TO: Robert Klein, Chair
and Members of the ABC Board

DATE: June 22, 2015

FROM: Cynthia Franklin, Director

RE: Regulations Process

Adoption of Regulations as an Entire Package

In the Illustrative Timeline presented at the April 30, 2015 board meeting, the regulations team outlined a process where sets of regulations would be adopted throughout the regulations-making process arriving at an end point with three separately adopted sets of regulations.

The Department of Law and our contract regulations attorney have determined that it is risky for the board to adopt each set of regulations individually as we proceed through the timeline. The danger is that if the board adopts set #1 for example and later something in set #3 necessitates a change in the language of set #1, the formal adoption of set #1 prevents changes in that set without starting over.

The changes to the timeline presented at today's meeting reflect the approach of having the board accept (but not adopt) each set as a final version to be held to the end when all three sets of regulations are complete. Once each of the three sets has been accepted, the timeline is built out to permit a final public comment period for the entire regulations package as a whole. This will enable the public and affected stakeholders to see how the sets interact with one another and see how the regulations will work together as a whole.

Hearing for Oral Public Comment in October or November

It is anticipated that each set of regulations will be posted for public comment in a similar fashion as set #1. That requires public comment to be in writing and submitted during the 30 day public comment period. We have already seen through set #1 that some members of the public prefer to express their input verbally. We recommend that the board plan to hold an all-day hearing in October or November to hear oral public comment on the entire set of regulations. It is the goal of the agency and of the board to receive as much public comment as possible.



Regulatory Process FAQ's

The agency has developed and posted on its website a set of regulatory FAQ's reflecting the most commonly asked questions and answers about the regulations process itself. It is important that the public and the board are aware that the questions and answers are there as we have encountered many similar questions along the way. The text of the FAQ's is attached as part of this board packet.

Frequently Asked Questions- Regulations Process

Q: How do I submit my comments?

A: Comments on each set of proposed regulations may be submitted during the date range assigned to that set by submitting the comment in writing to John Calder at john.calder@alaska.gov. Written comments may also be mailed to John Calder at 550 W. 7th Avenue, Suite 1600, Anchorage, AK 99517 or dropped off in person at the same address during business hours.

Q: How many sets of regulations will there be?

A: We are anticipating that the regulations will be submitted for public comment in three sets. If the timeline permits, the regulations may be put out for a final comment period once each of the three sets is complete.

Q: When and where can I make an oral comment?

A: Oral comments can only be received in a meeting of the full Marijuana Control Board. There will be one hearing set for receipt of oral public comments on the entire package of regulations (Sets 1, 2 and 3) after each set has gone out individually for written public comment. It is anticipated that the meeting to receive oral comments will be in October, 2015. Please continue to check the website for updates on board meeting dates.

Q: What if I have a question?

A: You may submit a question in writing in the exact manner described for submission of a comment and it will be answered if the question is submitted at least 10 days before the end of the public comment period. Public Comments are displayed on the board website. Questions and answers are displayed on a separate page on the website.

Q: Can't I just call and ask the staff my question so that I can get it answered faster?

A: No. Questions and comments must be submitted in writing because the public notice states that questions and comments must be submitted in writing. The process is governed by the Administrative Procedures Act. If the agency deviates from the process in the notice, we may be required to start

over on that set of regulations. The timeline does not have enough leeway for restarts, so the agency must strictly comply with APA rules.

Q: Where is the forum for public comments where I can comment on other people's comments?

A: No such forum exists. You can view other people's comments by set by looking for the page titled "Public Comments Set 1" (or Set 2 or 3 as they go up). This comment page is static and will be built out by the staff as we receive comments. The most recent comments will be on top.

Q: Why do some of the comments seem to be irrelevant or off-topic?

A: The staff is required to post all comments received if the comment was submitted as required in the public notice. No comments will be edited unless the comment uses obscene language or is otherwise clearly inappropriate for posting in public view. The comments are presumed to be relevant to the set on which they were submitted.

Q: I submitted a question, but the answer posted said the question cannot be answered. I thought you were not editing?

A: Comments are posted as received. Questions are supposed to be pertaining to the set of regulations on which they are submitted. If a question cannot be answered from the set of regulations on which it was received, that will be indicated on the question and answer page.

Q: How will the board take my comments into consideration?

A: The board will have three meetings on each set of proposed regulations. The second meeting on each set is the meeting where the board will review written public comment and questions and vote on revisions to the set of regulations. The board will then set a final meeting date to review that set of regulations as revised.

Q: What if the board completely changes the regulations? Will I get to comment on the changes?

A: If the board makes substantial changes to the proposed regulations such that they are substantially different than the regulations submitted for public

comment, the board must post the revised regulations for another 30 day public comment period.

Q: Where can I find the timeline for the regulations process?

A: The timeline is posted under the Marijuana Board Links. The timeline posted is the most recent timeline prepared for the board. If the board adjusts the timeline at any of its meetings, a new timeline will be posted.

Q: How can I be notified when a new set of regulations is posted for public comment?

A: You can sign up under the link title Marijuana Public Interest Form. By entering an email address, you will be on a list that receives an email when regulations are posted for public comment or when the FAQ's are supplemented or revised.

Q: Where can I go look at the APA to see the rules for this process myself?

A: The rules governing the promulgation of regulations is in AS 44.62. The drafting manual for administrative regulations is found at http://law.alaska.gov/doclibrary/drafting_manual.html.

Q: Is the process designed to solicit or discourage input from the public?

A: The board wants public input and comment on the regulation. The process is designed to withstand legal scrutiny and comply with the Administrative Procedure Act. The agency's staff must account for all public comment, so the public comment process is limited to the methods described in the public notice. However, it is easy to comment by email or by clicking on the comment submission button in the Online Public Notice system. The more comments received, the better the regulations will be.

Tab

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3 AAC is amended by adding a new chapter to read:

Section

200. Local options

210. Change of local option

220. Removal of local option

230. Procedure for local option election

240. Prohibition of importation or purchase after election

250. Effect on licenses of restriction on sale

260. Licensing after prohibition on sale except in premises operated by municipality

270. Notice of the results of a local option election

3 AAC 306.200. Local options. (a) If a majority of the persons voting on the question vote to approve the option, or if the assembly or city council passes an ordinance to the same effect, a municipality shall adopt a local option to prohibit

(1) the sale of marijuana and marijuana products;

(2) the operation of any marijuana establishment, including one or more of the

following license types:

(A) a marijuana cultivation facility or marijuana brokerage facility;

(B) a marijuana products manufacturing facility;

(C) a marijuana testing facility;

(D) a marijuana retail facility;

(3) the sale of marijuana and marijuana products except on premises operated by the municipality under a retail marijuana license; or

(4) the sale or importation for sale of marijuana and marijuana products.

(b) If a majority of the persons voting on the question vote to approve the option, or if the assembly or city council passes an ordinance to the same effect, an established village shall exercise a local option to prohibit

(1) the sale of marijuana and marijuana products;

(2) the operation of any marijuana establishment, including one or more of the following license types:

(A) a marijuana cultivation facility or marijuana brokerage facility;

(B) a marijuana products manufacturing facility;

(C) a marijuana testing facility;

(D) a marijuana retail facility; or

(3) the sale and importation for sale of marijuana and marijuana products.

(c) A ballot question to adopt a local option under this section must at least contain language substantially similar to: "Shall (name of municipality or village) adopt a local option to prohibit (local option under (a) or (b) of this section)? (yes or no)."

(d) The ballot for an election on the options set out in (a)(2) and (b)(2) of this section must include a brief explanation of the activity that each license type on the ballot may carry out.

(e) If a municipality dissolves under AS 29.06.450(a) or (b), a local option adopted by that municipality under (a) of this section shall continue in effect as the corresponding local option under (b) of this section for an established village having the same perimeter as the previous boundaries of the municipality. Any marijuana establishment license issued to a municipality under 3 AAC 306.____ expires when the municipality dissolves. Establishment of the perimeter of an established village for purposes of this section shall be governed by AS 04.11.508. (Eff. ___/___/____, Register ____)

Authority: AS 17.38.090 AS 17.38.110 AS 17.38.900

3 AAC 306.210. Change of local option. If a majority of persons voting on the question vote to approve a local option different from one previously adopted under this section and currently in effect, or if the assembly or city council passes an ordinance to the same effect, a municipality or established village shall change the local option to the newly approved option. A ballot question to change a local option under this section must at least contain language substantially similar to: "Shall (name of municipality or village) change the local option currently in effect, that prohibits (current local option), and adopt in its place a local option to prohibit (proposed local option)? (yes or no)." (Eff. ___/___/___, Register ___)

Authority: AS 17.38.090 AS 17.38.110 AS 17.38.900

3 AAC 306.220. Removal of local option. (a) If a majority of the persons voting on the question vote to remove a local option previously adopted under this section and currently in effect, or if the assembly or city council passes an ordinance to the same effect, that local option is repealed effective the first day of the month following certification of the results of the election. A ballot question to remove a local option under this section must at least contain language substantially similar to: "Shall (name of municipality or village) remove the local option currently in effect, that prohibits (current local option), so that no local option continues in effect? (yes or no)."

(b) When issuing a license in the municipality or established village that has removed a local option, the board will give priority to any formerly licensed applicant whose license was not renewed because of the results of the previous local option election. However, an applicant described in this subsection does not have a legal right to a license and the board is not required

to approve the application. (Eff. ___/___/___, Register ___)

Authority: AS 17.38.090 AS 17.38.110 AS 17.38.900

3 AAC 306.230. Procedure for local option election. (a) When the local governing body of a municipality receives a petition to adopt, change, or remove a local option, and the petition is signed by a number of registered voters equal to 35 percent or more of the number of votes cast at the last regular municipal election, the governing body shall place the issue that is the subject of the petition on a separate ballot at the next regular election, or hold a special election, The local governing body shall conduct the election under the election ordinance of the municipality.

(b) When the lieutenant governor receives a petition to adopt, change, or remove a local option, and the petition is signed by a number of registered voters equal to 35 percent or more of the registered voters residing in an established village, the lieutenant governor shall place the issue that is the subject of the petition upon a separate ballot at a special election conducted in compliance with AS 15.

(c) In a general law municipality, AS 29.26.110 - 29.26.160 apply to a petition under (a) of this section except that the

(1) the number of required signatures is determined under (a) of this section rather than under AS 29.26.130;

(2) an application filed under AS 29.26.110 must at least contain language substantially similar to the questions set out under 3 AAC 306.200(c), 3 AAC 306.210, or 3 AAC 306.220 rather than language of an ordinance or resolution;

(3) a petition must at least contain language substantially similar to the questions set out under 3AAC 306.200(c), 3 AAC 306.210, or 3 AAC 306.220 rather than material

required under AS 29.26.120 (a)(1) and (2).

(d) Notwithstanding any other provisions of law, a municipality or established village may not conduct an election to change to a less restrictive option under 3 AAC 306.210, or to remove a local option under 3 AAC 306.220, or pass an ordinance to the same effect, during the first 24 months after the local option was adopted or more than once in a 36-month period.

(e) Notwithstanding AS 29.26.140(a), after a petition has been certified as sufficient to meet the requirements of (a) or (b) of this section, no other petition may be filed or certified until after the question presented in the first petition has been voted on or pass an ordinance to the same effect,. Only one local option question may be presented in an election. (Eff. ___/___/___, Register ___)

Authority: AS 17.38.090 AS 17.38.110 AS 17.38.900

3 AAC 306.240. Prohibition of importation or purchase after election. (a) If a majority of the voters vote to prohibit the importation for sale of marijuana and marijuana products under 3 AAC 306.200(a)(4) or (b)(3), or if the assembly or city council passes an ordinance to the same effect, a person, beginning on the first day of the month following certification of the results of the election, may not knowingly send, transport, or bring marijuana or marijuana products into the municipality or established village.

(b) A person who resides in a municipality or established village that has adopted a local option under 3 AAC 306.200(a) or (b) may not purchase marijuana or marijuana products from another person who has sent, transported, or brought marijuana or marijuana products into the municipality or established village in violation of the local option.

(c) In this section,

(1) "bring" means to carry or convey or to attempt or solicit to carry or convey;

(2) "send" means to cause to be taken or distributed or to attempt or solicit to cause to be taken or distributed, and includes use of the United States Postal Service;

(3) "transport" means to ship by any method, and includes delivering or transferring or attempting or soliciting to deliver or transfer marijuana or marijuana products to be shipped to, delivered to, or left or held for pickup by any person. (Eff. ___/___/___, Register ___)

Authority: AS 17.38.090 AS 17.38.110 AS 17.38.900

3 AAC 306.250. Effect on licenses of restriction on sale. If a majority of the voters vote under 3 AAC 306.200(a) or (b) to prohibit sale of marijuana and marijuana products or the operation of marijuana establishments, or if the assembly or city council passes an ordinance to the same effect, the board may not issue, renew, or transfer between persons or locations a license for a marijuana establishment with premises located within the boundary of the municipality or in the unincorporated area within ten miles of the boundaries of the municipality, or within the perimeter of the established village. A license for a marijuana establishment within the boundary of the municipality or in the unincorporated area within ten miles of the boundary of the municipality, or within the perimeter of the established village, is void 90 days after the results of the election are certified. A license that expires during the 90 days after the results of a local option election are certified may be extended, until it is void under this section, by payment of a prorated portion of the annual license fee. (Eff. ___/___/___, Register ___)

Authority: AS 17.38.090 AS 17.38.110 AS 17.38.900

3 AAC 306.260. Licensing after prohibition on sale except in premises operated by municipality. (a) If a majority of the voters vote under 3 AAC 306.200(a)(3) to prohibit sale of marijuana and marijuana products except by the municipality, or operation of marijuana

establishments except marijuana establishments operated by the municipality, or if the assembly or city council passes an ordinance to the same effect, the board may not issue, renew, or transfer a marijuana establishment license in any other person's name within the boundaries of a municipality and in unincorporated areas within ten miles of the boundaries of the municipality. A license in effect is void 90 days after the results of the election are certified. A license that expires during the 90 days after the results of a local option election are certified may be extended, until it is void under this subsection, by payment of a prorated portion of the annual license fee.

(b) If a majority of the voters approve the sale of marijuana and marijuana products by the municipality, or the operation of a marijuana establishment by the municipality, the municipality's local governing body shall apply for a license to operate the type of marijuana establishment listed on the ballot and approved by a majority of the voters. The municipality shall operate the marijuana establishment subject to the conditions and fees applicable to the applicable type of license. Nothing in this section precludes a municipality from applying to be a licensee under other provisions of this title. (Eff. ___/___/___, Register ___)

Authority: AS 17.38.090 AS 17.38.110 AS 17.38.900

3 AAC 306.270. Notice of the results of a local option election. (a) If a majority of the voters vote to adopt, change, or remove a local option under 3 AAC 306.200-3 AAC 306.220 or if the assembly or city council passes an ordinance to the same effect,:

(1) the clerk of the municipality, or, if the election is in an established village, the lieutenant governor, shall notify the board of the results of the election or of the passage of the ordinance immediately after the results of the election are certified or the ordinance is formally adopted;

(2) the municipality or established village shall post public notice of the prohibition in a central location in the municipality or village before the date the prohibition becomes effective; and

(3) the board shall immediately notify the Department of Law and the Department of Public Safety of the results of the election. (Eff. ___/___/___, Register ___)

Authority: AS 17.38.090 AS 17.38.110 AS 17.38.900

In this section, “local governing body” means, as appropriate, a city council, a borough assembly, or a traditional village council, but does not include a corporation established under the Alaska Native Claims Settlement Act.

3 AAC 306.990. Definitions. (a) In AS 17.38,

(1) “assist” does not include

(A) using, displaying, purchasing, or transporting marijuana in excess of the amount allowed in AS 17.38.020;

(B) possessing, growing, processing, or transporting marijuana plants in excess of the amount allowed in AS 17.38.020;

(C) growing marijuana plants for another person in a place other than that other person's residence;

(2) “personal cultivation” does not include

(A) using, displaying, purchasing, or transporting marijuana in excess of the amount allowed in AS 17.38.020;

(B) possessing, growing, processing, or transporting marijuana plants in excess of the amount allowed in AS 17.38.020;

(C) growing marijuana plants for another person in a place other than that other person's residence.

(b) In AS 17.38 and this chapter, unless the context requires otherwise,

“adulterated food or drink product” means a product which is intended to be consumed orally and which existed without marijuana in a form ready for consumption to which marijuana was subsequently added by any process. Adulterated food or drink products do not include raw ingredients which are combined with marijuana in a manufacturing process;

“edible marijuana product” means any marijuana product which is intended to be consumed orally, including but not limited to, any type of food, or drink. Edible marijuana products do not include adulterated food or drink products;

“licensed premises” means any or all designated portions of a building or structure, rooms or enclosures in the building or structure, used, controlled, or operated by a licensee in the conduct of business for which the licensee is licensed by the board at the specific address for which the license is issued;

“local governing body” means, as appropriate, a city council, a borough assembly, or a traditional village council, but does not include a corporation established under the Alaska Native Claims Settlement Act;

“marijuana concentrate” means resin, oil, wax, or any other substance derived from the marijuana plant by any method which isolates the THC-bearing resins of the plant;

“marijuana product” means concentrated marijuana and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures;

“marijuana plant” means a living organism of genus *Cannabis* capable of absorbing water and inorganic substances through its roots, and synthesizing nutrients in its leaves by photosynthesis;

“possess” means having physical possession or the exercise of dominion or control over property. (Eff. ___/___/___, Register ___)

Authority: AS 17.38.090 AS 17.38.110 AS 17.38.900

Tab

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From: [Timo H](#)
To: [Calder, John P. \(CED\)](#)
Subject: Set one, proposed marijuana regulations.
Date: Saturday, June 20, 2015 4:00:47 PM

M. Calder,

I'm writing today to offer my thoughts on the first set of proposed marijuana regulations. It is obvious that a lot of thought went into this packet, and I want to commend the staff of the ABC board for their hard work.

I have only a few small thoughts to add. The definition of "marijuana concentrates" should include all cannabinoid bearing resins, not just THC resins.

The definition of "marijuana products" should not contain the words marijuana products. Using a word or phrase to define itself is ungainly.

Lastly, I am unsure about the legality of "notwithstanding" Alaska Statute in favor of the Alaska Administrative Code. It seems to me that this wording, particularly concerning 3 AAC 306.230, could invite lawsuits.

Thank you for taking the time to consider my comments, and thank you to the staff of the ABC Board for their hard work.

Sincerely,
Tim Hale.

From: [cory wray](#)
To: [Calder, John P. \(CED\)](#)
Subject: ACGA public testimony
Date: Saturday, June 20, 2015 3:38:17 PM

Hi Mr. Calder,

This is the public testimony for the Alaska Cannabis Growers Association. I apologize for any redundancy.

Regulate marijuana like alcohol is a good campaign slogan, but bad public policy. Marijuana isn't like alcohol; and therefore, these five different local options being presented in set one is a little too much. Ballot measure 2 really did two things: it legalized marijuana for people 21+, and it provides a framework for a commercial marijuana industry. BM2 does have an opt-out option, but this option is to opt villages or municipalities out of the commercial aspect of Ballot Measure 2; but that does not mean villages and municipalities can opt their citizens out of their rights to grow, possess, transport, consume marijuana. Set one lays out five different options that are parallel to alcohol. However, marijuana is not alcohol, and therefore should not be regulated like alcohol. There should be one opt-out option, just as BM2 outlines. If a village or municipality wants to opt out of commercial marijuana, fine. That's what the people voted for. If a village or muni chooses to exercise their opt-out, that does not mean their citizens cannot have weed within the municipality (villages can be different)."

There is a huge difference between good marketing and good public policy. Frankly, the concept to "regulate marijuana like alcohol," was a marketing strategy to draw attention to the fact that alcohol is far more dangerous than marijuana, yet, marijuana is treated as if it is far more dangerous than alcohol.

But marijuana rules and regulations should not reflect those of the alcohol industry, or the pharmaceutical industry; because marijuana is "medicine" or "alcohol." Medicine requires doctors and prescriptions. Medicine is tightly controlled and inventoried in pharmacies. Medicine is used to alleviate a temporary condition and then no longer used. People who use medicine for the rest of their lives suffer from terrible permanent afflictions. People who use medicine without the proper controls are addicts in search of a high. Medicine is something made in factories, not backyard and indoor gardens.

And marijuana isn't alcohol. It's not alcohol; it's not so dangerous to society that it needs vigilant policing.

The slogan "regulate marijuana like alcohol," should not be applied so literally.

BM2 legalized marijuana for adults 21+ to grow, possess, transport, use. BM2 also commercialized marijuana. BM2 has an opt-out clause, where villages and municipalities can opt-out of the commercial part of BM2, but cities and villages cannot opt their citizens out of their right to grow, possess, transport, and consume marijuana.

Alaska Cannabis Growers Association

From: [Bruce Schulte](#)
To: [Calder, John P. \(CED\)](#)
Cc: [Franklin, Cynthia A \(CED\)](#); [Oates, Sarah D \(CED\)](#)
Subject: CRCL Comments on Packet 1 of Marijuana Regulations
Date: Saturday, June 20, 2015 2:57:06 PM
Attachments: [CRCL-CommentsOn MJ Regs-Packet 1-2015-0620.pdf](#)

Mr. Calder,

Please see the attached PDF including our organizations comments on Packet 1 of the proposed marijuana regulations.

We have also submitted identical comments through the states Online Public Notices system.

Regards,

Bruce Schulte
Coalition for Responsible Cannabis Legislation



Coalition for Responsible Cannabis Legislation

June 20, 2015

Re. Marijuana Regulations (AAC 306) – Packet 1

Esteemed members of the Marijuana Control Board;

The Coalition for Responsible Cannabis Legislation (CRCL) offers the following comments related to Packet 1 of the draft marijuana regulations:

1) AAC 306.200 Local Options

Paragraph (2) includes multiple types of marijuana businesses under the general heading of “marijuana establishment”. As worded it could be misconstrued to mean that a ban of any one business type would include a ban on all business types.

We suggest re-wording this paragraph to address the possibility that a local vote might result in a ban on one specific business type without affecting other (non-banned) businesses.

Additionally, paragraph (3) includes an exception that would allow a municipality to operate a retail marijuana business even when private businesses have been banned from doing so. This could, in effect, create a government-run monopoly.

We submit the following recommended replacement text for this entire section:

(a) If a majority of the persons voting on the question vote to approve the option, or if the assembly or city council passes an ordinance to the same effect, a municipality shall adopt a local option to prohibit

(1) the sale or importation for sale of marijuana and marijuana products.;

(2) the operation of one or more of the following license types:

(A) a marijuana cultivation facility; or

(B) a marijuana brokerage facility; or

(C) a marijuana products manufacturing facility; or

(D) a marijuana testing facility; or

(E) a marijuana retail facility; or

(F) a marijuana club /lounge

(b) If a majority of the persons voting on the question vote to approve the option, or if the assembly or



Coalition for Responsible Cannabis Legislation

city council passes an ordinance to the same effect, an established village shall exercise a local option to prohibit

- (1) the sale or importation for sale of marijuana and marijuana products.;
- (2) the operation of one or more of the following license types:
 - (A) a marijuana cultivation facility; or
 - (B) a marijuana brokerage facility; or
 - (C) a marijuana products manufacturing facility; or
 - (D) a marijuana testing facility; or
 - (E) a marijuana retail facility; or
 - (F) a marijuana club /lounge

(c) A ballot question to adopt a local option under this section must at least contain language substantially similar to: "Shall (name of municipality or village) adopt a local option to prohibit (local option under (a) or (b) of this section)? (yes or no)."

(d) The ballot for an election on the options set out in (a)(2) and (b)(2) of this section must include a brief explanation of the activity that each license type on the ballot may carry out.

(e) If a municipality dissolves under AS 29.06.450(a) or (b), a local option adopted by that municipality under (a) of this section shall continue in effect as the corresponding local option under (b) of this section for an established village having the same perimeter as the previous boundaries of the municipality. Any marijuana establishment license issued to a municipality under 3 AAC 306.____ expires when the municipality dissolves. Establishment of the perimeter of an established village for purposes of this section shall be governed by AS 04.11.508.

2) AAC 306.230 Procedure for local option election

This section stipulates that an election to change to a less-restrictive option may not occur for the first 24 months after the local option is adopted. We believe that this requirement is overly restrictive and should be revised to a 12-month moratorium instead.



Coalition for Responsible Cannabis Legislation

3) AAC 306.240 Prohibition of importation or purchase after election

This section states that a local election may result in a ban on importation for personal use / consumption and transportation through a community for testing, sale or processing elsewhere. Both of these are concerning and are contrary to specific provisions of AS 17.38 (Ballot Measure 2).

The title of this section (Prohibition of importation or purchase after election) implies that these regulations are intended to restrict an individuals' right to purchase marijuana products. However, we contend that these regulations are actually intended to address the operation of businesses in the cultivation, processing, and sale of marijuana products. A persons' right to purchase in a lawful manner should not be a subject of regulation at all. We suggest that this section be renamed to (Prohibition of importation or SALE [purchase] after election) to more accurately reflect the rightful purpose of the regulations and that the rest of the section be reworded accordingly.

Paragraph (a) limits the ability of an individual to transport marijuana and marijuana products through a community. In the case of communities on the road-system, where products of all sorts are routinely transported through one community on their way to another, this paragraph would have the effect of throttling lawful intrastate commerce that may not even involve the community that is exercising the local option ban. We believe that this provision would fail a court challenge and should be re-worded to achieve it's intended result without unduly affecting other communities or commerce.

Paragraph (b) places limitations on a persons' ability to purchase marijuana products rather than limiting the ability of a business to sell the same. In short, it attempts to place legal restrictions on the personal liberties specifically defined in AS 17.38.020. We believe that this is contrary to the personal consumption provisions of AS 17.38.020 and, as written, would actually be a statutory requirement that is beyond the authority of this regulatory board.

4) AAC 306.250

This section stipulates that a local election may result in a ban that extends outward to a 10-mile radius into unincorporated areas. We believe that this provision is overly restrictive and could exceed the authority of a local government to regulate activity beyond their lawful boundaries. We suggest that the effective area of a local ban must be strictly limited to the boundaries under the jurisdiction of that local government.



Coalition for Responsible Cannabis Legislation

- 5) AAC 360.260 Licensing after prohibition on sale except in premises operated by municipality.
We suggest rewording this section to remove exemptions for government-run marijuana businesses.

This section appears to allow for the possibility that local governments could operate commercial marijuana businesses even when private businesses have been banned from doing so. We believe that this could, in effect, create a government monopoly in an industry which should be run by private enterprise. If a local government wishes to operate one or more types of marijuana business, they should be held to the exact same licensing and operating parameters as any other marijuana enterprise in Alaska including the payment of fees and taxes to the state.

The cited authorizing statutes (AS 17.38.090 / AS 17.38.110 / AS 17.38.900) do not appear to provide any justification for this provision as worded. We respectfully submit that it exceeds the legitimate charter of the marijuana control board and should therefore not be written into the regulations as drafted.

- 6) AAC 306.990 Definitions
“Marijuana concentrate” - Suggest refining this definition to include extraction of both Tetrahydrocannabinol (THC) and Cannabidiols (CBD) to read as follows:

“marijuana concentrate” means resin, oil, wax, or any other substance derived from the marijuana plant by any method which isolates the THC or CBD-bearing resins of the plant;

Sincerely,

Board of Directors
Coalition for Responsible Cannabis Legislation

-CRCL is an Alaska-based non-profit dedicated to the development of sensible marijuana regulations in Alaska-

From: [Alaska Online Public Notices](#)
To: [Calder, John P. \(CED\)](#)
Subject: New Comment on Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options
Date: Saturday, June 20, 2015 2:50:53 PM

A new comment has been submitted on the public notice [Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options](#).

Submitted:

6/20/2015 2:50:50 PM

Coalition for Responsible Cannabis Legislation
crcl13psum@gmail.com

Unknown city, US
Anonymous User

Comment:

The Coalition for Responsible Cannabis Legislation (CRCL) offers the following comments related to Packet 1 of the draft marijuana regulations:

1) AAC 306.200 Local Options

Paragraph (2) includes multiple types of marijuana businesses under the general heading of “marijuana establishment”. As worded it could be misconstrued to mean that a ban of any one business type would include a ban on all business types.

We suggest re-wording this paragraph to address the possibility that a local vote might result in a ban on one specific business type without affecting other (non-banned) businesses.

Additionally, paragraph (3) includes an exception that would allow a municipality to operate a retail marijuana business even when private businesses have been banned from doing so. This could, in effect, create a government-run monopoly.

We submit the following recommended replacement text for this entire section:

- (a) If a majority of the persons voting on the question vote to approve the option, or if the assembly or city council passes an ordinance to the same effect, a municipality shall adopt a local option to prohibit
- (1) the sale or importation for sale of marijuana and marijuana products.;
 - (2) the operation of one or more of the following license types:
 - (A) a marijuana cultivation facility; or
 - (B) a marijuana brokerage facility; or
 - (C) a marijuana products manufacturing facility; or
 - (D) a marijuana testing facility; or
 - (E) a marijuana retail facility; or
 - (F) a marijuana club /lounge
- (b) If a majority of the persons voting on the question vote to approve the option, or if the assembly or city council passes an ordinance to the same effect, an established village shall exercise a local option to prohibit
- (1) the sale or importation for sale of marijuana and marijuana products.;
 - (2) the operation of one or more of the following license types:
 - (A) a marijuana cultivation facility; or

- (B) a marijuana brokerage facility; or
- (C) a marijuana products manufacturing facility; or
- (D) a marijuana testing facility; or
- (E) a marijuana retail facility; or
- (F) a marijuana club /lounge

(c) A ballot question to adopt a local option under this section must at least contain language substantially similar to: "Shall (name of municipality or village) adopt a local option to prohibit (local option under (a) or (b) of this section)? (yes or no)."

(d) The ballot for an election on the options set out in (a)(2) and (b)(2) of this section must include a brief explanation of the activity that each license type on the ballot may carry out.

(e) If a municipality dissolves under AS 29.06.450(a) or (b), a local option adopted by that municipality under (a) of this section shall continue in effect as the corresponding local option under (b) of this section for an established village having the same perimeter as the previous boundaries of the municipality. Any marijuana establishment license issued to a municipality under 3 AAC 306.____ expires when the municipality dissolves. Establishment of the perimeter of an established village for purposes of this section shall be governed by AS 04.11.508.

2) AAC 306.230 Procedure for local option election

This section stipulates that an election to change to a less-restrictive option may not occur for the first 24 months after the local option is adopted. We believe that this requirement is overly restrictive and should be revised to a 12-month moratorium instead.

3) AAC 306.240 Prohibition of importation or purchase after election

This section states that a local election may result in a ban on importation for personal use / consumption and transportation through a community for testing, sale or processing elsewhere. Both of these are concerning and are contrary to specific provisions of AS 17.38 (Ballot Measure 2).

The title of this section (Prohibition of importation or purchase after election) implies that these regulations are intended to restrict an individuals' right to purchase marijuana products. However, we contend that these regulations are actually intended to address the operation of businesses in the cultivation, processing, and sale of marijuana products. A persons' right to purchase in a lawful manner should not be a subject of regulation at all. We suggest that this section be renamed to (Prohibition of importation or SALE [purchase] after election) to more accurately reflect the rightful purpose of the regulations and that the rest of the section be reworded accordingly.

Paragraph (a) limits the ability of an individual to transport marijuana and marijuana products through a community. In the case of communities on the road-system, where products of all sorts are routinely transported through one community on their way to another, this paragraph would have the effect of throttling lawful intrastate commerce that may not even involve the community that is exercising the local option ban. We believe that this provision would fail a court challenge and should be re-worded to achieve it's intended result without unduly affecting other communities or commerce.

Paragraph (b) places limitations on a persons' ability to purchase marijuana products rather than limiting the ability of a business to sell the same. In short, it attempts to place legal restrictions on the personal liberties specifically defined in AS 17.38.020. We believe that this is contrary to the personal consumption provisions of AS 17.38.020 and, as written, would actually be a statutory requirement that is beyond the authority of this regulatory board.

4) AAC 306.250

This section stipulates that a local election may result in a ban that extends outward to a 10-mile radius into unincorporated areas. We believe that this provision is overly restrictive and could exceed the authority of a local government to regulate activity beyond their lawful boundaries. We suggest that the effective area of a local ban must be strictly limited to the boundaries under the jurisdiction of that local

government.

5) AAC 360.260 Licensing after prohibition on sale except in premises operated by municipality.
We suggest rewording this section to remove exemptions for government-run marijuana businesses.

This section appears to allow for the possibility that local governments could operate commercial marijuana businesses even when private businesses have been banned from doing so. We believe that this could, in effect, create a government monopoly in an industry which should be run by private enterprise. If a local government wishes to operate one or more types of marijuana business, they should be held to the exact same licensing and operating parameters as any other marijuana enterprise in Alaska including the payment of fees and taxes to the state.

The cited authorizing statutes (AS 17.38.090 / AS 17.38.110 / AS 17.38.900) do not appear to provide any justification for this provision as worded. We respectfully submit that it exceeds the legitimate charter of the marijuana control board and should therefore not be written into the regulations as drafted.

6) AAC 306.990 Definitions

“Marijuana concentrate” - Suggest refining this definition to include extraction of both Tetrahydrocannabinol (THC) and Cannabidiols (CBD) to read as follows:

“marijuana concentrate” means resin, oil, wax, or any other substance derived from the marijuana plant by any method which isolates the THC or CBD-bearing resins of the plant;

Sincerely,

Board of Directors
Coalition for Responsible Cannabis Legislation

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [cory wray](#)
To: [Calder, John P. \(CED\)](#)
Subject: Testimony - Set One
Date: Saturday, June 20, 2015 2:27:50 PM

Regulate marijuana like alcohol is a good campaign slogan, but bad public policy. Marijuana isn't like alcohol; and therefore, these five different local options being presented in set one is a little too much. Ballot measure 2 really did two things: it legalized marijuana for people 21+, and it provides a framework for a commercial marijuana industry. BM2 does have an opt-out option, but this option is to opt villages or municipalities out of the commercial aspect of Ballot Measure 2; but that does not mean villages and municipalities can opt their citizens out of their rights to grow, possess, transport, consume marijuana. Set one lays out five different options that are parallel to alcohol. However, marijuana is not alcohol, and therefore should not be regulated like alcohol. There should be one opt-out option, just as BM2 outlines. If a village or municipality wants to opt out of commercial marijuana, fine. That's what the people voted for. If a village or muni chooses to exercise their opt-out, that does not mean their citizens cannot have weed within the municipality (villages can be different)."

Sincerely,
Cory Wray
Alaska Cannabis Institute

Cory Wray

From: [Jessica Jansen](#)
To: [Jessica Jansen; Calder, John P. \(CED\)](#)
Subject: public testimony
Date: Saturday, June 20, 2015 1:10:07 PM
Attachments: [ABC public comments .docx](#)

Attached is my public testimony for the marijuana set #1
Thank you
Jessica Jansen

Hello fellow Alaskans of the ABC/MCB board,

Please accept the following comments on the proposed marijuana regulations set #1.

Alaskans have voted to legalize commercial marijuana. It is your job as the ABC/MCB board to ensure sure that a responsible approach is taken in the implementation of this ballot measure. The campaign to regulate marijuana like alcohol was a great slogan for a campaign but not good public policy. We should consider that marijuana is not exactly like alcohol; it is a plant that is produced and consumed in a very different way. I think we could all agree that there are some similarities of both substances but in the end they are different. Please don't insert marijuana into every statute designed for Alcohol. This would not be a responsible or necessary approach.

1- sec.240..."The voters assembly may vote to prohibit importation.

If the assembly or city council passes an ordinance to the same effect, a person, beginning on the first day of the month following certification of the results of the election, may not knowingly send, transport, or bring marijuana or marijuana products into the municipality or established village".

Scenario- I have a farm in Sutton. Palmer has prohibited importation. Can I drive my Marijuana that will be for sale through Palmer for delivery to Anchorage? Is that importing marijuana?

Can someone bring or transport personal marijuana?

This needs further clarification as it seems to go directly against the intent of Measure 2 allowing each person over 21 the ability to possess and travel with up to one ounce of marijuana as well as making it difficult for legal businesses to transport marijuana from one legal town to another.

2-sec.250..."If the sale of marijuana products is prohibited the board may not issue a license for marijuana establishments within 10 miles of the boundary."

Scenario- If the Mat-su borough bans commercial Marijuana does this then mean that the 3 areas that are not directly governed by the Mat-su borough IE Wasilla city limits, Palmer, and Houston (I think) would have to be located 10 miles inside city limits before a marijuana business would be allowed to operate? How will law enforcement know where to enforce what laws?

3-sec.260..."If voters or assembly vote to prohibit marijuana establishments except by a municipality, the board may not issue a license to any other person within the boundary."

This is probably one of the most problematic sections. This would appear to say that the state may run marijuana establishments. It goes on to say that if the voters vote to prohibit marijuana establishments except by a municipality that the board may not issue a license to any other person within 10 miles of the boundary. This was NOT what voters voted for in measure 2. There is nothing in Measure 2 providing for state or municipality owned marijuana facilities. Why would tax payers money be used to invest in risky, federally illegal business?

DEFINITIONS

- "assist" does not include: (c) growing marijuana for another person in a place other than that persons residence.

Measure 2 reads in Section 17.38.030 part (3) "Marijuana cultivation may only occur on property lawfully in possession of the cultivator or with consent of the person in lawful possession."

Measure 2 would allow cultivation on property with consent of the owner. Does the new definition allow someone to grow with consent from the property owner?

Does the definition of "assist" negate the current ability for someone to grow medically for someone as a "caregiver" outside of the cardholder's residence?

- "marijuana concentrate" means resin, oil, wax, or any other substance derived from the marijuana plant which isolates the THC-bearing resins of the plant.

This should not specify THC bearing resins as there is no way to separate THC cannabinoids from CBD or any other cannabinoids. I suggest this to read, "marijuana concentrate means oil, wax, or any other substance derived from the marijuana plant which isolates the cannabinoid bearing resins of the plant."

- "possess" means having physical possession or the exercise of dominion or control over property.

Again, this is very problematic. If we use the proposed definition of "possess" it would appear than only one person per household would be able to exercise their right to grow 6 plants regardless of how many adults over 21 reside in the home.

Measure 2 reads in Section 17.38.20, "Notwithstanding any other provision of law, except as otherwise described in this chapter, the following acts by persons 21 years of age or older are LAWFUL...(b) Possessing, growing, processing, or transporting no more than 6 marijuana plants, with 3 or fewer being mature, flowering plants, and possession of the marijuana produced by the plants on the premises where they were grown."

Does someone who has multiple adults living in a single family household have the right to grow 6 plants each? Can a multi family household have more than 6 plants on the premises?

Scenario- I have a 3,000 Sq Ft house with four adults and I have a 3,000 Sq Ft multiplex with four adults. Can each adult in both scenarios still have 6 plants each with a total of 24?

Measure 2 did NOT say each person over 21 had to live alone to exercise their rights. We the people voted YES on Measure 2. YES to each adult over 21 able to grow 6 plants. Please respect the intent of the initiative as written.

Thank you for your consideration and please feel free to contact me with any questions,
Jessica Jansen
Vice President of the Alaska Cannabis Growers Association
Jessica@alaskacannabis.org
907-229-4166

From: [Jordan Wellington](#)
To: [Calder, John P. \(CED\)](#)
Cc: [Wilcox, Lacy J \(GOV\)](#); [Franklin, Cynthia A \(CED\)](#)
Subject: Comments on Proposed Regulations
Date: Saturday, June 20, 2015 11:19:16 AM
Attachments: [Alaska Implementation - CRCR Comments on 6-20-15 \(FINAL\).pdf](#)

Mr. Calder,

Please consider the attached comments to the draft regulations implementing Measure 2 submitted on behalf of the Council on Responsible Cannabis Regulation.

Thank you,

Jordan

--

Jordan Wellington

VICENTE SEDERBERG, LLC

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1244 Grant Street

Denver, Colorado 80203

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100 State Street, 9th Floor

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To: Mr. Calder
From: Council on Responsible Cannabis Regulation
Date: June 20, 2015
Re: Recommended Amendments to Draft Regulations

3 AAC 306.240. Prohibition of importation or purchase after election.

Subsection 3 AAC 306.240.(a) of the draft regulations authorizes municipalities to prohibit persons from transporting marijuana and marijuana products in and through their respective jurisdiction. As passed by the voters of Alaska, Section 17.38.020 of Measure 2 explicitly protects individuals that possess or transport up to an ounce of marijuana and marijuana accessories from any criminal or civil offense under the law of any political subdivision. Similarly, Section 17.38.070 extends even broader protections to owners, employees, and agents of marijuana licensees. Therefore, 3AAC 306.240(a) should be amended so that it does not prohibit conduct protected by Measure 2.

3 AAC 306.250. Effect on licenses of restriction on sale.

As proposed, Section 3 AAC 306.250 appears to prohibit the board from transferring a license in locality that has imposed a local option during the period before it takes effect. A business licensed by the state should be afforded the opportunity to change its location or transfer ownership, instead of surrendering its license. Typically, a regulatory agency and licensees expend fewer resources processing a transfer of location or ownership than processing an entirely new application. Therefore, the regulatory agency and regulated industry would operate more efficiently if licensees were expressly permitted to transfer ownership to an approved entity or change its location to one approved by another local jurisdiction.

3 AAC 306.260. Licensing after prohibition on sale except in premises operated by municipality.

As proposed, Section 3 AAC 306.260 appears to prohibit the board from transferring a license in locality that has imposed a local option during the period before it takes effect. As described above, the regulatory agency and regulated industry would operate more efficiently if the license or its location could be transferred. Further, a municipality may



prefer to purchase an existing business or its license in order to facilitate to smooth transfer after a local option is imposed. As such, these transfers should be expressly permitted as well.

3 AAC 306.990. Definitions. “Marijuana Concentrate”

Marijuana Concentrate is defined as “resin, oil, wax, or any other substance derived from the marijuana plant by any method which isolates the THC-bearing resins of the plant.” As research into marijuana continues, individuals and the regulated industry may focus on isolating and extracting other cannabinoids and components found in the plant. Therefore, you may wish to consider amending the definition to: “marijuana concentrate” means resin, oil, wax, or any other substance produced by extracting or isolating cannabinoids or other components from the marijuana plant.

From: [Kruzof](#)
To: [Calder, John P. \(CED\)](#)
Subject: Regulatory Comments Regarding MJ and Local Options 3AAC 306.200-270
Date: Friday, June 19, 2015 10:08:32 PM
Attachments: [Comments on Proposed MJ Regulations.docx](#)

Thank you in advance for including my comments on this proposed Regulation.

Sincerely,

Rhonda A. Hubbard
P.O. Box 3302
Seward, Ak 99664
HP (907) 224-5584
MP (907) 362-1813

Comments on Proposed Regulations, Regarding MJ and Local Options

Please take into consideration my comments on the proposed regulations;

I. 3 AAC 306.200 Local Options & License types (pg 1)

Include section under (a) and (b) that also allows a community, municipality, or village to prohibit:

- “open, mounted and visible Advertising that promotes sales of MJ and MJ products, that is displayed in physical site” (This may exclude cyber adds).

Whether the local option is chosen or not, Communities should be able to also control how this product is being publicly advertised and have the option of it not being allowed to be openly displayed or advertised in their communities no matter where in Alaska it might be sold.

- A Marijuana retail facility should also include sales through vending machines.
- Sale of Marijuana (MJ) and its products should include those businesses that attempt to offer this product as a compliment to other goods and services they sell therefore disguising an actual sale or purchase of a marijuana product. This would help close a potential loophole for businesses that may consider or offer, for example;
 - a). “Free” MJ vape pens, for every 10 beers one may consume at a drinking establishment over time.
 - b). For each B&B stay, you get a complimentary bowl of MJ edibles.
 - c). Sight seeing tours with complimentary smoke sections complete with MJ cigarettes and ashtrays.
 - d). Movie lounges that offer “ free” Cannabis tea and MJ infused popcorn

II. 3AAC 306.240 Prohibitions of Importation or purchase (pg 5-6)

Under this section there is assumption that some proof of documentation will be needed to confirm a transaction, official sale, or transportation of MJ, or not. The department should be urged to name and outline a chain of custody program for all MJ products traded or transferred in the State. Without such, enforcement efforts on behalf of a village / community / Borough choosing to opt out would be difficult or done in vain.

III. **3AAC 306.990 Definitions (Pg 9)**

“assist” – seems it should include (C)—“growing MJ plants for another person in a place other than that other person’s residence” since that is assisting someone-- assuming this is the context the term is actually be used in.

The definitions assume, but do not clearly state that they are referring to Marijuana products with the psychotic properties of THC in it. This should be distinguished in definitions since other products of the cannabis / Marijuana / hemp plant, with no non-psychotic properties or harmless effects, are being manufactured and sold. These items may be for dietary or cosmetic purposes therefor not need the regulatory over-sight.

Marijuana Products, concentrates, edibles, and plants should maintain sub-sections in them that address levels of measurable THC and toxicity that could be bread into a strain that makes people crazy. Through such definitions the State can be better prepared to manage labeling and control of products posing to be more problematic that they have yet to learn about.

Vaporizers, liquids, and Keif, and/or Hash may need to be included or specified among definitions of MJ products that are expected to be regulated.

Thank you for taking my comments and hope you find them worthy,

Sincerely yours,

Rhonda A. Hubbard
P.O. Box 3302
Seward, Ak 99664
(907) 224-5584

From: [Melissa Colebank](#)
To: [Calder, John P. \(CED\)](#)
Subject: Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options
Date: Friday, June 19, 2015 5:30:07 PM

Mr. Calder,

Please see the attached comments and suggestions for the 2015 Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options

Thank you,
Melissa Colebank
Office Administrator
1 Broadway, Suite A-200
Denver, CO 80203
303.420.PLAN (7526)



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 [15_0618_AK Reg Comments_Set 1](#)

From: [Highley, Pam](#)
To: [Calder, John P \(CED\)](#)
Subject: Supplemental Comments on Proposed Regulations - 3 AAC 306.200.270 and .990
Date: Friday, June 19, 2015 3:54:26 PM
Attachments: [Supplemental Comments on Proposed Regulations - 3 AAC 306.200.270 AND .990.pdf](#)

Good afternoon Mr. Calder,

Please see attached comments, supplemental to the comments filed by the Kenai Peninsula Borough dated June 18, 2015. Please feel free to contact our office with any questions you may have.

Thank you,

Pamela Highley
Administrative Assistant
Kenai Peninsula Borough
Mayors Office

907-714-2150
907-714.2377 ~ Fax

phighley@kpb.us





KENAI PENINSULA BOROUGH

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www.kpb.us

**MIKE NAVARRE
BOROUGH MAYOR**

June 19, 2015

VIA EMAIL: john.calder@alaska.gov

John Calder
Alcoholic Beverage Control Board
550 West Seventh Avenue, Suite 1600
Anchorage, AK 99501

RE: Comments on Proposed Regulations – 3 AAC 306.200-270 and .990

Dear Mr. Calder:

These comments are supplemental to the comments filed by the Kenai Peninsula Borough (KPB) dated June 18, 2015, and relate to whether borough local options are exercised on an areawide or nonareawide basis. AS 17.38.110 provides “a local government may prohibit the operation of marijuana cultivation facilities ... through the enactment of ordinance or by a voter initiative.” “Local government” is defined by AS 17.38.900 as “both home rule and general law municipalities, including boroughs and cities of all classes and unified municipalities.”

The KPB interprets this language to mean each individual “local government” has the authority to exercise the local option. When presented with a ballot proposition to exercise a local option the KPB considered it a nonareawide ballot proposition and would not have referred the question to the voters of the six cities within the KPB, each of which can exercise its own local option under the language of AS 17.10.110(a).

The local option vote regarding a marijuana facility must be distinguished from land use regulation. The statutory schemes set forth by AS 17.38 “Regulation of Marijuana” and AS 29.40 “Planning, Platting and Land Use Regulation” are different processes. The authorization for a vote regarding marijuana establishments is specific to prohibiting, not regulating, marijuana establishments. AS 17.38 is similar to other state laws which authorize municipalities to ban certain activities that are highly regulated by the state, such as, fireworks, alcohol establishments and gambling.¹ Similarly, AS 17.38 authorizes a local option election on the prohibition of

¹ AS 18.72.060 provides that a municipality may prohibit the sale, exposure for sale, use, or explosion of fireworks. AS 5.15.620 allows for local option elections on charitable gaming. AS 4.11.491 provides for local option elections to ban the sale, importation and possession of alcoholic beverages.

marijuana establishments. These statutes allow for total bans on potentially deleterious activities because of the danger they may present to the public health, safety, and welfare regardless of location or conditions that may be placed on the establishment to ameliorate the negative impacts of the activity. Alcohol, gaming and fireworks are subject to state-issued licenses. The registration provisions in AS 17.38 are more akin to licensing than to zoning.

Licensing is also to be distinguished since, unlike zoning laws which are primarily concerned with the uniformity of land use and stability of community growth, licensing regulations are generally concerned with proper operation or with the limitation or distribution or outright suppression of an operation; licensing laws typically regulate establishments based on the type of business they conduct while zoning laws regulate them based on their location.²

The authority for a popular vote regarding the prohibition of marijuana facilities within the borough's boundaries is also inconsistent with local land use regulation since initiatives on land use regulation questions have been judicially disapproved.³ Part of the rationale for this disapproval is that initiatives regarding land use regulation bypass the planning commission which is required to consider such regulations under the AS 29.40 statutory scheme. AS 17.38 does not require planning commission involvement to decide whether marijuana establishments should be prohibited in the borough. While boroughs could protect the public health, safety, and welfare through a land use or zoning ordinance regulating the location of marijuana establishments as anticipated by AS 17.38.110(b), the local options authorized by AS 17.38 should not be confused with local zoning regulations.

It may be through amendments to AS 17.38 authority could be developed for a cooperative delegation from cities to boroughs to conduct local options on an areawide basis. The issue of whether borough local options are areawide or nonareawide was not addressed by Set 1 of the proposed regulations. If there is to be any revision to the currently pending regulations addressing whether boroughs exercise local options on an areawide or nonareawide basis the KPB requests additional time to consider and comment on any such revisions. Your consideration of these comments is appreciated.

Sincerely,



Mike Navarre
Borough Mayor

cc: KPB Marijuana Task Force

² 83 Am. Jur. 2d Zoning and Planning § 1.

³ *Griswold v. City of Homer*, 186 P. 3d., 588 (Alaska 2008); *Carmony v. McKechnie*, 217 P. 3d., 818 (Alaska 2009).

From: [Joe Hardenbrook](#)
To: [Calder, John P. \(CED\)](#)
Cc: [Wendy Doxey](#); [Luke Hopkins](#); [Lanien Livingston](#)
Subject: FNSB Comments on Proposed Marijuana Regulations
Date: Friday, June 19, 2015 3:32:35 PM
Attachments: [6-19-2015 - Comments on Draft Marijuana Regulations.pdf](#)

Mr. Calder:

Please find attached comments from Fairbanks North Star Borough Mayor Luke Hopkins regarding proposed regulations regarding marijuana and local options.

We sincerely appreciate the work of the ABC on this matter, as well as the opportunity to comment.

Best,

Joe Hardenbrook

Special Assistant to the Mayor
Fairbanks North Star Borough

(P) 907-459-1351

(E) jhardenbrook@fnsb.us



Fairbanks North Star Borough

Mayor's Office

809 Pioneer Road PO Box 71267 Fairbanks, Alaska 99707-1267 (907)459-1300 FAX (907)459-1102

June 19, 2015

Via email: john.calder@alaska.gov

John Calder
Alcoholic Beverage Control Board
550 W. 7th Ave, Ste 1600
Anchorage, Alaska 99501

RE: FNSB Comments on Proposed Regulations Regarding Marijuana and Local Options

Dear Mr. Calder:

Please accept this letter as the Fairbanks North Star Borough (FNSB) administration's public comments in response to the Alcoholic Beverage Control (ABC) Board's Notice of Proposed Regulations Regarding Marijuana and Local Options. Thank you for allowing the FNSB the opportunity to comment on these proposed regulations.

The FNSB administration echoes those concerns set forth in the letter of public comment submitted by the Ketchikan Gateway Borough, dated June 16, 2015.

Specifically, the FNSB administration is concerned about the proposed regulations' provisions regarding the procedure for local option elections, presented at proposed 3 AAC 306.230, which appear to contradict the law as set forth in AS 29.26.130. It is the FNSB's position that to the extent a statute and an administrative code provision conflict, the statute will prevail unless there is some clear authority allowing the administrative provision to supersede the statute. The FNSB does not find any such authority here.

In addition, the FNSB believes that proposed regulation 3 AAC 306.240(a) requires clarification to indicate that it does not infringe on the personal use rights granted by AS 17.38.020.

The FNSB agrees with the Ketchikan Gateway Borough's concern that, through proposed regulation 3 AAC 306.260, the voters could require a municipality to engage in the marijuana business. Given the many considerations, including budgetary, policy, liability, and federal funding considerations, that would factor into a municipality's decision to operate such a business, it is troublesome that a municipality could be mandated to run a marijuana business regardless of the consequences. Instead, it is the FNSB's position that such an option should be just that: an option.

Thank you for your consideration of the Fairbanks North Star Borough's input on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Luke Hopkins'.

Luke Hopkins, Mayor
Fairbanks North Star Borough

From: [Nick](#)
To: [Calder, John P. \(CED\)](#)
Subject: Comments for Marijuana Regulations Set #1
Date: Friday, June 19, 2015 2:18:35 PM

Please accept the following comments on the Proposed Marijuana Regulation Set # 1

1- sec.240..."The voters assembly may vote to prohibit importation."

This needs further clarification as it goes directly against the intent of Measure 2 allowing each person over 21 the ability to possess and travel with up to one ounce of marijuana.

2-sec.250..."If the sale of marijuana products is prohibited the board may not issue a license for marijuana establishments within 10 miles of the boundary."

Please clarify...is there a governing body that has jurisdiction 10 miles outside the boundary? Who has that authority outside of the boundary? It would appear this is overstepping.

3-sec.260..."If voters or assembly vote to prohibit marijuana establishments except by a municipality, the board may not issue a license to any other person within the boundary."

This is probably one of the most problematic sections. This would appear to say that the local governments may run marijuana establishments. It goes on to say that if the voters vote to prohibit marijuana establishments except by a municipality that the board may not issue a license to any other person within 10 miles of the boundary. This was NOT what voters voted for in measure 2. The people voted YES on Measure 2 and the people shall carry it out. There is nothing in Measure 2 providing for state or local government owned marijuana facilities.

4- DEFINITIONS

- "assist" does not include: (c) growing marijuana for another person in a place other than that persons residence.

Measure 2 reads in Section 17.38.030 part (3) "Marijuana cultivation may only occur on property lawfully in possession of the cultivator or with consent of the person in lawful possession."

This would allow cultivation on property with consent of the owner.

- "marijuana concentrate" means resin, oil, wax, or any other substance derived from the marijuana plant which isolates the THC-bearing resins of the plant.

This should not specify THC bearing resins as there is no way to separate THC cannabinoids from CBD or any other cannabinoids. I suggest this to read, "marijuana concentrate means oil, wax, or any other substance derived from the marijuana plant which isolates the **cannabinoid** bearing resins of the plant."

- “possess” means having physical possession or the exercise of dominion or control over property.

Again, this is very problematic. If we use the proposed definition of “possess” it would appear than only one person per household would be able to exercise their right to grow 6 plants regardless of how many adults over 21 reside in the home.

Measure 2 reads in Section 17.38.20, “Notwithstanding any other provision of law, except as otherwise described in this chapter, the following acts by persons 21 years of age or older are LAWFUL...(b) Possessing, growing, processing, or transporting no more than 6 marijuana plants, with 3 or fewer being mature, flowering plants, and possession of the marijuana produced by the plants on the premises where they were grown.”

Measure 2 did NOT say each person over 21 had to live alone to exercise their rights. We the people voted YES on Measure 2. YES to each adult over 21 able to grow 6 plants. Please respect the intent of the initiative as written.

Thank You for your consideration,

Nick Miller
PO Box 241521
Anchorage, Ak 99524
907 244 2125

From: s.williams@midnightgreenery.com
To: [Calder, John P. \(CED\)](#)
Subject: Public Comments for Set 1
Date: Friday, June 19, 2015 1:55:44 PM
Attachments: [Set1 Public Comment Letter.pdf](#)

Greetings!

Please see the attached public comments for Set 1 of regulations. Thank you so much for your time!

Sara

Sara Williams
CEO Midnight Greenery
(907) 887-6130
www.midnightgreenery.com
www.facebook.com/midnightgreenery

MIDNIGHT GREENERY

John Calder
Alcoholic Beverage Control Board
550 W. 7th Ave, Suite 1600
Anchorage, AK 99501
John.calder@alaska.gov

RE: Set 1 of Regulations governing local control options and definitions

Attention ABC Board:

First I want to thank everyone for putting together this first set of regulations. This task ahead of you is not easy and comes with the political challenges of protecting the people, implementing a new industry, and maintaining compliance within state laws and the will of the people. The Midnight Greenery team appreciates your hard work.

After much deliberation the team at Midnight Greenery has decided to submit public comment regarding Set 1 regulations that govern local control options and definitions. Please see our comments below:

1. Under Section 3 AAC 306.230 (d) we read it to say that no local governing body may make a change to repeal or further restrict a local option before the first 24 months or 2 years after it was adopted. We believe this time limit restriction is not reasonable for the ever changing industry that is being developed. This restriction is not fair to the local community who may need to change their policy in one way or another but will be restricted by time limits under this section. Additionally, this time limit restriction is not fair to a new industry that is shrouded in misinformation and change. As people are educated they may change their opinion on the local control options and it will be unrealistic for the industry to be locked into 2 year time frames.
 - a. We would like to suggest a change to this time frame to replace 24 months with 6 months and leave the 36 month period time frame but state “no more than three times in a 36-month period”. This change will allow both local control options to change easily if the community



*Midnight Greenery
3060 N. Lazy Eight Ct. Ste 2 PMB 314
Wasilla, Alaska 99654*

MIDNIGHT GREENERY

wants it to change as well as allow for a fair showing to the ever evolving industry.

2. Under Section 3 AAC 306.990. Definitions (b): we are concerned about the definition of “marijuana concentrate”. Under the listed definition of “marijuana concentrate” it specifically targets “THC-bearing resins” however, pure hash oil or “Rick Simpson” oil can be created with strains such as Charlotte’s Web that are very high CBD and low THC strains and the purpose of the oil is to not harness the THC but rather to harness the CBD with the recognition that both THC and CBD’s are needed for the medicinal properties of the plant to work in such cases as epilepsy. Under the proposed definition if this oil is created to harness the CBD bearing resins of the plant is it not a marijuana concentrate? Both THC and CBD are needed in a concentrate to make the concentrate an effective tool for either relaxation or medicine.
 - a. We suggest a change to this definition. It should read: “”marijuana concentrate” means resin, oils, wax or any other substance derived from the marijuana plant by any method that isolates the cannabinoid bearing resins of the plant.”
3. Under Section 3 AAC 306.990 Definitions (b): we are concerned with the definition of “marijuana products” using itself to define itself. In its current state it is confusing and could cause question if challenged in a court of law.
 - a. We suggest a change to this definition: It should read: “”marijuana products” means all products containing marijuana in any form to include concentrated forms and dry plant material that may be combined with other ingredients that are intended for use or consumption in any manner.

Again thank you for your efforts in building responsible regulations around regulating cannabis in this up and coming industry. If you have any questions I can be reached at 907-887-6130 or s.williams@midnightgreenery.com.

Sara Williams
CEO Midnight Greenery
www.midnightgreenery.com
s.williams@midnightgreenery.com



From: [Beasley, Robert L \(CED\)](#)
To: [Amanda Godair](#); [Marijuana, CED ABC \(CED sponsored\)](#)
Cc: [Calder, John P \(CED\)](#)
Subject: RE: residency and other enquiries
Date: Friday, June 19, 2015 1:49:55 PM

Good Afternoon, Ms. Godair:

I am forwarding your email onto John Calder. He is compiling all written responses and marijuana related questions during the public comment period.

Thank you,

Bob



Robert L. Beasley, Investigator IV
Enforcement Unit Supervisor
State of Alaska, DCCED
Alcoholic Beverage & Marijuana Control Boards
550 W. 7th Avenue, Suite 601
Anchorage, Alaska 99501
Desk (907) 269-0353
robert.beasley@alaska.gov

From: Amanda Godair [mailto:agodair@icloud.com]
Sent: Friday, June 19, 2015 1:07 PM
To: Marijuana, CED ABC (CED sponsored)
Subject: residency and other enquiries

To whom it may concern:

what makes someone a viable candidate to receive a license, how much money will it cost to obtain a growers license to sell commercially. or a retail license.

Do you have to be a resident, if so for how long. Will there be any guidelines about the restrictions and regulations and any idea of how to prepare the business, when it is not known if I will get a permit.

much appreciated,

Amanda Godair

From: [Gordon Epperly](#)
To: [Calder, John P. \(CED\)](#)
Subject: Adoption of Marijuana Regulations
Date: Friday, June 19, 2015 12:07:42 PM
Attachments: [Brandon Coats vs. Dish Network, L.L.C. 13SC394-\(103897\).pdf](#)



An Open Letter

Honorable Members of the Alaska Alcoholic Beverage [Marijuana] Control Board

I understand that the "Alaska Alcoholic Beverage [Marijuana] Control Board" will be holding another meeting on July 2, 2015 to continue addressing the adoption of "Regulations" to implement the Alaska Marijuana Ballot Initiative No. 2 (2014). Although I will not be able to attend the meeting in Fairbanks, I submit this email message into the "Record" of that Meeting.

There is one question that needs to be addressed before any consideration be given to the adoption of any "Regulation," that being the required action is defining the word: "lawful" as that word is used within the "Marijuana Ballot Initiative[s]" (e.g. Alaska Statutes, Title 17. Chapter 38).

This past Monday (06-15-15), the "Supreme Court" for the "State of Colorado" defined the word "lawful" as used within the "Colorado Marijuana Ballot Initiative."

The "Marijuana Ballot Initiative" of the "State of Colorado" was worded almost identical to the "Marijuana Ballot Initiative No. 2' (2014)" of the "State of Alaska." In both "Ballot Initiatives," the Sponsors used the word "lawful" throughout. As the use

of the word "lawful" is identical to both "Marijuana Ballot Initiatives" of "Alaska" and "Colorado," the definition of that word "lawful" as given by the State of Colorado Supreme Court must be given to the word "lawful" as used within the State of Alaska's "Marijuana Ballot Initiative No. 2" (e.g. Alaska Statutes, Title 17, Chapter 38).

According to the Judges of the Colorado State Supreme Court, for "Marijuana" to be "lawful" for any use – "Marijuana" must not only be lawful under the laws of a "State," but "Marijuana" must also be lawful under the laws of the government of "The United States of America":

"Coats contends that the General Assembly intended the term "lawful" here to mean "lawful under Colorado state law," which, he asserts, recognizes medical marijuana use as "lawful." Coats, ¶ 6, 303 P.3d at 149. We do not read the term "lawful" to be so restrictive. ...

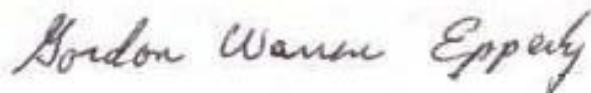
"The CSA lists marijuana as a Schedule I substance, meaning federal law designates it as having no medical accepted use, a high risk of abuse, and a lack of accepted safety for use under medical supervision. Id. at § 812(b)(1) (A)–(C). This makes the use, possession, or manufacture of marijuana a federal criminal offense, except where used for federally-approved research projects. Id. at § 844(a); see also Gonzales v. Raich, 545 U.S. 1, 14 (2005). There is no exception for marijuana use for medicinal purposes, or for marijuana use conducted in accordance with state law. 21 U.S.C. § 844(a); see also Gonzales, 545 U.S. at 29 (finding that "[t]he Supremacy Clause unambiguously provides that if there is any conflict between federal and state law, federal law shall prevail," including in the area of marijuana regulation). Coats's use of medical marijuana was unlawful under federal law and thus not protected by [Colorado State Law] section 24-34-402.5."

Brandon Coats vs. Dish Network, L.L.C.,
Case No. 13SC394 @ Paragraphs 18 & 19.

If another legal definition is to be given to the word "lawful" as used within the "Alaska Marijuana Ballot Initiative" from that which is given by the "Colorado State Supreme Court," please provide the legal arguments and references which the "Alaska Alcoholic Beverage [Marijuana] Control Board" relies upon for its definition.

A copy of this message has been forwarded to the "Office of the Alaska Attorney

General.” A true and correct copy of the “State of Colorado Supreme Court Opinion” of “Brandon Coats vs. Dish Network, L.L.C.” is attached to this message as a PDF Document.

A handwritten signature in cursive script that reads "Gordon Warren Epperly". The signature is written in dark ink on a light-colored background.

Gordon Warren Epperly
P.O. Box 34358
Juneau, Alaska 99803
Tel: (907) 789-5659

From: [Gordon Epperly](#)
Subject: Adoption of Marijuana Regulations
Date: Friday, June 19, 2015 12:05:32 PM
Attachments: [Brandon Coats vs. Dish Network, L.L.C. 13SC394-\(103897\).pdf](#)

REMEMBER
If you forward this, please remove email addresses before you send it on, and use the BCC area when sending to several people at once.
Be Kind to Your Email Friends



An Open Letter

Honorable Members of the Alaska Alcoholic Beverage [Marijuana] Control Board

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There is one question that needs to be addressed before any consideration be given to the adoption of any "Regulation," that being the required action is defining the word: "lawful" as that word is used within the "Marijuana Ballot Initiative[s]" (e.g. Alaska Statutes, Title 17. Chapter 38).

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Supreme Court must be given to the word “*lawful*” as used within the State of Alaska’s “*Marijuana Ballot Initiative No. 2*” (e.g. *Alaska Statutes, Title 17, Chapter 38*).

According to the Judges of the Colorado State Supreme Court, for “*Marijuana*” to be “*lawful*” for any use – “*Marijuana*” must not only be lawful under the laws of a “*State*,” but “*Marijuana*” must also be lawful under the laws of the government of “*The United States of America*”:

“Coats contends that the General Assembly intended the term “lawful” here to mean “lawful under Colorado state law,” which, he asserts, recognizes medical marijuana use as “lawful.” Coats, ¶ 6, 303 P.3d at 149. We do not read the term “lawful” to be so restrictive. ...

“The CSA lists marijuana as a Schedule I substance, meaning federal law designates it as having no medical accepted use, a high risk of abuse, and a lack of accepted safety for use under medical supervision. Id. at § 812(b)(1) (A)–(C). This makes the use, possession, or manufacture of marijuana a federal criminal offense, except where used for federally-approved research projects. Id. at § 844(a); see also *Gonzales v. Raich*, 545 U.S. 1, 14 (2005). There is no exception for marijuana use for medicinal purposes, or for marijuana use conducted in accordance with state law. 21 U.S.C. § 844(a); see also *Gonzales*, 545 U.S. at 29 (finding that “[t]he Supremacy Clause unambiguously provides that if there is any conflict between federal and state law, federal law shall prevail,” including in the area of marijuana regulation). Coats’s use of medical marijuana was unlawful under federal law and thus not protected by [*Colorado State Law*] section 24-34-402.5.”

Brandon Coats vs. Dish Network, L.L.C.,
Case No. 13SC394 @ Paragraphs 18 & 19.

If another legal definition is to be given to the word “*lawful*” as used within the “*Alaska Marijuana Ballot Initiative*” from that which is given by the “*Colorado State Supreme Court*,” please provide the legal arguments and references which the “*Alaska Alcoholic Beverage [Marijuana] Control Board*” relies upon for its definition.

A copy of this message has been forwarded to the “*Office of the Alaska Attorney General*.” A true and correct copy of the “*State of Colorado Supreme Court Opinion*” of “*Brandon Coats vs. Dish Network, L.L.C.*” is attached to this message as a

PDF Document.

Gordon Warren Epperly

Gordon Warren Epperly
P.O. Box 34358
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Opinions of the Colorado Supreme Court are available to the public and can be accessed through the Court's homepage at <http://www.courts.state.co.us>. Opinions are also posted on the Colorado Bar Association homepage at <http://www.cobar.org>.

ADVANCE SHEET HEADNOTE

June 15, 2015

2015 CO 44

No. 13SC394, Coats v. Dish Network – Labor and Employment- Protected Activities

The supreme court holds that under the plain language of section 24-34-402.5, C.R.S. (2014), Colorado's "lawful activities statute," the term "lawful" refers only to those activities that are lawful under both state and federal law. Therefore, employees who engage in an activity such as medical marijuana use that is permitted by state law but unlawful under federal law are not protected by the statute. We therefore affirm the court of appeals' opinion.

The Supreme Court of the State of Colorado
2 East 14th Avenue • Denver, Colorado 80203

2015 CO 44

Supreme Court Case No. 13SC394
Certiorari to the Colorado Court of Appeals
Colorado Court of Appeals Case Nos. 12CA595 & 12CA1704

Petitioner:

Brandon Coats,

v.

Respondent:

Dish Network, LLC.

Judgment Affirmed

en banc

June 15, 2015

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Attorneys for Amicus Curiae Colorado Plaintiff Employment Lawyers Association:

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Kimberlie K. Ryan
Denver, Colorado

Attorney for Amicus Curiae Patient and Caregiver Rights Litigation Project:

Springer and Steinberg, P.C.
Andrew B. Reid
Denver, Colorado

JUSTICE EID delivered the Opinion of the Court.
JUSTICE MÁRQUEZ does not participate.

¶1 This case requires us to determine whether the use of medical marijuana in compliance with Colorado’s Medical Marijuana Amendment, Colo. Const. art. XVIII, § 14, but in violation of federal law, is a “lawful activity” under section 24-34-402.5, C.R.S. (2014), Colorado’s “lawful activities statute.” This statute generally makes it an unfair and discriminatory labor practice to discharge an employee based on the employee’s “lawful” outside-of-work activities. § 24-34-402.5(1).

¶2 Here, petitioner Brandon Coats claims respondent Dish Network, LLC (“Dish”) violated section 24-34-402.5 by discharging him due to his state-licensed use of medical marijuana at home during nonworking hours. He argues that the Medical Marijuana Amendment makes such use “lawful” for purposes of section 24-34-402.5, notwithstanding any federal laws prohibiting medical marijuana use. The trial court dismissed Coats’s complaint for failure to state a claim after finding that medical marijuana use is not “lawful” under Colorado state law. Coats appealed, and the court of appeals affirmed.

¶3 In a split decision, the majority of the court of appeals held that Coats did not state a claim for relief because medical marijuana use, which is prohibited by federal law, is not a “lawful activity” for purposes of section 24-34-402.5. Coats v. Dish Network, LLC, 2013 COA 62, ¶ 23, 303 P.3d 147, 152. In dissent, Judge Webb would have held that section 24-34-402.5 does protect Coats’s medical marijuana use, because the term “lawful” as used in the statute refers only to Colorado state law, under which medical marijuana use is “at least lawful.” Id. at ¶ 56, 303 P.3d at 157 (Webb, J., dissenting).

¶4 We granted certiorari and now affirm. The term “lawful” as it is used in section 24-34-402.5 is not restricted in any way, and we decline to engraft a state law limitation onto the term. Therefore, an activity such as medical marijuana use that is unlawful under federal law is not a “lawful” activity under section 24-34-402.5. Accordingly, we affirm the opinion of the court of appeals.

I.

¶5 We take the following from the complaint. Brandon Coats is a quadriplegic and has been confined to a wheelchair since he was a teenager. In 2009, he registered for and obtained a state-issued license to use medical marijuana to treat painful muscle spasms caused by his quadriplegia. Coats consumes medical marijuana at home, after work, and in accordance with his license and Colorado state law.

¶6 Between 2007 and 2010, Coats worked for respondent Dish as a telephone customer service representative. In May 2010, Coats tested positive for tetrahydrocannabinol (“THC”), a component of medical marijuana, during a random drug test. Coats informed Dish that he was a registered medical marijuana patient and planned to continue using medical marijuana. On June 7, 2010, Dish fired Coats for violating the company’s drug policy.

¶7 Coats then filed a wrongful termination claim against Dish under section 24-34-402.5, which generally prohibits employers from discharging an employee based on his engagement in “lawful activities” off the premises of the employer during nonworking hours. § 24-34-402.5(1). Coats contended that Dish violated the statute by terminating him based on his outside-of-work medical marijuana use, which he argued

was “lawful” under the Medical Marijuana Amendment and its implementing legislation.

¶8 Dish filed a motion to dismiss, arguing that Coats’s medical marijuana use was not “lawful” for purposes of the statute under either federal or state law.

¶9 The trial court dismissed Coats’s claim. It rejected Coats’s argument that the Medical Marijuana Amendment made his use a “lawful activity” for purposes of section 24-34-402.5. Instead the court found that the Amendment provided registered patients an affirmative defense to state criminal prosecution without making their use of medical marijuana a “lawful activity” within the meaning of section 24-34-402.5. As such, the trial court concluded that the statute afforded no protection to Coats and dismissed the claim without examining the federal law issue.

¶10 On appeal, Coats again argued that Dish wrongfully terminated him under section 24-34-402.5 because his use of medical marijuana was “lawful” under state law. Dish likewise reiterated that it did not violate section 24-34-402.5 because medical marijuana use remains prohibited under federal law.

¶11 In a split decision, the court of appeals affirmed based on the prohibition of marijuana use under the federal Controlled Substances Act, 21 U.S.C. § 844(a) (2012) (the “CSA”). Looking to the plain language of section 24-34-402.5, the majority found that the term “lawful” means “that which is ‘permitted by law.’” Coats, ¶ 13, 303 P.3d at 150. Applying that plain meaning, the majority reasoned that to be “lawful” for purposes of section 24-34-402.5, activities that are governed by both state and federal law must “be permitted by, and not contrary to, both state and federal law.” Id. at ¶ 14,

303 P.3d at 151. Given that the federal CSA prohibits all marijuana use, the majority concluded that Coats’s conduct was not “lawful activity” protected by the statute. The majority therefore affirmed the trial court’s decision on different grounds, not reaching the question of whether the state constitutional amendment created a constitutional right for registered patients to use medical marijuana or an affirmative defense to prosecution for such use. Coats, ¶ 23, 303 P.3d at 152.

¶12 In dissent, Judge Webb argued that the term “lawful” must be interpreted according to state, rather than federal, law. He argued that the majority’s interpretation failed to effectuate the purpose of the statute by improperly narrowing the scope of the statute’s protection. Id. at ¶ 47, 303 P.3d at 156 (Webb, J., dissenting). Finding that the Medical Marijuana Amendment made state-licensed medical marijuana use “at least lawful,” Judge Webb concluded that Coats’s use should be protected by the statute. Id. at ¶ 56, 303 P.3d at 157 (Webb, J., dissenting).

¶13 We granted review of the court of appeals’ opinion¹ and now affirm. The term “lawful” as it is used in section 24-34-402.5 is not restricted in any way, and we decline to engraft a state law limitation onto the term. Therefore, an activity such as medical

¹ We granted certiorari to review the following issues:

1. Whether the Lawful Activities Statute, section 24-34-402.5, protects employees from discretionary discharge for lawful use of medical marijuana outside the job where the use does not affect job performance.
2. Whether the Medical Marijuana Amendment makes the use of medical marijuana “lawful” and confers a right to use medical marijuana to persons lawfully registered with the state.

marijuana use that is unlawful under federal law is not a “lawful” activity under section 24-34-402.5. Accordingly, we affirm the opinion of the court of appeals.

II.

¶14 We review de novo the question of whether medical marijuana use prohibited by federal law is a “lawful activity” protected under section 24-34-402.5. DuBois v. People, 211 P.3d 41, 43 (Colo. 2009).

¶15 The “lawful activities statute” provides that “[i]t shall be a discriminatory or unfair employment practice for an employer to terminate the employment of any employee due to that employee’s engaging in any lawful activity off the premises of the employer during nonworking hours” unless certain exceptions apply. § 24-34-402.5(1) (emphasis added). An employee discharged in violation of this provision may bring a civil action for damages, including lost wages or benefits. § 24-34-402.5(2)(a).

¶16 By its terms the statute protects only “lawful” activities. However, the statute does not define the term “lawful.” Coats contends that the term should be read as limited to activities lawful under state law. We disagree.

¶17 In construing undefined statutory terms, we look to the language of the statute itself “with a view toward giving the statutory language its commonly accepted and understood meaning.” People v. Schuett, 833 P.2d 44, 47 (Colo. 1992). We have construed the term “lawful” once before and found that its “generally understood meaning” is “in accordance with the law or legitimate.” See id. (citing Webster’s Third New International Dictionary 1279 (1986)). Similarly, courts in other states have construed “lawful” to mean “authorized by law and not contrary to, nor forbidden by

law.” Hougum v. Valley Memorial Homes, 574 N.W.2d 812, 821 (N.D. 1998) (defining “lawful” as used in similar lawful activities provision); In re Adoption of B.C.H., 22 N.E.3d 580, 585 (Ind. 2014) (“Upon our review of the plain and ordinary meaning of ‘lawful custody,’ . . . ‘lawful’ means ‘not contrary to law.’”). We therefore agree with the court of appeals that the commonly accepted meaning of the term “lawful” is “that which is ‘permitted by law’ or, conversely, that which is “not contrary to, or forbidden by law.” Coats, ¶ 13, 303 P.3d at 150.

¶18 We still must determine, however, whether medical marijuana use that is licensed by the State of Colorado but prohibited under federal law is “lawful” for purposes of section 24-34-402.5. Coats contends that the General Assembly intended the term “lawful” here to mean “lawful under Colorado state law,” which, he asserts, recognizes medical marijuana use as “lawful.” Coats, ¶ 6, 303 P.3d at 149. We do not read the term “lawful” to be so restrictive. Nothing in the language of the statute limits the term “lawful” to state law. Instead, the term is used in its general, unrestricted sense, indicating that a “lawful” activity is that which complies with applicable “law,” including state and federal law. We therefore decline Coats’s invitation to engraft a state law limitation onto the statutory language. See State Dep’t of Revenue v. Adolph Coors Co., 724 P.2d 1341, 1345 (Colo. 1986) (declining to read a restriction into unrestricted statutory language); Turbyne v. People, 151 P.3d 563, 567 (Colo. 2007) (stating that “[w]e do not add words to the statute”).

¶19 Coats does not dispute that the federal Controlled Substances Act prohibits medical marijuana use. See 21 U.S.C. § 844(a). The CSA lists marijuana as a Schedule I

substance, meaning federal law designates it as having no medical accepted use, a high risk of abuse, and a lack of accepted safety for use under medical supervision. Id. at § 812(b)(1)(A)-(C). This makes the use, possession, or manufacture of marijuana a federal criminal offense, except where used for federally-approved research projects. Id. at § 844(a); see also Gonzales v. Raich, 545 U.S. 1, 14 (2005). There is no exception for marijuana use for medicinal purposes, or for marijuana use conducted in accordance with state law. 21 U.S.C. § 844(a); see also Gonzales, 545 U.S. at 29 (finding that “[t]he Supremacy Clause unambiguously provides that if there is any conflict between federal and state law, federal law shall prevail,” including in the area of marijuana regulation).² Coats’s use of medical marijuana was unlawful under federal law and thus not protected by section 24-34-402.5.

¶20 Echoing Judge Webb’s dissent, Coats argues that because the General Assembly intended section 24-34-402.5 to broadly protect employees from discharge for outside-of-work activities, we must construe the term “lawful” to mean “lawful under Colorado law.” Coats, ¶¶ 46-47, 303 P.3d at 156 (Webb, J., dissenting). In this case, however, we find nothing to indicate that the General Assembly intended to extend section

² The Department of Justice has announced that it will not prosecute cancer patients or those with debilitating conditions who use medical marijuana in accordance with state law. Similarly, in December 2014, Congress passed the Consolidated and Further Continuing Appropriations Act that prohibited the Department of Justice from using funds made available through the Act to prevent Colorado and states with similar medical marijuana laws from “implementing their own State laws that authorize the use, distribution, possession, or cultivation of medical marijuana.” Consolidated and Further Continuing Appropriations Act, 2015, Pub. Law No. 113-235, § 538, 128 Stat. 2130, 2217 (2015). However, marijuana is still a Schedule I substance, and no medical marijuana exception yet exists in the CSA. As such, medical marijuana use remains prohibited under the CSA.

24-34-402.5's protection for "lawful" activities to activities that are unlawful under federal law. In sum, because Coats's marijuana use was unlawful under federal law, it does not fall within section 24-34-402.5's protection for "lawful" activities.

¶21 Having decided this case on the basis of the prohibition under federal law, we decline to address the issue of whether Colorado's Medical Marijuana Amendment deems medical marijuana use "lawful" by conferring a right to such use.

IV.

¶22 For the reasons stated above, we affirm the decision of the court of appeals.

JUSTICE MÁRQUEZ does not participate.

From: [Robin Jeffery](#)
To: [Calder, John P. \(CED\)](#)
Subject: Set 1 Cannabis Regs
Date: Friday, June 19, 2015 11:39:04 AM

Good Morning Mr. Calder,

I much appreciate this opportunity to comment before all is written into these regulations. My past experience with alcohol regulations was that much of it was written only after the fact of death, lawsuits and settlements. Here I see a chance to impact the regulations being drawn up in a more proactive approach rather than after the fact of tragedy and court cases. Most of my comments concern the potential costs to private persons of complying with these changes.

In the stated Goals for Regulation, the first three of the five goals need to be especially at the forefront of discussion, I believe, because they represent the constitutional and privacy rights of the underage persons, as well as those of the adult non-cannabis user. For this reason, I feel strongly that the regulations should reflect the usefulness of cannabis lounges or clubs in the communities that support it. It is my opinion that without these public places, the rights of the children and non-cannabis users in a given household will be overrun by the rights of the cannabis-using rent or mortgage payor. Our youth particularly need for the cannabis user to have a place to partake outside of the home. Smoking is obviously a thing we want to keep away from others, but also the activity of edibles in the presence of children is a concern for many parents. There is no denying that the children most often pay the highest "costs" when it comes to any "using" household, be it tobacco, alcohol or cannabis.

Also, I believe that in cannabis there is a singularity of safety that should require sales be kept separate from the more dangerous sales of both alcohol and tobacco. The concept of the red stripe on the ID for known alcoholics evolved from the known consequences of those repeaters of abuse. There is yet no such proof that cannabis users should ever require such a label. This fact alone, in my opinion, mandates that the retail sales of cannabis not be conducted on the same premise as alcohol, so as to not quell the rights of that same red stripe person to acquire cannabis, a safer product by far. In addition, the lower age of nineteen for tobacco sales itself should preclude cannabis from being sold on the same premise as traditional smoke-shops.

Additionally, I wish to express my thoughts on the idea of retail sales by my governing bodies. I want my government to focus on public health and safety for all persons, particularly those who are the most vulnerable in our society. I think sales of recreational cannabis should be left to the private industry, only to be taxed and regulated by my government. If the governing bodies of Alaska wanted to go into cannabis sales they should have done it years ago when it came to medical marijuana, rather than grudgingly issuing a card program to pacify the medical community, then going on to discriminate against those who availed themselves of that process.

Two final thoughts on the subject of licensing, if I may. The background check for cannabis should be the same as for alcohol, at least ten years on the fingerprints. The licenses that are issued, I believe, should not be transferable in perpetuity once acquired, but should go back to the state when one ceases to operate. This would further insure that the license would be in constant use for generating commerce in the communities, not merely held by the licensee without operation.

Thank you for your time,
Robin Jeffery

From: [Dean Guaneli](#)
To: [Calder, John P \(CED\)](#); [Fowler, Micaela R \(CED\)](#); [Mallott, Byron I \(GOV\)](#)
Subject: Comment on Marijuana Regulations Set #1
Date: Friday, June 19, 2015 11:07:00 AM
Attachments: [Guaneli. comment Reg set #1pdf.pdf](#)

Dear Mr. Calder:

Please see the attached two-page Word document, commenting on Set #1 of the marijuana regulations.

This is the second comment letter I have sent you today.

Very truly yours,
Dean J. Guaneli
Douglas, Alaska

June 19, 2015

John Calder
Alcoholic Beverage and Marijuana Control Boards
The Atwood Building
550 W. 7th Avenue, Suite 1600
Anchorage, Alaska 99501
(sent via email only; no hard copy to follow)

Re: Opposition to definition of “local governing body”
Marijuana Regulation Set #1

Dear Mr. Calder:

I believe the ABC Board and the new Marijuana Control Board (MCB) do not have the legal authority to adopt a regulation defining “local governing body” that includes villages, tribal councils, or any other form of government not specified in the marijuana ballot initiative enacted by voters.

As you know, current AS 17.38.900 defines “local government” to mean only “home rule and general law municipalities, including boroughs, cities of all classes and unified municipalities.” The Legislature took no action during the last session to change that definition, even though it could have done so, and even though it was clear the definition excluded village and tribal entities. Under these circumstances, the ABC/MCB boards have no authority to expand the definition beyond the statute.

I believe village and tribal councils, as well as other entities should be allowed to ban marijuana activities by local option to the same extent as they are allowed to ban alcohol by local option. Unfortunately, the Alaska Statutes do not give them that authority.

I applaud the ABC/MCB’s initiative in attempting to fill the void left by both the voters and the Legislature. But the boards simply cannot do so.

The statute creating the Marijuana Control Board gives the MCB the power and duty to “control the cultivation, manufacture, and sale of marijuana in the state.” AS 17.38.084(a). And if there was no statutory definition of “local government,” then there would be an argument that the boards could create a local option procedure by regulation. But there is such a statutory definition, and it is directly at odds with the definition of “local governing body” in the proposed regulations.

June 19, 2015

John Childer
Alcoholic Beverage and Marijuana Control Boards
The Atwood Building
550 W. 7th Avenue, Suite 1000
Anchorage, Alaska 99501
(sent via email only; no hard copy to follow)

Re: Opposition to definition of "local governing body,"
Marijuana Regulation Set 11

Dear Mr. Childer:

I believe the ABC Board and the new Marijuana Control Board (MCRB) do not have the legal authority to adopt a regulation defining "local governing body" that includes villages, tribal councils, or any other form of government not specified in the marijuana ballot initiative enacted by voters.

As you know, current AS 17.38.900 defines "local government" to mean only "home rule and general law municipalities, including boroughs, cities of all classes and unified municipalities." The Legislature took no action during the last session to change this definition, even though it could have done so, and even though it was clear the definition excluded village and tribal entities. Under these circumstances, the ABCMCRB boards have no authority to expand the definition beyond the statute.

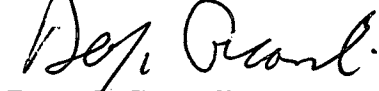
I believe village and tribal councils, as well as other entities should be allowed to ban marijuana activities by local option to the same extent as they are allowed to ban alcohol by local option. Unfortunately, the Alaska Statutes do not give them that authority.

I applaud the ABCMCRB's initiative in attempting to fill the void left by both the voters and the Legislature. But the boards simply cannot do so.

The statute creating the Marijuana Control Board gives the MCRB the power and duty to "control the cultivation, manufacture, and sale of marijuana in the state," AS 17.38.024(a). And if there was no statutory definition of "local government," then there would be an argument that the boards could create a local option procedure by regulation. But there is such a statutory definition, and it is directly at odds with the definition of "local governing body" in the proposed regulations.

The proposed regulation defining "local governing body" is simply invalid. As with the regulation specifying what it means to use marijuana in public (discussed in a separate letter also sent today), these issues should be considered and acted up by the Legislature, and only the Legislature.

Very truly yours,



Dean J. Guaneli
2124 2nd Street
Douglas, Alaska 99824

cc: Byron Mallott
Lieutenant Governor

Michaela Fowler
Dept. of Commerce

The proposed regulation defining "local governing body" is simply invalid. As with the regulation specifying what it means to use marijuana in public (discussed in a separate letter also sent today), these issues should be considered and acted up by the legislature, and only the legislature.

Very truly yours,

Dean A. Gannell
2124 2nd Street
Douglas, Alaska 99834

cc: Byron Mallon
Lieutenant Governor

Michaela Fowler
Dept. of Commerce

From: [Carrie Sisson](#)
To: [Calder, John P. \(CED\)](#)
Subject: Letter from Peter Sandberg re: Proposed Regulation 3 AAC 306.240
Date: Friday, June 19, 2015 10:56:34 AM
Attachments: [Letter to John Calder.pdf](#)

Mr. Calder,

Please see the attached letter from Peter Sandberg. Original letter to follow via courier.

Regards,

Carrie

CARRIE L. SISSON

Paralegal | 907.258.2400 x 2609 Tel | (907) 952-4067 Mobile | 907.258.2401 Fax | csisson@gsblaw.com

GARVEY SCHUBERT BARER | Suite 1502 | 2550 Denali Street | Anchorage, AK 99503 | ► GSBLaw.com

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Please reply to Peter Sundberg
psandberg@gsblaw.com TEL EXT 2604

June 19, 2015

VIA EMAIL AND HAND DELIVERY

John Calder
Administrative Officer
Alcoholic Beverage Control Board
550 W. 7th Ave, Suite 1600
Anchorage, AK 99501
john.calder@alaska.gov

Re: *Proposed Regulation 3 AAC 306.240*
Our File No.: 118745.00100

Dear Mr. Calder,

I write regarding proposed regulation 3 AAC 306.240. The proposed regulation provides that an individual “may not knowingly send, transport, or bring marijuana or marijuana products into the municipality or established village” if that municipality or village has exercised its local option to prohibit commercial marijuana. The problem is that the regulation attempts to wholly prohibit the transportation of marijuana within communities that have opted out. If anyone had any doubts on this point, the definition of “transport” should put them to rest. It provides that: “‘transport’ means to ship by any method[.]”

The proposed regulation exceeds the authority granted to local governments under AS 17.38.110 by creating a situation where communities on the road system can shut down transportation through their borders of otherwise legally cultivated marijuana intended for sale in other areas where it is likewise legal. The proposed regulation also impinges upon the rights granted to Alaskans for personal use under AS 17.38.020, for which a local option was not granted under Proposition 2. As such, the proposed regulation cannot stand in its current form.

facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or by a voter initiative.” But, nothing under this local option allowed local governments to prevent personal use or transport of marijuana within the bounds of AS 17.38.020. As passed by Proposition 2, AS 17.38.020 provides that the possession and transportation of marijuana for personal use is not illegal in the state of Alaska. The statute provides in relevant part:

Notwithstanding any other provision of law, except as otherwise provided in this chapter, the following acts, by persons 21 years of age or older, are lawful and shall not be a criminal or civil offense under Alaska law or the law of any political subdivision of Alaska or be a basis for seizure or forfeiture of assets under Alaska law:

- (a) Possessing, using, displaying, purchasing, or transporting marijuana accessories or one ounce or less of marijuana;
- (b) Possessing, growing, processing, or transporting no more than six marijuana plants, with three or fewer being mature, flowering plants, and possession of the marijuana produced by the plants on the premises where the plants were grown;
- (c) Transferring one ounce or less of marijuana and up to six immature marijuana plants to a person who is 21 years of age or older without remuneration[.] (Emphasis added).

The proposed regulation cuts directly against these rights. This will be a problem, and it will be a problem sooner rather than later. A hypothetical, but not unrealistic, example shows why.

Imagine that Wasilla will eventually exercise its local option. Also assume that a licensed grower sets up a legal grow operation in Talkeetna for legal retail sale in Anchorage. The current draft regulation creates the situation where the grower theoretically could be arrested for having marijuana in his truck while driving to Anchorage from Talkeetna. Similarly, an individual transporting small amounts of marijuana from Anchorage to their cabin in Talkeetna will be violating this regulation by driving through Wasilla. Under either hypothetical example, Wasilla will have effectively been given the ability to govern whether legal marijuana can be transported on the Parks Highway and whether personal conduct which Proposition 2 specifically decriminalized will become criminal once again.

This is unworkable and untenably cuts against Proposition 2 as passed by Alaskan voters. The problem could be solved by providing within 3 AAC 306.240 that its



restrictions only apply to marijuana intended for sale within the community that has exercised its local option. This would also be consistent with what is allowed under AS 17.38.110. But, the current draft of 3 AAC 306.240 is not consistent with the statutes and will not withstand a challenge.

Very truly yours,

GARVEY SCHUBERT BARER

By: _____


Peter A. Sandberg

PAS/smi

GSB:7131993.1

From: [Tami Wahl](#)
To: [Calder, John P. \(CED\)](#)
Subject: Set 1 / Proposed Regulations
Date: Friday, June 19, 2015 10:03:16 AM
Attachments: [Cannabis Operations.pdf](#)
[15_0619 Comments Alaska Set 1.pdf](#)

Hello Mr. Calder,

Please find attached comments in response to the Notice of Proposed Regulations posted May 19, 2015, regarding Marijuana and Local Options.

In the event the link does not work in the attached comments, also included in this email is a .pdf of the referenced document.

Thank you.
Kindest regards,
Tami.

Tami L. Wahl
Special Regulatory Counsel

American Herbal Products Association / ahpa.org
8630 Fenton Street, Suite 918
Silver Spring, MD 20910 / P: 301.588.1171 x.111 / C: 301.633.3363

30+ years of working for you!



June 19, 2015

John Calder
Alcoholic Beverage Control Board
550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501
via electronic submission: john.calder@alaska.gov

RE: Notice of Proposed Regulations Regarding Marijuana and Local Options

Dear Mr. Calder:

The Cannabis Committee of the American Herbal Products Association (AHPA) submits this letter in response to the Alcoholic Beverage Control Board / Marijuana Control Board's (Board) request for comments on the posted May 19, 2015, Notice of Proposed Regulations.

The AHPA Cannabis Committee has developed a set of recommendations for regulators to reference as best practice rules that address the four operational stages of *Cannabis* production and distribution, which include cultivation and processing; manufacturing and related operations; laboratory practice; and dispensing. The recommendations provide a framework for the oversight of *Cannabis* production and distribution practices from seed to the consumer. The recommendations were initially emailed to Ms. Cynthia Franklin on January 2, 2015 and are included in this communication for your review now that the formal rulemaking process has started.

In alignment with AHPA's objective to ensure quality botanical products and consumer safety, the Cannabis Committee offers the following comments on four of the proposed definitions.

Under 3 AAC 306.990 Definitions (b),

A. The term "**adulterated food or drink product**" is defined as:

"means a product which is intended to be consumed orally and which existed without marijuana in a form ready for consumption to which marijuana was subsequently added by any process. Adulterated food or drink products do not include raw ingredients which are combined with marijuana in a manufacturing process."

The premise of the definition is imperative – and should absolutely be included in the regulations - to ensure a finished product (i.e., a ready to eat food or drink) is not converted to a marijuana product by merely adding marijuana which would could potentially create problems with the original brand-holder and consumer safety. However, the use of the term "adulterated" to describe this type

of end product may create confusion. The term “adulterated” is used by the Federal Food and Drug Administration in regards to drugs, food, supplements and cosmetics and is associated, for example, with contamination, microorganisms such as yeast, mold, or bacteria, and preparing a product under conditions that are not compliant with current good manufacturing practices.¹ The accepted use of the term “adulterated” is commonly broader than as proposed in the draft regulations. Since AS §17.38 (Act), specifically, §17.38.900, does not include a definition for “adulterated” or a definition for a term synonymous with adulteration, the proposed use of the phrase “adulterated food or drink product” may be too limiting. Your agency may be addressing an expanded definition of adulteration in Set 2 of the proposed regulations and if that is the case, then this comment may be moot.

Use of a different term in lieu of “adulterated food or drink product”

In the event Set 2 will not address this matter, to streamline vernacular and to avoid potential confusion as the rulemaking process continues - and to ensure the type of product defined in the proposed definition of “adulterated food or drink product” remains ineligible as an edible marijuana product – the Cannabis Committee proposes the use of a different term to describe “a product which is intended to be consumed orally and which existed without marijuana in a form ready for consumption to which marijuana was subsequently added by any process.” One example may be “prohibited food or drink product.”

If the Board agrees to use another term for this proposed definition, then the proposed definition for “edible marijuana product,” also part of the Set 1 draft regulations, must be amended to remove the term “adulterated food or drink product” and replaced with the new term.

Inclusion of a definition for adulteration

Another option may be to include a separate definition for the term “adulteration” in the proposed regulations, and as part of the definition for “adulteration” include the proposed definition for “adulterated food or drink product.” Using the definition of “adulteration” from the Cannabis Committee Recommendations,² the definition would read as follows with the underlined portion capturing the proposed definition of “adulterated food or drink product,”

Adulteration means that a cannabis-derived product

- (1) consists in whole or in part of any filthy, putrid, or decomposed substance; or
- (2) bears or contains any poisonous or deleterious substance which may render it injurious to health; except that
 - (A) such product shall not be considered adulterated if the quantity of such substance does not ordinarily render it injurious to health and
 - (B) the cannabis content of the product shall not be considered injurious to health;

¹ Federal Food Drug and Cosmetic Act, §301(a) (21 U.S.C. 331(a)); §501 (21 USC §351); §402 (21 USC §342); §601 (21 USC §361).

² AHPA Recommendations for Regulators, §1.3 Cannabis Manufacturing, Packaging, Labeling and Holding Operations (Aug.2014).

(3)

(A) has been manufactured, packaged, labeled, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; or

(B) has been manufactured, packaged, labeled, or held by methods, in facilities, or using controls that do not conform to or are not operated or administered in conformity with this part to assure that the cannabis-derived product meets appropriate requirements as to safety; or

(4) fails to meet appropriate requirements as to safety; or

(5) is in a container composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or

(6) bears or contains, for purposes of coloring, a color additive which is not approved in the United States for use in a comparable food product; or

(7)

(A) has been mixed or packaged with any substance so as to reduce its quality or strength or

(B) has been substituted wholly or in part with any substance; or

(8) consists of a product which is intended to be consumed orally and which existed without marijuana in a form ready for consumption to which marijuana was subsequently added by any process. This is not intended to include raw ingredients which are combined with marijuana in a manufacturing process.

B. The term “**marijuana concentrate**” is defined as:

“means resin, oil, wax, or any other substance derived from the marijuana plant by any method which isolates the THC-bearing resins of the plant.”

Two comments regarding this definition. The first is the unintended consequences of singling out the THC constituent of the cannabis plant. Since the definition of “marijuana” in the Act³ references “all parts of the plant” and “resin extracted from any part of the plant, and every compound ... of the plant,” it appears the intent is to allow use of all cannabinoids of the *cannabis* plant. We recommend removing THC from the definition and replace with,

“means resin, oil, wax, or any other substance derived from the marijuana plant by any method which isolates the ~~THC~~ cannabinoid-bearing resins of the plant”

The second comment is to explicitly exclude hemp from the proposed definition. The definition of “marijuana” in the Act substantially mirrors the definition of “marihuana” as found in the U.S. Controlled Substances Act (CSA) (21 USC §802(16)), including the exclusionary language contained within each definition. Since the language in the Act is modeled after the CSA, the rationale for the recommendation to explicitly exclude hemp from your regulations is based on the ongoing confusion

³ AK Stat. §17.38.900(6), (2014)

of the applicability of the CSA in relation to hemp. Due to this extensive grey area, we point to the numerous pending pieces of federal legislation that are proposing an explicit exemption from the CSA for hemp and hemp related products in attempts to provide clarification in regards to the CSA and hemp.⁴

The marketplace and nomenclature for marijuana, cannabis, hemp, and industrial hemp is evolving at exponential speed and in light of the common interplay of these terms, we recommend to explicitly exclude hemp from the proposed definition of “marijuana concentrate.” Additionally, we then recommend to add a definition for “hemp” in the draft regulations. The Cannabis Committee Recommendations include a definition of hemp as follows,

“*Hemp* means any part of a plant in the genus *Cannabis*, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 (three-tenths) percent on a dry weight basis.”⁵

C. The term “**marijuana product**” is defined as:

“means concentrated marijuana and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.”

Two comments regarding this definition. The first, as commented above for the term “marijuana concentrate” regarding hemp, AHPA recommends to exclude hemp or products derived from hemp from the proposed definition of “marijuana product.”

The second comment is for the Board to consider the inclusion of smoke (or inhaling) products in the list of dosage forms of a “marijuana product.” The list of type of products as identified in the proposed definition is not exclusive; however, to avoid any potential misunderstanding by not including the common dosage form, the Cannabis Committee recommends inclusion of smoke products along with “edible products, ointments, and tinctures” in the definition.

D. The term “**marijuana plant**” is defined as:

“means a living organism of genus *Cannabis* capable of absorbing water and inorganic substances through its roots, and synthesizing nutrients in its leaves by photosynthesis.”

As commented above for the term “marijuana concentrate” regarding hemp, AHPA recommends to exclude hemp from the proposed definition for “marijuana plant.”

⁴ Therapeutic Hemp Medical Access Act of 2015, S.1333; Charlotte’s Web Medical Access Act of 2015, H.R.1635; Industrial Hemp Farming Act of 2015, H.R. 525.

⁵ AHPA Recommendations for Regulators, §1.3 Cannabis Manufacturing, Packaging, Labeling and Holding Operations (Aug.2014).

AHPA's Cannabis Committee commends the efforts of the Alcoholic Beverage Control Board in drafting the regulations and appreciates the opportunity to provide comments on the draft regulations. AHPA staff and counsel will make themselves available at any mutually convenient time to discuss any of the topics addressed herein.

Respectfully submitted,

Tami L. Wahl

Tami L. Wahl
Special Regulatory Counsel
American Herbal Products Association
8630 Fenton Street, Suite 918
Silver Spring, MD 20910
(301) 588-1171 x111
twahl@ahpa.org

Attached: [Cannabis Committee Recommendations for Regulators](#)

From: [Highley, Pam](#)
To: [Calder, John P. \(CED\)](#)
Subject: Comments on Proposed Regulations - 3 AAC 306.200-270 and .990
Date: Friday, June 19, 2015 9:58:39 AM
Attachments: [Comments on Proposed Regulations- 3 AAC 306.200-270 and .990.pdf](#)

Good morning Mr. Calder,

Please see attached letter from the Kenai Peninsula Borough, regarding Comments on Proposed Regulations – 3 AAC 306.200-270 and .990. Please feel free to contact our office with any questions you may have.

Thank you,

Pamela Highley
Administrative Assistant
Kenai Peninsula Borough
Mayors Office

907-714-2150
907-714.2377 ~ Fax

phighley@kpb.us



From: [Dean Guaneli](#)
To: [Calder, John P \(CED\)](#); [Fowler, Micaela R \(CED\)](#); [Mallott, Byron I \(GOV\)](#)
Subject: Comment on Marijuana Regulations Set #0
Date: Friday, June 19, 2015 9:24:33 AM
Attachments: [Guaneli comment Reg Set #0.pdf](#)

Dear Mr. Calder:

Please see the attached two-page Word document, commenting on Set #0 of the marijuana regulations.

Very truly yours,
Dean J. Guaneli
Douglas, Alaska

June 19, 2015

John Calder
Alcoholic Beverage and Marijuana Control Boards
The Atwood Building
550 W. 7th Avenue, Suite 1600
Anchorage, Alaska 99501
(sent via email only; no hard copy to follow)

Re: Opposition to making emergency regulation permanent
Marijuana Regulation Set #0

Dear Mr. Calder:

I believe the ABC Board did not have the legal authority to adopt a regulation defining “in public” in connection with marijuana consumption. In my opinion, the new statute creating the Marijuana Control Board gives those boards even less authority to do so.

I recommend that the current emergency regulation defining “in public” be allowed to expire and not be made permanent.

The notice of adoption of the emergency regulation stated that the ABC Board intended to make the regulation permanent. House Bill 123 (ch. 4 SLA 2015) gives the ABC Board authority to carry out the functions of the newly created Marijuana Control Board (MCB) until members of the MCB are appointed. So I assume the intent is still to make the regulation permanent.

I applaud the ABC Board’s initiative in attempting to fill the void left by the Legislature. A valid definition of “in public” would have been helpful to guide both marijuana users and law enforcement. And I don’t have strong objection to the specifics of the definition actually adopted by the Board. But the fact that the Legislature did not provide such guidance is the problem I see: only the Legislature has the authority to say where people can and cannot use marijuana.

It is certainly true under Ballot Measure 2 the ABC Board had the authority to regulate a marijuana industry. However, it is a different matter to directly regulate individual conduct, especially when there is a statutory penalty attached, and that is precisely what the emergency regulation tries to do. I do not believe Alaska courts would have found the language in the ballot measure giving the Board the authority to adopt regulations necessary for “implementation” of the chapter meant the Board could tell *individuals* what they can and cannot do.

Whether or not I am correct that the ABC Board lacked authority under the ballot measure, the *statute* creating the Marijuana Control Board (MCB) makes it clear that the MCB’s power and duty is to “control the cultivation, manufacture, and sale of marijuana in the state.” AS 17.38.084(a). Simply put, this new statutory provision gives the new

June 19, 2015

John Calder
Alcoholic Beverages and Marijuana Control Boards
The Alwood Building
550 W. 7th Avenue, Suite 1600
Anchorage, Alaska 99501
(sent via email only; no hard copy to follow)

Re: Opposition to making emergency regulation permanent
Marijuana Regulation Set No

Dear Mr. Calder:

I believe the ABC Board did not have the legal authority to adopt a regulation defining "in public" in connection with marijuana consumption. In my opinion, the new statute creating the Marijuana Control Board gives those boards even less authority to do so.

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I applaud the ABC Board's initiative in attempting to fill the void left by the Legislature. A valid definition of "in public" would have been helpful to guide both marijuana users and law enforcement. And I don't have strong objection to the specifics of the definition actually adopted by the Board. But the fact that the Legislature did not provide such guidance is the problem I see: only the Legislature has the authority to say where people can and cannot use marijuana.

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Whether or not I am correct that the ABC Board lacked authority under the ballot measure, the statute creating the Marijuana Control Board (MCB) makes it clear that the MCB's power and duty is to "control the cultivation, manufacture, and sale of marijuana in the state." AS 17.38.084(a). Simply put, this new statutory provision gives the new

board no power or duty to prohibit individual conduct that is not connected with cultivating, manufacturing and selling marijuana.

It is true that under AS 17.38.084(a) the MCB also has the power and duty to "enforce this chapter." But in my view that is a weaker ground for the MCB to define "in public" than the language in the ballot initiative calling for the ABC Board to adopt regulations "necessary for implementation" of the chapter.

The validity of the MCB's regulations will certainly be tested in court. As to regulations governing the marijuana industry, Alaska courts and case law will give broad deference to the MCB because its regulations will be based on agency expertise.

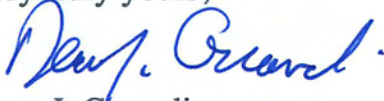
However, an administrative regulation defining "in public" will be given little or no deference, because the crafting of such a definition is not within agency expertise. Under Alaska case law, the court will substitute its own judgment. The definition of "in public" will be drafted by the courts. The MCB may as well not have adopted the regulation in the first place.

The situation would be different if it is the Legislature that defines "in public." Such a statute would be presumed valid, and the courts would not want to interfere with a statute so clearly within legislative authority over public safety. Therefore the courts would give the broadest deference to such a *legislative* policy choice.

The emergency regulation should be allowed to expire, which puts the question back in the Legislature's lap, where it belongs.

This letter is being sent after the deadlines for comments set out in the notice of emergency regulations. Because this comment is based in large part on legislation that wasn't sign until mid-May, I assume my comments will be considered by the boards and their legal advisors.

Very truly yours,



Dean J. Guaneli
2124 2nd Street
Douglas, Alaska 99824

cc: Byron Mallott
Lieutenant Governor

Michaela Fowler
Dept. of Commerce

board no power or duty to prohibit individual conduct that is not connected with
collecting, manufacturing and selling marijuana.

It is true that under AS 17.38.024(a) the MCB also has the power and duty to "enforce
this chapter." But in my view that is a weaker ground for the MCB to define "in public"
than the language in the ballot initiative calling for the ABC Board to adopt regulations
"necessary for implementation" of the chapter.

The validity of the MCB's regulations will certainly be tested in court. As to regulations
governing the marijuana industry, Alaska courts and case law will give broad deference
to the MCB because its regulations will be based on agency expertise.

However, an administrative regulation defining "in public" will be given little or no
deference, because the crafting of such a definition is not within agency expertise. Under
Alaska case law, the court will substitute its own judgment. The definition of "in public"
will be drafted by the courts. The MCB may as well not have adopted the regulation in
the first place.

The situation would be different if it is the Legislature that defines "in public." Such a
statute would be presumed valid, and the courts would not want to interfere with a statute
so clearly within legislative authority over public safety. Therefore the courts would give
the broadest deference to such a legislator's policy choice.

The emergency regulation should be allowed to expire, which puts the question back in
the legislature's lap, where it belongs.

This letter is being sent after the deadline for comments set out in the notice of
emergency regulation. Because this comment is based in large part on legislation that
wasn't sign until mid-July, I assume my comments will be considered by the boards and
their legal advisors.

Very truly yours,

John Dalton
2124 2nd Street
Douglas, Alaska 99824

cc: Byron Mallon
Lieutenant Governor
Michelle Fowler
Dept. of Commerce

From: [Highley, Pam](#)
To: [Calder, John P. \(CED\)](#)
Date: Friday, June 19, 2015 9:09:23 AM
Attachments: [Comments on Proposed Regulations- 3 AAC 306.200-270 and .990.pdf](#)
Importance: High

Good morning Mr. Calder,

Please see attached letter from the Kenai Peninsula Borough, regarding Comments on Proposed Regulations – 3 AAC 306.200-270 and .990. Please feel free to contact our office with any questions you may have.

Thank you,

Pamela Highley
Administrative Assistant
Kenai Peninsula Borough
Mayors Office

907-714-2150
907-714.2377 ~ Fax

phighley@kpb.us





KENAI PENINSULA BOROUGH

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**MIKE NAVARRE
BOROUGH MAYOR**

June 18, 2015

VIA EMAIL: john.calder@alaska.gov

John Calder
Alcoholic Beverage Control Board
550 West Seventh Avenue, Suite 1600
Anchorage, AK 99501

RE: Comments on Proposed Regulations – 3 AAC 306.200-270 and .990

Dear Mr. Calder:

The first meeting of the Kenai Peninsula Borough (KPB) Marijuana Task Force (MTF) was held on June 15, 2015. A primary purpose of this meeting was to review Set 1 of the proposed regulations promulgated pursuant to AS 17.38.090. The MTF was established by KPB assembly resolution 2015-13 in part to make recommendations to the assembly and administration on the state's implementation of AS 17.38. Please find following the MTF's comments regarding the proposed regulations implementing AS 17.38.100 and 110.

A legal memorandum was presented to the MTF which expressed concerns that the regulations, in part, exceeded the authority granted by AS 17.38.090 et seq. and conflict with AS 29.26 governing municipal elections. This memorandum was approved by the MTF and is enclosed and incorporated by reference in this letter as part of the MTF's comments on the proposed regulations.

The MTF expressed concern that persons who have started and invested labor and capital in marijuana businesses would not have stability if local options adopted by the governing body or initiative required them to close their businesses. It was believed that allowing businesses to operate within a three year time-frame without threat of closure would provide for a more robust legal marijuana market and aid in the conversion of the marijuana trade from the black market to the legal market. It would further allow businesses to operate and test a newly established regulatory system. The MTF would support regulations that would allow a three year window of operation for marijuana businesses without threat of closure through a local option adopted by initiative or the governing body. Such regulations should be drafted to be consistent with AS 29.26.

The MTF also supports a definition of “marijuana brokerage facility” to be consistent with AS 17.38.090 et seq.

The MTF recommends the following revision to proposed regulation 3 AAC 306.240(a):

3 AAC 306.240(a). If a majority of the voters vote to prohibit the importation for sale of marijuana and marijuana products under 3 AAC 306.200(a)(4) or (b)(3), or if the assembly or city council passes an ordinance to the same effect, a person, beginning on the first day of the month following certification of the results of the election, may not knowingly send, transport, or bring marijuana or marijuana products **for sale** into the municipality or established village.

This suggestion is made as personal use would still be a legal activity in a municipality that had prohibited the sale of marijuana.

The MTF recommends that 3 AAC 306.260(b) be deleted in its entirety. This recommendation is consistent with the legal analysis contained in the enclosed memorandum as a popular vote requiring marijuana establishments to be exclusively operated by municipalities goes beyond the authority of AS 17.38 and is not necessary in order to carry out the statutory intent of ballot measure no. 2. Further, there would be practical difficulties with a voter approved initiative mandating the municipality apply for a license.

Your consideration of these comments is appreciated.

Sincerely,



Mike Navarre
Borough Mayor

Enc.

cc: KPB Marijuana Task Force



KENAI PENINSULA BOROUGH

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**MIKE NAVARRE
BOROUGH MAYOR**

MEMORANDUM

TO: KPB Marijuana Task Force

FROM: Holly B. Montague, Deputy Borough Attorney

DATE: June 15, 2015

SUBJECT: Proposed Local Option Regulations for Implementation of AS 17.38.100-110

Regulations implementing ballot measure 2 (AS chapter 17.38) promulgated by the Alcoholic Beverage Control Board (ABC Board) are pending and open for comment. The local option provisions of these regulations present a legal concern. Title 29 of the Alaska statutes governs second class boroughs. The borough must act consistently with the laws set forth in AS 29 unless AS 29 authorizes the Kenai Peninsula Borough (KPB) to adopt a different process. AS 29.26 governs elections and specifically includes provisions regarding local initiative and referendum.

One concern is that the pending regulations significantly raise the percentage of petition signatures required for a local option election from that which is required by AS 29.26.130. AS 29.36.130 requires 15 percent of the votes cast in the last regular election to meet petition signature requirements. The promulgated regulations at 3AAC 306.230 require a number of signatures at least equal to 35 percent of the number of votes cast in the last election. A regulation should not directly conflict with a statute, rather regulations should interpret and implement a statute.

Another concern is that 3 AAC 306.230 alters the petition requirements for an initiative required by the AS 29.26. Pursuant to AS 29.26.110 only an ordinance or resolution can be the subject of an initiative petition. 3 AAC 306.230 requires language set forth in the regulation regarding adopting, changing, or removing a local option, be placed on the ballot "rather than the language of an ordinance or resolution." Proposed 3 AAC 306.230(c)(2). However, the proposed regulations specifically refer to the assembly adopting an ordinance to implement, change, or remove a local option. If the assembly actions regarding local option must be in the form of an ordinance so must the voters. Under AS 29.26 there is nothing to be initiated or referred if it is not an ordinance or resolution. This conflict should be resolved in the proposed regulations.

3 AAC 306.230 further requires that the material that is required by AS 29.26.120 (a)(1) and (2) be eliminated. These paragraphs require that a petition for initiative or referendum contain a summary of the ordinance or resolution to be referred, and also require the petition

include the complete ordinance or resolution as submitted by the sponsors be included in the petition. 3 AAC 306.230 substitutes the proposition language set forth in 3 AAC 306.200(c), 210, and 220 for the AS 29.26.120(a)(1) and (2) requirements.¹ Arguably, the complete ordinance presented would be the question set forth in the promulgated regulations regarding adopting, changing, or removing a local option. Although once codified the prohibition would be a statement not a question. 3 AAC 306.200(d) requires that the ballot for an election on the options to prohibit one or more of the four license types set forth in 3 AAC 306.200(b)(2) include a brief explanation of the activity that each license type on the ballot may carry out. This essentially could be the ballot summary as required by AS 29.26. Striking the ballot summary provisions with regards to changing a local option would result in no explanation of the license type activity that may be subject to change as there is no requirement in the regulations that the language in 3 AAC 306.200(d) applies to changes or removals of local option. With regards to removing a local option the deletion of the ballot summary may result in the voters not being aware of when the removal would be effective which would typically be explained in a ballot summary. Also where prohibition on the sale of marijuana is approved by the voters the lack of summary would mean the effective date of the prohibition and boundaries of the prohibition contained in 3 AAC 306.250 would not be included in a ballot summary for the voters benefit.

3 AAC 306.230(d) may also conflict with AS 29.26.190 which addresses the timeframe for changing the effect of an initiative or referendum. The assembly may not change the effect of an initiative or referendum for a two-year period. The ban on changing to a less restrictive option or removing an option within a 36 month period may extend beyond the 24 month prohibition on changing the effect of an initiative or referendum election set forth in AS 29.26.190. 3 AAC 306.230(d) begins with "Notwithstanding any other provisions of law" which essentially grants permission to ignore other provisions of law. A regulation should not invite ignoring statutory requirements, whether those statutory requirements are the authority for the regulation or another statute that conflicts with the regulation.

The Alaska Supreme Court reviews an agency's regulation for whether it is "consistent with and reasonably necessary to implement the statutes authorizing [its] adoption." Toward this end the court considers: (1) whether [the agency] exceeded its statutory authority in promulgating the regulation; (2) whether the regulation is reasonable and not arbitrary; and (3) whether the regulation conflicts with other statutes or constitutional provisions.²

The third prong of this test is of particular concern. 3 AAC 306 is being promulgated pursuant to AS 17.38.100-110. The regulations contradict a separate statute, AS 29.26, that governs municipal initiative and referendum elections. Regulations are meant to implement, interpret, or make more specific the statute which provides the authority for the regulations, not undermine or conflict with other statutes. It is suggested that comments to the ABC board be

¹ The 3 AAC 306.200(c) language provides "Shall (name of municipality or village) adopt a local option to prohibit (local option under (a) or (b) of this section)? (yes or no)."

The 3 AAC 306.210 language provides "Shall (name of municipality or village) change the local option currently in effect, that prohibits (current local option), and adopt in its place a local option to prohibit (Proposed local option)? (yes or no)."

The 3 AAC 306.220 language provides "Shall (name of municipality or village) remove the local option currently in effect, that prohibits (current local option), so that no local option continues in effect? (yes or no)."

² *Manning v. State, Dept. of Fish & Game*, 2015 WL 2328727, Alaska, May 15, 2015 (No. S-15121).

made regarding these conflicts so that the Board may make an effort to harmonize the proposed regulations with AS 29.26.

3 AAC 306.260 also raises some legal and practical concerns. The provision allows for local voter approval to prohibit the sale of marijuana, marijuana products, or operation of marijuana establishments except by the municipality. Even though voters may approve exclusively borough operated facilities how would the voters force the assembly to carry out this edict. At a minimum this is a practical concern. Without more in-depth analysis it is not clear whether an initiative requiring a borough to be the exclusive operator of marijuana businesses would be lawful. However, it appears that 3 AAC 306.260 goes beyond implementing AS 38.100 and 110 as there is no mention of municipal operated provisions in these statutes. Therefore, this regulation may violate the first prong of the above-stated test for whether a regulation is consistent with and reasonably necessary to implement the authorizing statute as it appears to exceed the authority of the promulgating statute. Further, the provision allowing voter mandate that marijuana establishments be borough operated does not appear to be necessary in order to carry out the statutory intent of ballot measure no. 2.

Recommendation

The conflict between the petition requirements for a local option initiative between AS 29.26 and 3 AAC 306 should be resolved in favor of abiding by AS 29.26, or language should be redrafted to harmonize the proposed regulations with AS 29.26. It is further recommended that the ABC Board be advised that voter approval of municipal marijuana establishments may go beyond the statutory authority granted for the regulations and may present implementation challenges for municipalities.

From: [Steve Waldron](#)
To: [Calder, John P. \(CED\)](#); [Steve Waldron](#); [Leif Abel](#)
Subject: marijuana regulations
Date: Thursday, June 18, 2015 9:49:12 PM

Hello Marijuana Control Board:

I am a 67 year old lifelong Alaskan.

I would like to share a few opinions on the issues you will be discussing.

Since the public has voted for legalization, I am hopeful that the rules and regulations that you create will respect the spirit and intent of Prop 2.

I am aware that there are some places where it is inappropriate to consume cannabis. However, a person should not have to hide in their closet to do so.

I think that one should be allowed to consume pretty much anywhere on their own private property, including outside in their yard and on their deck.

I also think it should be allowed in some public areas, including designated campgrounds and some hiking trails.

I am hopeful that you will craft regulations that will support and nurture private businesses. If we support Alaskan growers and retailers, we can maximize this new revenue source and strengthen the state's economy.

I support allowing cannabis in private clubs and at conventions. I also think that hotels and bed and breakfasts should be allowed to have designated rooms where it is allowed.

Regarding edibles, and any form of cannabis, I am definitely sympathetic to protecting children. I am a parent and a grandpa. However, cannabis is now legal. Parents must be responsible for keeping it out of children's reach, just as they are for their guns, alcohol, prescription medications, chemical cleaning substances and poisons, and everything else that almost all of us have in our homes that are dangerous to children. Many of these things can actually kill them. Cannabis will not.

I urge you to be fair when creating laws for impaired driving. As you probably know, some tests can detect marijuana a month after it is consumed. However, a marijuana high lasts only a few hours. I am not that familiar with drug testing, but I have read that there are tests which can detect use in the last few hours, when a person is actually impaired. That is a fair test.

Finally, I am hopeful that at some point, the controlled substance designation will be removed.
Marijuana simply does not belong on that list.

Thank you for reading my opinions and good luck with your very important work.

Steve Waldron

From: [Alaska Online Public Notices](#)
To: [Calder, John P. \(CED\)](#)
Subject: New Comment on Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options
Date: Thursday, June 18, 2015 1:53:17 PM

A new comment has been submitted on the public notice [Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options](#).

Submitted:

6/18/2015 1:53:14 PM

Dollynda Phelps-Alaska Green Resources
jeffndol@yahoo.com

Unknown city, US
Anonymous User

Comment:

Hello there,
I submitted testimony to the mcb in regards to set 1 last week. I noticed it today on the state website. At the end of the letter I included those who support the testimony and the Alaska Green Resources group had been removed. I am requesting this be corrected as it is important those who support are represented as such. Thank you for your time,
Dollynda Phelps
Alaska Green Resources
907-252-8026

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Tim Hinterberger](#)
To: [Calder, John P. \(CED\)](#)
Subject: Comments on proposed marijuana regulations set 1
Date: Thursday, June 18, 2015 1:19:37 PM
Attachments: [Campaign Comments on Round 1 ABC rules.pdf](#)

John -

Attached please find comments submitted on behalf of the the Campaign to Regulate Marijuana Like Alcohol on the first set of proposed rules on marijuana. Please let me know if you have any questions.

Regards,

Tim Hinterberger
Chairman
Campaign to Regulate Marijuana Like Alcohol



June 18, 2015

John Calder
Alcoholic Beverage Control Board
550 W. 7th Ave, Suite 1600
Anchorage, AK 99501

Dear Mr. Calder:

On behalf of the Campaign to Regulate Marijuana Like Alcohol and our thousands of supporters in Alaska, I am submitting these comments in response to the proposed marijuana regulations, published by the Alcoholic Beverage Control Board on May 19. We would like to thank the ABC for working to implement the requirements of Measure 2.

For the most part, the proposed rules are sensible. In particular, we appreciate the proposed change to the definition of “local government,” which would include traditional village councils if adopted. This change harmonizes the local governments’ authority to regulate marijuana consistently with their authority over alcohol-related activity. We support this change, along with most of the other proposed provisions.

There are two areas that should be amended before being adopted by the board, however. The first is the restriction on transporting marijuana in jurisdictions that opt out of business activity, which is inconsistent with Measure 2 and may be unconstitutionally broad. Secondly, a proposed rule would extend a ban on the sale of marijuana for 10 miles beyond the boundary of a municipality located in an unincorporated area and which opts out of retail sales. We are aware of no comparable rule for the regulation of alcohol — allowing those within a municipality to prevent adults outside of its boundaries to purchase a state-legal substance. Such disparate treatment would be unfair to those who prefer marijuana to alcohol.

Transporting restriction is too broad

Section 17.28.110 in Measure 2 allows a local government to prohibit the operation of certain types of marijuana-related *businesses* from being established within that municipality. Proposed rule, 3 AAC 306.240, goes much further by enabling local governments to significantly limit *activities* that are protected under Measure 2 — namely transportation. Under the current language, jurisdictions that choose to opt out of “the importation or sale of marijuana and marijuana products” would also prohibit a private individual from transporting or bringing marijuana into the municipality or established village for personal use.

This directly conflicts with Measure 2, which allows adults to possess, purchase, *and transport* limited amounts of marijuana.¹ Although a municipality may prohibit marijuana businesses from

¹ Sec. 17.38.020. Personal use of marijuana.

Notwithstanding any other provision of law, except as otherwise provided in this chapter, the following acts, by persons 21 years of age or older, are lawful and shall not be a criminal or civil offense under Alaska law or the law of any political subdivision of Alaska or be a basis for seizure or forfeiture of assets under Alaska law:

being established within its borders, municipalities are not allowed to prohibit adults from possessing, cultivating, purchasing, or transporting marijuana. Thus, that restriction conflicts with Measure 2.

This provision may also have the effect of unconstitutionally amending the measure's protections because it could be used by some local governments to render otherwise lawful business activity unreasonably impracticable in other parts of the state. Under the provisions of Measure 2, a licensed business in one location may need to transport marijuana to a business somewhere else in the state. Such activity could be rendered unlawful if the marijuana would need to be transported through a jurisdiction that prohibits sale within its own boundaries.²

Similarly, although Measure 2 allows municipalities to prohibit the establishment of marijuana businesses within their borders,³ they may not prohibit conduct by businesses licensed elsewhere. Under Measure 2, cultivation facilities are allowed to transport to product manufacturers and retailers.⁴ Necessarily, this includes transporting through municipalities regardless of whether they choose to allow retailers to be established within their borders. Allowing a locality to ban transportation would violate the intent of Measure 2 — and would potentially make the entire system unworkable. While it is reasonable and permissible for communities to limit sales within their own communities, this rule goes too far by restricting lawful commercial activity in other parts of the state.

3 AAC 306.240 should be stricken or significantly revised.

10-mile limit is unfair

Measure 2 was passed by voters to ensure that marijuana would be treated similarly to alcohol. Section 3 AAC 306.250, as currently written, would allow municipalities that are located within unincorporated areas of the state to opt out of sales of marijuana not only within their own jurisdiction, but also “within ten miles of the boundaries of the municipality....” We have not found a comparable provision that restricts access to alcohol in this way. Accordingly, it should be amended to remove this phrase. As previously stated, it is reasonable and permissible for

(a) Possessing, using, displaying, purchasing, or **transporting** marijuana accessories or one ounce or less of marijuana;

(b) Possessing, growing, processing, or **transporting** no more than six marijuana plants, with three or fewer being mature, flowering plants, and possession of the marijuana produced by the plants on the premises where the plants were grown; (emphasis added)

² By way of example, Wasilla is positioned along Route 3, which is the only viable route by land between Anchorage to Fairbanks. If Wasilla were to opt out of retail sales within its jurisdiction, cultivators or distributors in either Anchorage or Fairbanks would be prohibited from transporting marijuana to each other in order to serve individuals in those communities. In this example, Wasilla would effectively cut lawful businesses from operating with one another.

³ Sec. 17.38.110. Local control. (a) A local government may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or by a voter initiative.

⁴ Sec. 17.38.070. Lawful operation of marijuana-related facilities. For example, “(b) Notwithstanding any other provision of law, the following acts, when performed by a marijuana cultivation facility with a current, valid registration, or a person 21 years of age or older who is acting in his or her capacity as an owner, employee or agent of a marijuana cultivation facility, are lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

(1) Cultivating, manufacturing, harvesting, processing, packaging, **transporting**, displaying, storing, or possessing marijuana;” (emphasis added)

local communities to decide to prohibit sales within the municipality, but they should not be able to extend the effects of that decision beyond their own borders, which this provision does.

The Campaign to Regulate Marijuana Like Alcohol appreciates the work the ABC has done and will continue to do to ensure that Alaska establishes a regulatory system that is in the best interests of all of its citizens. We encourage the ABC to adopt these modest changes so that the rules are consistent with voter intent and to avoid a regulatory system that materially changes Measure 2.

Regards,

Tim Hinterberger
Chairman
Campaign to Regulate Marijuana Like Alcohol

From: [Leif Abel](#)
To: [Calder, John P. \(CED\)](#)
Subject: Comment on Set 1, Commercial Marijuana Regulations
Date: Thursday, June 18, 2015 10:41:21 AM
Attachments: [Leif Abel, Comment Set 1.docx](#)

Dear John or whom it may concern,

Enclosed are my public comments on Set 1. Thank you for accepting public comment and working hard on this issue.

Highest Regards,

Leif B. Abel
(907) 252-5172
leifabel@yahoo.com

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Comments on Set 1

3 ACC 306.230. Procedure for local option election. *(d) “a municipality or village may not conduct an election to change to a less restrictive option... or to remove a local option or pass an ordinance to the same effect, during the first 24 months after the local option was adopted or more than once in a 36 month period.”*

From a business perspective, communities should have a deadline by which they can instate the local option. This deadline should be a date on or prior to February 24th 2016, the date for license application. After this date all communities should be made to wait for a period of time (preferably 5 years, but 3 would do it) before changing their status. This will provide for some stability in an otherwise risky business environment, thereby supporting a more robust legal market. Additionally this will cause a greater rate of conversion from black and grey markets to the regulated table, creating a safer product and citizenry. This also ensures a true test of the newly created regulatory system within which we will be working.

I recommend changing the above wording to read: “a municipality or village may not conduct an election to change or remove a local option or pass an ordinance to the same effect, during the first 36 months after state licensure of marijuana establishments is opened (February 24th, 2016), or more than once in a 36 month period.”

This would create a three month period, after the regulations are complete, but before license application begins, for the villages and municipalities to exercise one of the local options, before entering a 36 month ‘freeze’ on whatever option or lack thereof that they have chosen.

The current wording in Set 1 expects businesses to invest a lot of money in an industry while they have the continual threat of being shut down. If no local option is utilized early on, and businesses form, they would have no protection from this. If a local option is utilized that allows for some businesses, it can still be further restricted at any point, also endangering said business. This is an unfriendly environment for entrepreneurs. There must be a balance stricken between communities’ rights to exercise local option and the language in Ballot Measure Two that states “Such regulations shall not prohibit the operation of marijuana establishments, either expressly or through regulations that make their operation unreasonably impracticable.”

3 ACC 306.240. Prohibition of importation or purchase after election. *“a person, beginning on the first day of the month following certification of the results of the election [or an ordinance to the same effect], may not knowingly send, transport, or bring marijuana or marijuana products into the municipality or established village.”*

Ballot measure two stated that our current medical marijuana law should not be altered by the implementation of recreational marijuana. Therefore I think it should be made clear that this section does not preclude people with a medical card from transporting or possessing their legal medical amount to or through communities who have chosen a local option.

3 ACC 306.990. Definitions. (b) “ *‘marijuana plant’ means a living organism of the genus Cannabis capable of absorbing water and organic substances through its roots, and synthesizing nutrients in its leaves by photosynthesis.*”

The above definition creates a time frame in a plants life, especially when it is grown from a cutting, whereby a gardener may not know it has roots and has become a “plant” instead of just a cut off branch stuck in some medium. Many propagators consider it a plant after the roots protrude from the original small peat plug or rock wool cube and it is ready for its first transplant into a larger container. This avoids a situation, with a regulated plant, where a grower cannot determine his actual number of ‘plants’ because he has clones whose stage of root development he cannot see.

3 ACC 306.990. Definitions. (b) “ *‘possess’ means having physical possession or the exercise of dominion or control over property.*”

The above definition, in conjunction with the language in ballot measure two would prohibit any more than 6 plants per household, rather than six plants per adult. I would advise that this is counter to the intent of the initiative and an unfair alteration. It also contradicts the Alaska Supreme Court Raven decision.

I find this clause troubling because cannabis has traditionally been the ‘peoples’ plant. It is medicine that the well-to-do and the poor alike can grow relatively inexpensively at home. This creates an inequity based on class of income. One single person whose income level affords them their own home, may own 6 plants, while 3 roommates could only have 2 plants each. Or a married couple only three plants each. It does seem unfair to me that a plant with medicinal properties like cannabis be regulated so tightly because of such random sets of circumstances as these.

Summary: Overall I find Set 1 to offer concise, simple choices to communities. This should streamline their decision making. For businesses, a predictable set of choices like this are better than loose guidelines. Additionally the options allow for a consistent environment around the state for tourists and locals alike. It is easier to know what to expect when entering a community if it can only be operating under one of several options, versus an infinite number of varied systems on a spectrum. This is good guidance from the state.

As someone who consumes cannabis and understands its medicinal value and uses, some of Set 1 is troubling. In addition to the above outlined concerns it has been my experience that marijuana is a much safer substance than alcohol and many prescription drugs. It is safer for the people using it and safer to those who interact with them. It is hard for those of us who have seen the positives this plant can do, to agree to such stringent and seemingly unnecessary restrictions as are contained within Set 1. Some of these restrictions are personal plant limits, possession or transport barriers, any infringement on Alaska’s medical marijuana law, and any reversal of the Alaska Supreme Courts Raven Decision. The people of Alaska should maintain the right to use this plant in their own homes as they see fit, without undue restriction by the state.

I thank you for your consideration of my comments.

Leif Abel,

Co-Founder

Greatland Ganja, LLC

From: [Jacqueline VanHatten](#)
To: [Calder, John P. \(CED\)](#)
Cc: [Scott Bloom](#)
Subject: ABC Letter RE: Marijuana Regulations from City of Kenai
Date: Thursday, June 18, 2015 9:18:38 AM
Attachments: [2015 0618 ABC Letter RE MJ from City of Kenai.pdf](#)
Importance: High

Good Morning Mr. Calder,

Attached is a letter submitted for written comments on the proposed regulation changes, regarding marijuana and local options, from the City of Kenai's Attorney, Scott Bloom on behalf of the Kenai City Council. Please confirm receipt of this correspondence. The original copy will be put in the mail today. Thank you Sir.

Jacqueline Van Hatten
Legal Administrative Assistant
City of Kenai
210 Fidalgo Avenue
Kenai, Alaska 99611-7794
(907) 283-8225 B
(907) 283-3014 F

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Telephone: 907-283-7535 / Fax: 907-283-3014
www.kenai.city

June 18, 2015

SENT Via Email and First Class Mail

Mr. John Calder
Administrative Officer
Alcoholic Beverage Control Board
550 W. 7th Avenue, Suite 1600
Anchorage, Alaska 99501

RE: Marijuana Regulations

Dear Mr. Calder:

The Kenai City Council has approved the comments below regarding the Alcoholic Beverage Control Board's first set of proposed regulations on marijuana and local options. The efforts of the ABC Board in production of these regulations are greatly appreciated, as is your consideration for the following concerns of the City Council:

1. The procedures for the initiative process provided for in the proposed regulations conflict with both State Statutes and the City's Home Rule Charter. There are many conflicts between the regulations and AS 29.26 that should be examined more closely. One of the most immediately troublesome conflicts is the provision in the proposed 3 AAC 306.130 that requires signatures equal to 35 percent of the number of votes cast in the preceding election whereas City Charter and State Statute require only 25 percent. This conflict, as well as others are likely to lead to public confusion and litigation. The City request that the proposed regulations be revised in a manner consistent with existing state law and that home rule charters be addressed as they are in Title 29, specifically AS 29.10.200 – Limitations of home rule powers.

2. The proposed regulation 3 AAC 306.270(b) purports to allow an initiative to require a municipality to apply for a license to operate a marijuana establishment. It is highly questionable whether an initiative can require a municipality to apply for a license for commercial marijuana operations or operate the same. Initiatives must be enforceable as a matter of law, and whether one can require a municipality to violate federal law and

jeopardize its federal funding sources that require the municipality to maintain a drug free work place is doubtful. The City requests at a minimum this become a permissive option instead of a mandate by replacing “shall apply” with “may apply.”

3. Proposed regulation 3 AAC 306.240 prohibits sending, transporting, or bringing marijuana into a municipality that has prohibited importation. This appears to directly conflict with AS 17.38.020 which states that notwithstanding any other law a person may transport up to one ounce lawfully. This conflict, as well as others between the proposed regulations and State Statutes will create confusion and difficulty in police enforcement. The City requests the proposed regulations be modified to comply with State Statutes that trump regulations. In this regard, all references in the proposed regulations that state “notwithstanding any other provision of law” (for example in 3AAC 306.230 (d)) should be eliminated in the proposed regulations, as State Statutes will trump the regulations where conflict exists.

4. Finally, it would be beneficial to clearly provide in regulations whether the powers conferred on municipalities are area-wide or non-area-wide.

Thank you for the opportunity to comment, if you have any questions please feel free to contact me.

Sincerely,

CITY OF KENAI



Scott M. Bloom
City Attorney
SMB/jvh

cc: Kenai City Council



From: [Robert Reges](#)
To: [Calder, John P. \(CED\)](#)
Subject: Comments on draft 3 AAC 306.200
Date: Tuesday, June 16, 2015 10:17:56 PM

Dear Mr Calder:

Please accept these comments on the draft marijuana local option regulations. This is the first of several comments I will submit this week. I am on the road without access to full statutes or regulations so please pardon me if I overlook some arguably relevant existing rules.

306.200(a) and (b): Add "or limit" after "option to prohibit."

Both AS 17.38.110 and .100(e) allow local limits in lieu of full prohibition so why not include that concept here? Obviously limits must comport with AS 17.38 but these reg's could provide details for the process for adopting limits as supplement to the general process of the Administrative Procedures Act required by statute.

306.200(a)(2)(A) and (b)(2)(A): the term "brokerage facility " is not defined in the Initiative nor in these proposed regulations. Nor is the term totally without ambiguity. Give it a defined meaning.

306.200(b): Various bills would have defined "established village" but they did not become law and the term is not defined (or used) in the initiative. Give the term a specific meaning (i.e. 25 or more residents within 5 mile radius of post office or community center.)

End for today.

Sincerely Robert Reges
Reeves Amodio LLC
(907) 222-7108
500L Street, Suite 300
Anchorage AK 99501

Sent from My i phones

From: [Anna Brawley](#)
To: [Calder, John P. \(CED\)](#)
Cc: [Franklin, Cynthia A \(CED\)](#)
Subject: Public comments for proposed marijuana regulations, set 1
Date: Tuesday, June 16, 2015 4:42:05 PM
Attachments: [MJ Set 1, Comments, ABrawley, 6-16-15.pdf](#)

John,

Please find attached my comments on the first set of marijuana regulations posted by the ABC Board last month. As noted in my comments, the questions I've raised do not necessarily need a direct answer, but were raised as considerations for the Board as they make any further changes to (and future decisions about) the regulations as a whole.

Best,
Anna B.
annab.brawley@gmail.com

To: Alcoholic Beverage Control Board
Attn: John Calder, john.calder@alaska.gov
From: Anna B. Brawley, Anchorage resident
Date: Submitted June 16, 2015

Re: Public comments submitted on marijuana control regulations, set 1, published May 19, 2015

The following comments on Set 1 of the proposed regulations accompanying AS 17.38 include some questions for the Board to consider. I am submitting after the 10-day deadline for a written response, so I am not expecting a specific answer to these questions, but offering them as consideration for further discussion, if any.

The comments are referenced by the regulation's citation as well as page number of the document provided for public comment.

3 AAC 306.200 (page 1): Option (a)(4) and option (3) do not include a home-grow provision, which make them different than the equivalent alcohol local options which ban possession. I assume this is a result of the findings in the *Ravin* decision, which means that an individual legally can possess and cultivate marijuana for their personal use? They just cannot sell it to anyone in the area or elsewhere?

3 AAC 306.200(e) (page 2) and 3 AAC 306.250 (page 6): These two sections are currently in conflict: the language of SB 99 proposes to expand the local option radius from 5 miles to 10 miles, both for municipalities and established villages. By referencing what is currently AS 04.11.508 on page 2, current statute includes a five-mile radius, while the language on page 6 already says 10 miles. While it otherwise makes sense to avoid redundancy and make one reference apply to both, in this particular case they do not match up, and may or may not match up later due to future statutory changes. It may be better to avoid confusion and not link to Title 4 here.

3 AAC 306.220 (page 3): While I agree with the spirit of the language at the end of the paragraph, "an applicant described in this section does not have a legal right to a license and the board is not required to approve the application," it seems better to include this as a general regulation or perhaps not at all in the official regulations. If this is meant to provide clarity in this particular situation, or if this type of statement is to be included elsewhere in other regulations, it might still make sense to include for the sake of the applicant. Certainly the legal status of a license holder has caused considerable confusion and legal actions in the past, although Title 4 also makes it clear that there is no legal right to a license and it is not a property.

3 AAC 306.230 (page 5): It seems problematic to reference Title 29 for procedure petitions, but also include specific requirements different from (not just in addition to) this statute. Is it possible for a regulation in a different title to "trump" statutory requirements? Would this require a regulatory or statutory change in existing law, noting "except as provided in AS 17.38" or equivalent? Or would this be better included in statute at a future time, to strengthen its authority? (This is mainly a procedural/legal question, not a substantive issue with the language or the intent).

(same) There is an extra comma in the second to last sentence of (e).

3 AAC 306.240 (page 5) and 3 AAC 306.990 (page 10): Both regulations reference marijuana products, and the definition suggests that the definition only includes finished, consumable products. Does this include seeds or seedlings, not fully-functional plants as defined in marijuana plant? And the substantive issue on page 6 is whether possession of marijuana seeds and other equipment which suggest a commercial growing operation are an issue, transported into a local option area? It seems that the issue of seeds as ingredients should be addressed somehow, either defining them as legal to possess and transport, or including these in the ban (above a threshold amount). Again, I am thinking about these regulations as they compare to the homebrew restrictions in Title 4, which are of a different nature, but which have caused enforcement problems in the past as possessing these ingredients with the intent of producing alcohol is illegal, but difficult to build a case. Either possession of an unlimited number of seeds should be legal, or there should be restriction on this as well, thinking that someone could develop a seed sharing or sales business without having technically violated the local option, although the end result would be to be a proliferation of marijuana plants which may or may not be for home use, which would violate the spirit of a local option for banning marijuana, especially marijuana businesses, except home use.

3 AAC 306.260(a) (page 7): This seems great, and will not create a future patchwork of grandfathered-in licenses if communities later decide to exercise a local option.

3 AAC 306.270 (page 7): There is an extra comma between the last word in paragraph (a) and before the colon.

3 AAC 306.270 (page 8): Looking back to Title 4, I believe I am reading correctly that municipalities but not villages can hold a liquor license. The regulations use this same structure for marijuana licenses, but I did not find anything in statute limiting the applicant for a license, just that corporations have certain documentation requirements since they have multiple owners. This suggests that individuals, for-profit corporations, certain non-profit corporations (for clubs), and municipalities can apply for and hold a liquor license. Is the same true for marijuana licenses? In that case, could a village corporation (either its for-profit or non-profit entities) apply for a license? If an area has exercised local option and not allowed private licenses, this means a village corporation could not operate a license in the same way that a municipality can for its city? In future, a corporation may view cultivation or sale of marijuana as an economic development strategy, and it seems further complicated by the limitations on local option. This would mean a village would need to either remove its local option, or incorporate as a municipality and also change its local option. What are the pros/cons of allowing a village corporation to hold a license and operate within its own village radius? This seems more plausible than simply allowing all ANCSA corporations to hold licenses anywhere, which would potentially allow for greater distribution beyond each village corporation's areas.

3 AAC 306.990(a)(2) (page 9): Probably this is being discussed and dealt with in another context, but the phrase "other person's residence" caught my eye. The intent makes sense, that someone can care for another person's plants but not anywhere except that other person's property. However, what if the person is renting part of a community garden, or owns multiple properties, or otherwise has a space for non-commercial use but not at their residence? Would this still be allowed, within the confines of the number of plants allowed? AS 17.38.030(a)(3) says "marijuana cultivation may only occur on property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property" which is more broad and

requires ownership or lease of the property (or just consent of the owner). Can personal cultivation take place in, for example, a community garden, if the plot is leased by an individual? And if so, can someone else take care of your plants if they are not at your house, but not in a commercial operation?

3 AAC 306.990(b) (page 10): My understanding is that marijuana must primarily be grown indoors in Alaska because the plant requires different climate conditions than normally exist here. However, this definition of licensed premises precludes any outdoor growing, since it implies that the activities (including cultivation) can only take place in a building or structure. Was this the intent, to preclude outdoor growing? Does “structure” include a high tunnel or non-permanent greenhouse which can extend the outdoor growing season in Alaska for other products? Or, is there going to be a different definition for a marijuana cultivation license which will expand the boundaries accordingly? If no outdoor growing (including growth in non-permanent structures such as high tunnels or covered hoops, or non-permanent greenhouses) is permitted, this may be worth spelling out further in the definition. If it was not intended to be completely excluded, the definition should include something about outdoor spaces specifically for cultivation (not allowing open-air retail establishments, for example).

From: [Linda Vinson](#)
To: [Calder, John P. \(CED\)](#)
Subject: Comment - Proposed Regulations Re Marijuana and Local Option
Date: Tuesday, June 16, 2015 2:37:38 PM
Attachments: [image002.png](#)
[Ltr MSB to Calder - ABC Board - 2015-06-16 - Regulations Changes.pdf](#)

Good afternoon, Mr. Calder:

Please see attached letter from the Mat-Su Borough's Clerk, Lonnie McKechnie and Borough Attorney, Nicholas Spiropoulos. A hard copy of the letter will follow in the mail.

Respectfully,

Linda G. Vinson, PLS
Legal Secretary I
(907) 861-8676
Matanuska-Susitna Borough
Borough Attorney's Office
350 East Dahlia Avenue
Palmer, AK 99645



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Disclosure of confidential information is prohibited by law.



MATANUSKA-SUSITNA BOROUGH

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www.matsugov.us

June 16, 2015

John Calder
Alcoholic Beverage Control Board
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501

Re: ABC Board Proposed Regulations

Dear Mr. Calder:

On behalf of the Matanuska-Susitna Borough, we submit the following comments on the proposed regulations to be inserted at 3 AAC.

The Matanuska-Susitna Borough appreciates and acknowledges the work the ABC Board and staff has done to tackle the monumental task of implementing the legalization of marijuana in Alaska. The following short comments are provided to help make any regulations clear to local governments and the public while maintaining consistency with existing law.

The proposed administrative code regulations conflict with AS 29.26.110-160. It appears that the proposed code is patterned after Title 4, specifically, AS 04.11.507 relating to procedures for local option elections for the sale of alcoholic products. However, Title 4 and Title 29 are both Alaska Statutes and therefore are on the same level of authority. The provisions currently proposed by the board are for regulations in the administrative code, which carries less authority than would a statutory provision. The proposed regulations in 3 AAC 306 cannot take precedent over the statutes found in AS 29.26.110-160 on initiatives and referendum.

The proposed regulations deviate from the statutorily mandated process currently in place for all initiatives and referenda in the following manner:

- 1) number of signatures required for a petition;
- 2) mandating language of an application for petition;
- 3) mandating language of the petition itself;
- 4) mandating language for the ballot;
- 5) extending the restriction on how often the question can be considered; and
- 6) restricting the questions to one petition at a time.

In short, 3 AAC 306.230 as proposed should not be enacted as it applies to municipalities because the administrative regulations conflict with state statute.

In addition, unlike alcohol local option, AS 17.38 allows local governing bodies to pass ordinances implementing local option or variations of it. Should a local governing body approve

an ordinance prohibiting certain marijuana operations and the voters file a petition for a referendum on that ordinance, the proposed regulations do not accommodate the referendum process. For example, they purport to dispense with the most basic requirement that the ordinance be attached to the application for the petition.

If these regulations are implemented, there will be uncertainty on how to handle petition applications under AS 29.26.110 which relate to marijuana. This will result in a high risk of litigation against municipalities for mishandling such petitions if there is conflicting guidance in a regulation adopted under authority of a statute unrelated to AS 29.26.110-190.

Finally, 3 AAC 306.230(a) would require a "separate ballot" for any proposed petition. It is not clear why a separate ballot is required, what purpose it would serve, or what benefit it might have. However, having a "separate ballot" will require double the amount of work in setting the machines, keeping separate ballot boxes, and counting the ballots. In short, without an explanation of any benefit, the burden and expense of having a "separate ballot" for a proposition outweighs any mere desire to highlight the question. As with all other major initiatives and referenda (on issues like cruise ship taxes, legalization of marijuana and oil taxes) it should be allowable for the question to simply be added to the ballot and then handled and counted as a single unit. In sum, the provision in proposed 3 AAC 306.230(a) which requires a "separate ballot" should be removed.

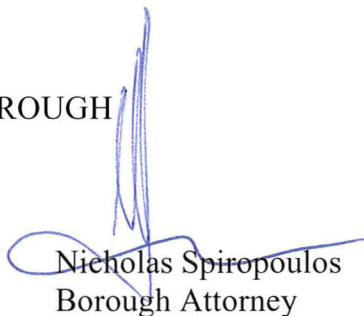
Thank you for allowing the opportunity to comment and should you wish to discuss the matter or require further information, please do not hesitate to contact the Matanuska-Susitna Borough.

Sincerely,

MATANUSKA-SUSITNA BOROUGH



Lonnie McKechnie
Borough Clerk



Nicholas Spiropoulos
Borough Attorney

From: [Bruce Gordon](#)
To: [Calder, John P. \(CED\)](#)
Subject: Comment
Date: Tuesday, June 16, 2015 12:22:57 PM

How do areas opt out of various alcohol regulations ie;sales or possession? If it's by a vote of the people that's one thing but the proposed regs for cannabis give elected leaders or a vote of the people. I think the ACB should delete the elected officials, my reasons are the recent actions of the Wasilla mayor, the anti abortion section in bill #30, the Alaska legislature in this years session seemed to mirror the federal gridlock, old white guys having their strings pulled by money men or "faith" based pressure groups or oil guys.

I have a 1 st cousin that spent 2 tours as a helicopter pilot in Vietnam, he has finally figured out he has PTSD and has been able to put his life back together after all these years by use of cannabis. Finally the feds are allowing research on this and other possible uses of cannabis, CO has some well publicized examples of this use to prevent seizures of several kinds.

Some folks are still " over my dead body" or "there ain't no Global warming" if they are in charge and have consolidated their position they can do just about what they want (Shia law), my wife encountered this in working for an Alaskan native village. State funding was not put to use correctly and she got fired for trying to follow State regs, neither the state nor village members could stand up to this guy and affect a change. He has since passed and things have turned around somewhat.

The voters decided this don't let a few crackpots reverse the vote. The more places opt out the larger the black market will become, not everyone can work on the slope. There are lots of places where jobs and income are needed this industry could help. Thanks Bruce

From: jeffndol@yahoo.com
To: [Calder, John P. \(CED\)](#)
Subject: PUBLIC TESTIMONY-SET 1
Date: Saturday, June 13, 2015 4:44:34 PM

Greetings new Marijuana Control Board,

As we see the progress continue towards the implementation of Measure 2 we also see new regulations as specified in Measure 2. There is a serious concern that what the people voted for will not be what is received. We urge you to allow measure 2 to do it's job and not over regulate or create too many rules that undermine Measure 2. The more ink to paper the more difficult the process becomes.

Public testimony shall be submitted to the following effect:

1- sec.240..."The voters assembly may vote to prohibit importation."

This needs further clarification as it goes directly against the intent of Measure 2 allowing each person over 21 the ability to possess and travel with up to one ounce of marijuana.

Please see "1" on copy provided.

2-sec.250..."If the sale of marijuana products is prohibited the board may not issue a license for marijuana establishments within 10 miles of the boundary."

Please clarify...is there a governing body that has jurisdiction 10 miles outside the boundary? Who has that authority outside of the boundary? It would appear this is overstepping.

3-sec.260..."If voters or assembly vote to prohibit marijuana establishments except by a municipality, the board may not issue a license to any other person within the boundary."

This is probably one of the most problematic sections. This would appear to say that the state may run marijuana establishments. It goes on to say that if the voters vote to prohibit marijuana establishments except by a municipality that the board may not issue a license to any other person within 10 miles of the boundary. This was NOT what voters voted for in measure 2. The people voted YES on Measure 2 and the people shall carry it out. There is nothing in Measure 2 providing for state owned marijuana facilities.

4- DEFINITIONS

- "assist" does not include: (c) growing marijuana for another person in a place other than that persons residence.

Measure 2 reads in Section 17.38.030 part (3) "Marijuana cultivation may only occur on property lawfully in possession of the cultivator or with consent of the person in lawful possession."

This would allow cultivation on property with consent of the owner. Period.

Please see "2" on copy provided.

- "marijuana concentrate" means resin, oil, wax, or any other substance derived from the marijuana plant which isolates the THC-bearing resins of the plant.

This should not specify THC bearing resins. We suggest this to read, "marijuana concentrate means oil, wax, or any other substance derived from the marijuana plant which isolates the **cannabinoid** bearing resins of the plant."

- "possess" means having physical possession or the exercise of dominion or control over property.

Again, this is very problematic. If we use your new definition of “possess” it would appear than only one person per household would be able to exercise their right to grow 6 plants regardless of how many adults over 21 reside in the home.

Measure 2 reads in Section 17.38.20, “Notwithstanding any other provision of law, except as otherwise described in this chapter, the following acts by persons 21 years of age or older are LAWFUL... (b) Possessing, growing, processing, or transporting no more than 6 marijuana plants, with 3 or fewer being mature, flowering plants, and possession of the marijuana produced by the plants on the premises where they were grown.”

Measure 2 did NOT say each person over 21 had to live alone to exercise their rights. We the people voted YES on Measure 2. YES to each adult over 21 able to grow 6 plants. You must respect the initiative as written. Please see “3” on copy provided.

MEASURE 2...PAGE1

Notwithstanding any other provision of law, except as otherwise provided in this chapter, ***1* the following acts, by persons 21 years of age or older, are lawful** and shall not be a criminal or civil offense under Alaska law or the law of any political subdivision of Alaska or be a basis for seizure or forfeiture of assets under Alaska law:

- (a) Possessing, using, displaying, purchasing, ***1* or transporting marijuana** accessories or one ounce or less of marijuana;
- (b) ***3* Possessing, growing, processing, or transporting no more than six marijuana plants, with three or fewer being mature, flowering plants, and possession of the marijuana produced by the plants on the premises where the plants were grown;**

PAGE 2

Sec. 17.38.030. Restrictions on personal cultivation, penalty.

- (a) The personal cultivation of marijuana described in AS 17.38.020(b) is subject to the following terms:
 - (1) Marijuana plants shall be cultivated in a location where the plants are not subject to public view without the use of binoculars, aircraft, or other optical aids.
 - (2) A person who cultivates marijuana must take reasonable precautions to ensure the plants are secure from unauthorized access.
 - *2*(3) Marijuana cultivation may only occur on property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property.**

This testimony is supported by:

Dollynda Phelps
Alaska Green Resources
Kenai
907-252-8026

Jessica Jansen
CannaFarm Co-Op
Eagle River

Nick Miller
Anchorage Cannabis Business Association
Anchorage

Jeremiah Emerson
Alaska Cannabis Collective
Homer

Lisa Coates
Richard Phillips
Travis Endsley
Jody Arnold
Patty Briscoe Reid
Matt Spencer
Robert Harrison

Sent from Windows Mail

From: [Patricia Patterson](#)
To: [Calder, John P. \(CED\)](#)
Subject: comment on set 1 regulation
Date: Thursday, June 11, 2015 9:35:15 PM

To: John Calder
Alcoholic Board Control

From:
Patricia Patterson
1009 Crow Court
Kenai AK 99611
907-398-0202
info@luckyraven.com

June 11, 2015

I have been an Alaskan resident for over 30 years and a business owner for owner since 2006. I appreciate this invitation to be involved with the regulation. Thank you for this opportunity to comment.

Terms...

“Set 1” = The first set of proposed regulations

“AS17” = The law passed to ‘Tax and regulate the production, sale and use of marijuana’

Set 1 AAC 306.240. “Prohibition of importation or purchase after election”. In this section the board is defining “prohibition” if a municipality or village elects to “Change Local Option”. The proposed regulation states “on the first day of the month following the election, may not knowingly send, transport or bring marijuana or marijuana products into a municipality or established village”.

In AS17, section 17.38.020 it states, “persons 21 years of age or older are lawful and shall not be a criminal or civil offense under Alaska law”, “transferring one ounce or less of marijuana and up to 6 immature plants to a person who is 21 years of age or older without remuneration”. Set 1 regulation’s cannot remove a person’s right to transfer one ounce or less of marijuana and up to 6 immature plants.

Additionally, in AS17 in section AS17.38.110 defines Local Control, nowhere in that definition does “Local Control” have the power to remove a person’s right to transfer one ounce or less of marijuana and up to 6 immature plants.

In my home area, the Kenai Peninsula, Set 1’s purposed regulation “Prohibition of importation or purchase after election”, may affect the residents in an extremely negative way. For example; If a person legally buys marijuana in North Kenai but lives 20 miles away in Sterling,

Alaska, the only roadway goes through City of Kenai and the City of Soldotna. If either city votes for "Prohibition of importation or purchase after election", the person who made a legal purchase will have to break the law to drive home.

In effect, if these regulations support a person's legal right purchase up to an ounce but do not support a person's right to possess, carry or transport, it will obliterate AS17.

"Possess" – definition. I want to comment about "domain or control over property". Our American culture is a family base society. As these regulations go forward, we must acknowledge that more often than not, "control over property" is rarely one adult person. We must also acknowledge that AS17 gives us possession rights and nowhere does AS17 state that we lose these rights because of our marital status, economic situation or family size. This board cannot remove any of Alaskans possession rights based purely on the fact that we do not live alone.

AAC 306.200 and AAC 306.260. Both of these proposed regulations set a condition where an assembly or municipality can prohibit retail marijuana licenses except for those operated by the municipality. Allowing only municipality operated stores may mirror alcohol regulations but it is in contrast to the intent of AS17. Giving a city the power to legally devastate an Alaskan businessman's livelihood in 90 days, only to take over the store, seems un-American.

I hope this board recognizes the importance of a successful conversion from a black market to a legal market. Any regulations made should support this conversion not hinder.

Thank you,
Patricia Patterson

From: [Alaska Online Public Notices](#)
To: [Calder, John P. \(CED\)](#)
Subject: New Comment on Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options
Date: Thursday, June 11, 2015 2:15:12 PM

A new comment has been submitted on the public notice [Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options](#).

Submitted:

6/11/2015 2:15:09 PM

Tim Holm
timboholmbo@yahoo.com

Anchorage, AK, US
Anonymous User

Comment:

The new regulations seem fine. The problem is that there are currently a handful of businesses that are already in business operating illegally while the rest of us patiently wait for the laws to be created and the application process to happen. I can't tell you how frustrating it is to watch a business like Discreet Deliveries brag about how much money they are already making (\$200,000/month). They say they are selling empty bags with free weed in them. They are paying growers for large amounts of marijuana. They are operating almost exclusively with no competition and will have a very unfair advantage when the licenses finally go out. They need to not only be shut down but shouldn't be allowed to take part when actually commercial licenses go out. When the head of the Control Board goes on the news and tells everyone Discreet Deliveries is breaking the law and nothing is done it ruins your credibility. I know a number of businesses that will be starting early because of this. It's like our immigration laws- you are rewarding the people that are breaking the law and wonder why no one listens.

I attended the Northwest Cannabis Conference and what I saw was mostly out of state people and a few in state that jumped the gun and are selling marijuana and seeds such as 907 seeds. None of this should have happened yet.

So is Discreet Deliveries Legal or not? Is this how this thing is going to go? Can the rest of us start early too?

Thank-you, Tim Holm

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Site Administrator](#) on behalf of [David Cormany](#)
To: [Calder, John P. \(CED\)](#)
Subject: Transporting is an important right for residents
Date: Wednesday, June 10, 2015 5:06:46 PM

Jun 10, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

People who want to consume marijuana need to be able to get it from somewhere legal. I understand that some communities may decide to ban businesses, but the proposed rule you have would also make it illegal for a person to get it from another town where sales are legal and bring it back home. I don't think that is fair, and I hope you will change this rule.

Plus, it would even be illegal to ship marijuana through a local community if it doesn't want retail sales. That really goes beyond what we voted for.

Measure 2 is about saving law enforcement time so they can go work on more important things. I see no reason to create a system that makes people criminals just for transporting marijuana from one part of the state to another, whether it's for themselves or it's just part of their job. I think that goes too far.

These rules need to work within the rights in Measure 2, not find a way to limit them. Please change this rule before it becomes permanent.

Sincerely,

Mr. David Cormany
7120 Genny Cir
Anchorage, AK 99507-2595
(907) 334-8066

From: [D. Robbins](#)
To: [Calder, John P. \(CED\)](#)
Subject: Marijuana comment
Date: Wednesday, June 10, 2015 4:48:04 PM

My comment is there needs to be regulation and taxes just as with alcohol. It's a "wild west" out there as I observed when I had the occasion to look up a common garden weed that I was dealing with in Fairbanks. Hundreds of marijuana responses overwhelmed any kind of other weed entry. I could never get passed them. I finally dug out a gardening book at home for my answer.

Thanks,

Doris Robbins

1281 Overhill Dr.
Fairbanks, AK 99709
9073740597

--

Doris Robbins

(907) 374-0597
Fairbanks AK 99709-6753
drobbins.r@gmail.com

From: [Chris Lindsey](#)
To: [Calder, John P. \(CED\)](#)
Subject: Question related to proposed marijuana reg
Date: Wednesday, June 10, 2015 2:51:15 PM

John-

I have a question related to proposed rule 3 AAC 306.250. It states that for those municipalities that opt out, the area that would be included in the ban extends into the unincorporated area within 10 miles of the boundary of the municipality.

I am curious if there is a comparable rule or statutory provisions for alcohol regulations. I do not see a similar provision in the relevant statutes or in the rules. If you happen to know if there is one, I would appreciate your assistance by letting me know.

Regards,

Chris

--

Chris Lindsey, Legislative Analyst
Marijuana Policy Project
P.O. Box 77492
Capitol Hill
Washington, D.C. 20013
202-462-5747, Ext. 2036 (phone), 202-232-0442 (fax)
clindsey@mpp.org, <http://www.mpp.org>

Please visit <http://www.mpp.org/subscribe> to sign up for MPP's free email alerts.

From: [Site Administrator](#) on behalf of [Stacey Bushell](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Wednesday, June 10, 2015 10:06:01 AM

Jun 10, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

While local government can limit certain types of businesses within their jurisdiction, they cannot limit individuals who are complying with Measure 2. One of these activities is "transporting" marijuana. A resident in one part of the state should clearly have the ability to travel to another part of the state to make a purchase particularly if he or she cannot purchase it locally. That is exactly the type of activity the voter initiative set out to allow.

Also, I don't think it's fair that a local government could prohibit businesses from transporting marijuana through their jurisdiction on their way to another part of the state. Local communities should not be able to hurt businesses or the customers they serve elsewhere.

Yet one of the proposed rules, 3 AAC 306.240, is written so that jurisdictions that opt out of retail stores would also ban individuals from bringing marijuana back home from other parts of the state or prevent shipments from reaching their destinations in other parts of Alaska. It really doesn't make sense, and I hope you will correct this provision before it is adopted.

Thank you for your service.

Sincerely,
Stacey Bushell
1679 three sisters
Kodiak, AK 99615

Sincerely,

Ms. Stacey Bushell
1679 Three Sisters Way
Kodiak, AK 99615-7239

From: [Alaska Online Public Notices](#)
To: [Calder, John P. \(CED\)](#)
Subject: New Comment on Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options
Date: Wednesday, June 10, 2015 10:04:45 AM

A new comment has been submitted on the public notice [Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options](#).

Submitted:

6/10/2015 10:04:43 AM

William Garry
bjgarry@gci.net

Unknown city, US
Anonymous User

Comment:

In the proposed regulations 3 AAC 306.990. Definitions, the definition of "possess" must follow the intent of the marijuana initiative to allow each individual the right to "possess". This definition seems to limit the right of possession to a landowner. Landowners may delegate, allow, and ignore activities as they wish on their land.

If this proposed definition is intended to control a landowner's rights it should be somewhere else in regulation.

If this definition is intended to control "the act of possession" (to possess) of marijuana and its products, processing, paraphernalia, and transporting, then it should be changed.

Proposed definition: "possess" means having physical possession or the exercise of dominion or control as may be delegated to allow the legal and orderly limitations set forth in this chapter and in statute.

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Site Administrator](#) on behalf of [Denman Byram](#)
To: [Calder, John P. \(CED\)](#)
Subject: Transporting is an important right for residents
Date: Tuesday, June 09, 2015 7:04:33 PM

Jun 9, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

People who want to consume marijuana need to be able to get it from somewhere legal. I understand that some communities may decide to ban businesses, but the proposed rule you have would also make it illegal for a person to get it from another town where sales are legal and bring it back home. I don't think that is fair, and I hope you will change this rule.

Plus, it would even be illegal to ship marijuana through a local community if it doesn't want retail sales. That really goes beyond what we voted for.

Measure 2 is about saving law enforcement time so they can go work on more important things. I see no reason to create a system that makes people criminals just for transporting marijuana from one part of the state to another, whether it's for themselves or it's just part of their job. I think that goes too far.

These rules need to work within the rights in Measure 2, not find a way to limit them. Please change this rule before it becomes permanent.

Sincerely,
Denman Byram
PO Box 1577
Soldotna, Ak. 99669

Sincerely,

Mr. Denman Byram
PO Box 1577
Soldotna, AK 99669-1577
(907) 262-7718

From: [Site Administrator](#) on behalf of [Doug McCort](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Tuesday, June 09, 2015 5:04:03 PM

Jun 9, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

While local government can limit certain types of businesses within their jurisdiction, they cannot limit individuals who are complying with Measure 2. One of these activities is "transporting" marijuana. A resident in one part of the state should clearly have the ability to travel to another part of the state to make a purchase particularly if he or she cannot purchase it locally. That is exactly the type of activity the voter initiative set out to allow.

Also, I don't think it's fair that a local government could prohibit businesses from transporting marijuana through their jurisdiction on their way to another part of the state. Local communities should not be able to hurt businesses or the customers they serve elsewhere.

Yet one of the proposed rules, 3 AAC 306.240, is written so that jurisdictions that opt out of retail stores would also ban individuals from bringing marijuana back home from other parts of the state or prevent shipments from reaching their destinations in other parts of Alaska. It really doesn't make sense, and I hope you will correct this provision before it is adopted.

Additionally, I hope that the state learns from CO and WA and enacts SENSIBLE tax rates, commiserate to those found on alcohol and tobacco. Both alcohol and tobacco are taxed at rates that prevent black markets from dealing in those substances, in all but dry villages in our own states particular situation. If we are to reduce the RAMPANT good ole boy network of black market growers that have proliferated our state for the last 40 years, we HAVE to have low and sensible tax rates. We do not want situations like have unfolded in WA with farmers sitting on 1000lbs of marijuana, unable to move it, due to its taxation fallout. Other states have taxed both growing and retail, leading to taxes in excess of 60% on the end product. this is no where NEAR in line with what we have successfully achieved with both alcohol and tobacco. it is important to not use marijuana as a cash cow for everything under the sun as far as taxing it, as we have seen this fail horribly in CO and WA. It is to be regulated similar to alcohol under the measure. it should be taxed at a similar rate as well.

Also, I would like to see an exemption on the import of 190 proof

Ethanol or Everclear, which used to be sold in the state, for producers of Marijuana extracts. This is most healthful solvent that can be used for extractions, offering low probability of explosions, and is a food grade solvent that will not poison people. If the use of inferior solvents such as Butane that carry a high explosion risk for novices is to be curbed, we need to have the ability for our producers to access 190 proof Ethanol. 151 proof does not work, and isopropyl, then next preferred solvent, is toxic if not purged properly. Super critical CO2 extraction is both safe and effective, but priced out of reach for most producers. 190 proof Everclear is the industry standard for smaller scale production of cannabis oils. This issue should be addressed and cannabis oil producers should be able to import 190 proof ethanol for SAFE production.

Thank you for your service and attention to these matters.

Doug McCort
2658 Dawson Road
North Pole, AK. 99705

Sincerely,

Mr. Doug McCort
2658 Dawson Rd
North Pole, AK 99705-6303
(907) 488-5927

From: [Site Administrator](#) on behalf of [Carolyn Heuer](#)
To: [Calder, John P. \(CED\)](#)
Subject: Personal freedom is the cornerstone of Measure 2
Date: Tuesday, June 09, 2015 3:04:05 PM

Jun 9, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

Adults can purchase and possess marijuana in amounts allowed by the voter initiative -- that is really the heart of Measure 2. While a local government may be able to limit a business's ability to sell marijuana within its borders, it cannot prevent individuals from exercising their right under the law and shouldn't be able to prevent shipments between other communities.

I was initially surprised to find out that the Alcoholic Beverage Control Board is proposing a rule that would outlaw individuals from obtaining marijuana in one part of the state from bringing it back home, if their local government bans retail shops within its own local community. I don't understand how that adds up. If I cannot legally buy in town, then going to another place is only common sense. This rule is simply not how Measure 2's protections work.

The proposed rule would even allow local governments to outlaw shipments that aren't even available for sale in that community, but just on their way somewhere else. To me, that goes too far and gives local governments the ability to hurt commerce statewide.

Please fix this. I can understand some places may not want a retail business to operate if that is what the voters choose but keeping people from bringing home marijuana for personal use, or blocking lawful business activity in other parts of the state, is not what this law is about.

Sincerely,

Ms. Carolyn Heuer
109 Jamestown Dr
Sitka, AK 99835-9723

From: [Site Administrator](#) on behalf of [Monika Switzer](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Tuesday, June 09, 2015 12:03:19 PM

Jun 9, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

While local government can limit certain types of businesses within their jurisdiction, they cannot limit individuals who are complying with Measure 2. One of these activities is "transporting" marijuana. A resident in one part of the state should clearly have the ability to travel to another part of the state to make a purchase particularly if he or she cannot purchase it locally. That is exactly the type of activity the voter initiative set out to allow.

Also, I don't think it's fair that a local government could prohibit businesses from transporting marijuana through their jurisdiction on their way to another part of the state. Local communities should not be able to hurt businesses or the customers they serve elsewhere.

Yet one of the proposed rules, 3 AAC 306.240, is written so that jurisdictions that opt out of retail stores would also ban individuals from bringing marijuana back home from other parts of the state or prevent shipments from reaching their destinations in other parts of Alaska. It really doesn't make sense, and I hope you will correct this provision before it is adopted.

Thank you for your service.

Sincerely,

Ms. Monika Switzer
PO Box 874563
Wasilla, AK 99687-4563

From: [Site Administrator](#) on behalf of [Larry Mc MAHILL](#)
To: [Calder, John P. \(CED\)](#)
Subject: Transporting is an important right for residents
Date: Tuesday, June 09, 2015 11:03:24 AM

Jun 9, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

People who want to consume marijuana need to be able to get it from somewhere legal. I understand that some communities may decide to ban businesses, but the proposed rule you have would also make it illegal for a person to get it from another town where sales are legal and bring it back home. I don't think that is fair, and I hope you will change this rule.

Plus, it would even be illegal to ship marijuana through a local community if it doesn't want retail sales. That really goes beyond what we voted for.

Measure 2 is about saving law enforcement time so they can go work on more important things. I see no reason to create a system that makes people criminals just for transporting marijuana from one part of the state to another, whether it's for themselves or it's just part of their job. I think that goes too far.

These rules need to work within the rights in Measure 2, not find a way to limit them. Please change this rule before it becomes permanent.

Sincerely,

Mr. Larry Mc_MAHILL
p.o.box 302
Houston, AK 99694

From: [Site Administrator](#) on behalf of [Vincent Sanford](#)
To: [Calder, John P. \(CED\)](#)
Subject: Transporting cannabis is now a legal right for citizens of Alaska
Date: Tuesday, June 09, 2015 8:33:01 AM

Jun 9, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

People who want to consume marijuana need to be able to get it from somewhere legal. I understand that some communities may decide to ban businesses, but the proposed rule you have would also make it illegal for a person to get it from another town where sales are legal and bring it back home. This is clearly illegal according to Measure 2, and I hope you will change this rule to prevent future litigation.

Measure 2 is clearly intended to protect any individual that wants to transport/ship marijuana through a local community, even if it doesn't want retail sales. That is what we voted for, and it passed.

Measure 2 is about saving law enforcement time so they can go work on more important things. Creating a system that makes people criminals just for transporting marijuana from one part of the state to another, whether it's for themselves or it's just part of their job is clearly counterproductive to this goal.

These rules need to work within the rights in Measure 2, not find a way to limit them. Please change this rule before it becomes an endless lawsuit that the state is sure to lose.

Sincerely,

Mr. Vincent Sanford
HC 89 Box 8022
Talkeetna, AK 99676-9706
(907) 733-7625

From: [Site Administrator](#) on behalf of [ahr kpling](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Tuesday, June 09, 2015 8:02:58 AM

Jun 9, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

While local government can limit certain types of businesses within their jurisdiction, they cannot limit individuals who are complying with Measure 2. One of these activities is "transporting" marijuana. A resident in one part of the state should clearly have the ability to travel to another part of the state to make a purchase particularly if he or she cannot purchase it locally. That is exactly the type of activity the voter initiative set out to allow.

Also, I don't think it's fair that a local government could prohibit businesses from transporting marijuana through their jurisdiction on their way to another part of the state. Local communities should not be able to hurt businesses or the customers they serve elsewhere.

Yet one of the proposed rules, 3 AAC 306.240, is written so that jurisdictions that opt out of retail stores would also ban individuals from bringing marijuana back home from other parts of the state or prevent shipments from reaching their destinations in other parts of Alaska. It really doesn't make sense, and I hope you will correct this provision before it is adopted.

Thank you for your service.

Sincerely,

Ms. ahr kpling
PO Box 193
Kasilof, AK 99610-0193

From: [Site Administrator](#) on behalf of [Deric Counter](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Tuesday, June 09, 2015 5:02:32 AM

Jun 9, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

While local government can limit certain types of businesses within their jurisdiction, they cannot limit individuals who are complying with Measure 2. One of these activities is "transporting" marijuana. A resident in one part of the state should clearly have the ability to travel to another part of the state to make a purchase particularly if he or she cannot purchase it locally. That is exactly the type of activity the voter initiative set out to allow.

Also, I don't think it's fair that a local government could prohibit businesses from transporting marijuana through their jurisdiction on their way to another part of the state. Local communities should not be able to hurt businesses or the customers they serve elsewhere.

Yet one of the proposed rules, 3 AAC 306.240, is written so that jurisdictions that opt out of retail stores would also ban individuals from bringing marijuana back home from other parts of the state or prevent shipments from reaching their destinations in other parts of Alaska. It really doesn't make sense, and I hope you will correct this provision before it is adopted.

Thank you for your service.

Sincerely,

Mr. Deric Counter
8860 Plunge Creek Cir
Eagle River, AK 99577-8561
(907) 317-6021

From: [Site Administrator](#) on behalf of [Leah Levinton](#)
To: [Calder, John P. \(CED\)](#)
Subject: Transporting is an important right for residents
Date: Tuesday, June 09, 2015 12:02:07 AM

Jun 9, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

People who want to consume marijuana need to be able to get it from somewhere legal. I understand that some communities may decide to ban businesses, but the proposed rule you have would also make it illegal for a person to get it from another town where sales are legal and bring it back home. I don't think that is fair, and I hope you will change this rule.

Plus, it would even be illegal to ship marijuana through a local community if it doesn't want retail sales. That really goes beyond what we voted for.

Measure 2 is about saving law enforcement time so they can go work on more important things. I see no reason to create a system that makes people criminals just for transporting marijuana from one part of the state to another, whether it's for themselves or it's just part of their job. I think that goes too far.

These rules need to work within the rights in Measure 2, not find a way to limit them. Please change this rule before it becomes permanent.

Sincerely,

Ms. Leah Levinton
3734 McCain Loop
Anchorage, AK 99503-5616

From: [Site Administrator](#) on behalf of [Mercedes Hansen](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Monday, June 08, 2015 11:32:04 PM

Jun 9, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

While local government can limit certain types of businesses within their jurisdiction, they cannot limit individuals who are complying with Measure 2. One of these activities is "transporting" marijuana. A resident in one part of the state should clearly have the ability to travel to another part of the state to make a purchase particularly if he or she cannot purchase it locally. That is exactly the type of activity the voter initiative set out to allow.

Also, I don't think it's fair that a local government could prohibit businesses from transporting marijuana through their jurisdiction on their way to another part of the state. Local communities should not be able to hurt businesses or the customers they serve elsewhere.

Yet one of the proposed rules, 3 AAC 306.240, is written so that jurisdictions that opt out of retail stores would also ban individuals from bringing marijuana back home from other parts of the state or prevent shipments from reaching their destinations in other parts of Alaska. It really doesn't make sense, and I hope you will correct this provision before it is adopted.

Thank you for your service.

Please do not over think it - seems unnecessary for anyone to have to vote on a ban ? Alaskans already voted to make it legal! - simply set up a permitting process and make revenue for your village / city . Everyone is happy.

Sincerely,

Mrs. Mercedes Hansen
3460 Taxilan B
North Pole, AK 99705

From: [Site Administrator](#) on behalf of [Peter Beachy](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Monday, June 08, 2015 11:31:56 PM

Jun 9, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

While local government can limit certain types of businesses within their jurisdiction, they cannot limit individuals who are complying with Measure 2. One of these activities is "transporting" marijuana. A resident in one part of the state should clearly have the ability to travel to another part of the state to make a purchase particularly if he or she cannot purchase it locally. That is exactly the type of activity the voter initiative set out to allow.

Also, I don't think it's fair that a local government could prohibit businesses from transporting marijuana through their jurisdiction on their way to another part of the state. Local communities should not be able to hurt businesses or the customers they serve elsewhere.

Yet one of the proposed rules, 3 AAC 306.240, is written so that jurisdictions that opt out of retail stores would also ban individuals from bringing marijuana back home from other parts of the state or prevent shipments from reaching their destinations in other parts of Alaska. It really doesn't make sense, and I hope you will correct this provision before it is adopted.

Thank you for your service.

Sincerely,

Mr. Peter Beachy
PO Box 1081
Girdwood, AK 99587-1081

From: [Site Administrator](#) on behalf of [Brenda Davis](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Monday, June 08, 2015 11:01:57 PM

Jun 9, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

While local government can limit certain types of businesses within their jurisdiction, they cannot limit individuals who are complying with Measure 2. One of these activities is "transporting" marijuana. A resident in one part of the state should clearly have the ability to travel to another part of the state to make a purchase particularly if he or she cannot purchase it locally. That is exactly the type of activity the voter initiative set out to allow.

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Yet one of the proposed rules, 3 AAC 306.240, is written so that jurisdictions that opt out of retail stores would also ban individuals from bringing marijuana back home from other parts of the state or prevent shipments from reaching their destinations in other parts of Alaska. It really doesn't make sense, and I hope you will correct this provision before it is adopted.

Thank you for your service.

Sincerely,

Mrs. Brenda Davis
PO Box 298374
Wasilla, AK 99629-8374
(907) 252-6545

From: [Site Administrator](#) on behalf of [Kelly neeser](#)
To: [Calder, John P. \(CED\)](#)
Subject: Transporting is an important right for residents
Date: Monday, June 08, 2015 11:01:53 PM

Jun 9, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

People who want to consume marijuana need to be able to get it from somewhere legal. I understand that some communities may decide to ban businesses, but the proposed rule you have would also make it illegal for a person to get it from another town where sales are legal and bring it back home. I don't think that is fair, and I hope you will change this rule.

Plus, it would even be illegal to ship marijuana through a local community if it doesn't want retail sales. That really goes beyond what we voted for.

Measure 2 is about saving law enforcement time so they can go work on more important things. I see no reason to create a system that makes people criminals just for transporting marijuana from one part of the state to another, whether it's for themselves or it's just part of their job. I think that goes too far.

These rules need to work within the rights in Measure 2, not find a way to limit them. Please change this rule before it becomes permanent.

Sincerely,

Mrs. Kelly neeser
2503 Resolution Dr
Anchorage, AK 99517-1236
(907) 230-0750

From: [Site Administrator](#) on behalf of [Vanessa Liston](#)
To: [Calder, John P. \(CED\)](#)
Subject: Personal freedom is the cornerstone of Measure 2
Date: Monday, June 08, 2015 10:01:46 PM

Jun 9, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

Adults can purchase and possess marijuana in amounts allowed by the voter initiative -- that is really the heart of Measure 2. While a local government may be able to limit a business's ability to sell marijuana within its borders, it cannot prevent individuals from exercising their right under the law and shouldn't be able to prevent shipments between other communities.

I was initially surprised to find out that the Alcoholic Beverage Control Board is proposing a rule that would outlaw individuals from obtaining marijuana in one part of the state from bringing it back home, if their local government bans retail shops within its own local community. I don't understand how that adds up. If I cannot legally buy in town, then going to another place is only common sense. This rule is simply not how Measure 2's protections work.

The proposed rule would even allow local governments to outlaw shipments that aren't even available for sale in that community, but just on their way somewhere else. To me, that goes too far and gives local governments the ability to hurt commerce statewide.

Please fix this. I can understand some places may not want a retail business to operate if that is what the voters choose but keeping people from bringing home marijuana for personal use, or blocking lawful business activity in other parts of the state, is not what this law is about.

Sincerely,

Ms. Vanessa Liston
7362 W Parks Hwy # 655 # 655
Wasilla, AK 99623-9300
(907) 357-7977

From: [Site Administrator](#) on behalf of [Candy Norman](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Monday, June 08, 2015 9:01:51 PM

Jun 9, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

While local government can limit certain types of businesses within their jurisdiction, they cannot limit individuals who are complying with Measure 2. One of these activities is "transporting" marijuana. A resident in one part of the state should clearly have the ability to travel to another part of the state to make a purchase particularly if he or she cannot purchase it locally. That is exactly the type of activity the voter initiative set out to allow.

Also, I don't think it's fair that a local government could prohibit businesses from transporting marijuana through their jurisdiction on their way to another part of the state. Local communities should not be able to hurt businesses or the customers they serve elsewhere.

Yet one of the proposed rules, 3 AAC 306.240, is written so that jurisdictions that opt out of retail stores would also ban individuals from bringing marijuana back home from other parts of the state or prevent shipments from reaching their destinations in other parts of Alaska. It really doesn't make sense, and I hope you will correct this provision before it is adopted.

Thank you for your service.

Sincerely,

Ms. Candy Norman
33552 Wissamickon Dr
Seward, AK 99664-9606
(907) 224-3405

From: [Site Administrator](#) on behalf of [Matthew Matta](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Monday, June 08, 2015 8:31:41 PM

Jun 8, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

While local government can limit certain types of businesses within their jurisdiction, they cannot limit individuals who are complying with Measure 2. One of these activities is "transporting" marijuana. A resident in one part of the state should clearly have the ability to travel to another part of the state to make a purchase particularly if he or she cannot purchase it locally. That is exactly the type of activity the voter initiative set out to allow.

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Thank you for your service.

Sincerely,

Mr. Matthew Matta
PO Box 111424
Anchorage, AK 99511-1424
(907) 529-2159

From: [Site Administrator](#) on behalf of [susan Bright](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Monday, June 08, 2015 8:01:36 PM

Jun 8, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

While local government can limit certain types of businesses within their jurisdiction, they cannot limit individuals who are complying with Measure 2. One of these activities is "transporting" marijuana. A resident in one part of the state should clearly have the ability to travel to another part of the state to make a purchase particularly if he or she cannot purchase it locally. That is exactly the type of activity the voter initiative set out to allow.

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Yet one of the proposed rules, 3 AAC 306.240, is written so that jurisdictions that opt out of retail stores would also ban individuals from bringing marijuana back home from other parts of the state or prevent shipments from reaching their destinations in other parts of Alaska. It really doesn't make sense, and I hope you will correct this provision before it is adopted.

Thank you for your service.

Sincerely,

Ms. susan Bright
2246 Maudest Pl
Anchorage, AK 99508-3768

From: [Site Administrator](#) on behalf of [Michael Maass](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Monday, June 08, 2015 7:01:38 PM

Jun 8, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

While local government can limit certain types of businesses within their jurisdiction, they cannot limit individuals who are complying with Measure 2. One of these activities is "transporting" marijuana. A resident in one part of the state should clearly have the ability to travel to another part of the state to make a purchase particularly if he or she cannot purchase it locally. That is exactly the type of activity the voter initiative set out to allow.

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Yet one of the proposed rules, 3 AAC 306.240, is written so that jurisdictions that opt out of retail stores would also ban individuals from bringing marijuana back home from other parts of the state or prevent shipments from reaching their destinations in other parts of Alaska. It really doesn't make sense, and I hope you will correct this provision before it is adopted.

Thank you for your service.

Sincerely,

Mr. Michael Maass
2201 Meadow Ln Apt B
Juneau, AK 99801-7013
(907) 723-8555

From: [Site Administrator](#) on behalf of [Rory Spurlock](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Monday, June 08, 2015 6:31:27 PM

Jun 8, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

While local government can limit certain types of businesses within their jurisdiction, they cannot limit individuals who are complying with Measure 2. One of these activities is "transporting" marijuana. A resident in one part of the state should clearly have the ability to travel to another part of the state to make a purchase particularly if he or she cannot purchase it locally. That is exactly the type of activity the voter initiative set out to allow.

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Yet one of the proposed rules, 3 AAC 306.240, is written so that jurisdictions that opt out of retail stores would also ban individuals from bringing marijuana back home from other parts of the state or prevent shipments from reaching their destinations in other parts of Alaska. It really doesn't make sense, and I hope you will correct this provision before it is adopted.

Thank you for your service.

Sincerely,

Mr. Rory Spurlock
1501 Columbine St
Anchorage, AK 99508-3049
(907) 223-9101

From: [Site Administrator](#) on behalf of [Kathleen Dunning](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Monday, June 08, 2015 4:01:18 PM

Jun 8, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

While local government can limit certain types of businesses within their jurisdiction, they cannot limit individuals who are complying with Measure 2. One of these activities is "transporting" marijuana. A resident in one part of the state should clearly have the ability to travel to another part of the state to make a purchase particularly if he or she cannot purchase it locally. That is exactly the type of activity the voter initiative set out to allow.

Also, I don't think it's fair that a local government could prohibit businesses from transporting marijuana through their jurisdiction on their way to another part of the state. Local communities should not be able to hurt businesses or the customers they serve elsewhere.

Yet one of the proposed rules, 3 AAC 306.240, is written so that jurisdictions that opt out of retail stores would also ban individuals from bringing marijuana back home from other parts of the state or prevent shipments from reaching their destinations in other parts of Alaska.

It really doesn't make sense, and I hope you will correct this provision before it is adopted.

Thank you for your service.

My view: -Now really, if a product is legal in our state, but you can't have it where you are, then it's Not legal? -Now that's truly confusing; we voted to be able to use it, use it one must acquire it. The businesses must be able to acquire it if I can't grow it, and I should have some access to a safe place to consume a product in a manner that's works for me(mostly money and scheduling time). Hmm, sounds like free enterprise waiting for rules to let them into the gates of consumers who aren't resoundingly restricted by work/life drug testing.- You can have your can of beer or glass of wine or medical prescription, but some are waiting for just a toke or even a nibble to finally relax.-

Sincerely,

Ms. Kathleen Dunning

3705 Arctic Blvd # 2687
Anchorage, AK 99503-5774

From: [Site Administrator](#) on behalf of [Robert Davis](#)
To: [Calder, John P. \(CED\)](#)
Subject: Personal freedom is the cornerstone of Measure 2
Date: Monday, June 08, 2015 2:31:30 PM

Jun 8, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

Adults can purchase and possess marijuana in amounts allowed by the voter initiative -- that is really the heart of Measure 2. While a local government may be able to limit a business's ability to sell marijuana within its borders, it cannot prevent individuals from exercising their right under the law and shouldn't be able to prevent shipments between other communities.

I was initially surprised to find out that the Alcoholic Beverage Control Board is proposing a rule that would outlaw individuals from obtaining marijuana in one part of the state from bringing it back home, if their local government bans retail shops within its own local community. I don't understand how that adds up. If I cannot legally buy in town, then going to another place is only common sense. This rule is simply not how Measure 2's protections work.

The proposed rule would even allow local governments to outlaw shipments that aren't even available for sale in that community, but just on their way somewhere else. To me, that goes too far and gives local governments the ability to hurt commerce statewide.

Please fix this. I can understand some places may not want a retail business to operate if that is what the voters choose but keeping people from bringing home marijuana for personal use, or blocking lawful business activity in other parts of the state, is not what this law is about.

Sincerely,

Mr. Robert Davis
2521 E Mountain Village Dr
Wasilla, AK 99654-7373
(907) 252-6545

From: [Site Administrator](#) on behalf of [Kate Martini](#)
To: [Calder, John P. \(CED\)](#)
Subject: Personal freedom is the cornerstone of Measure 2
Date: Monday, June 08, 2015 2:01:05 PM

Jun 8, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

Adults can purchase and possess marijuana in amounts allowed by the voter initiative -- that is really the heart of Measure 2. While a local government may be able to limit a business's ability to sell marijuana within its borders, it cannot prevent individuals from exercising their right under the law and shouldn't be able to prevent shipments between other communities.

I was initially surprised to find out that the Alcoholic Beverage Control Board is proposing a rule that would outlaw individuals from obtaining marijuana in one part of the state from bringing it back home, if their local government bans retail shops within its own local community. I don't understand how that adds up. If I cannot legally buy in town, then going to another place is only common sense. This rule is simply not how Measure 2's protections work.

The proposed rule would even allow local governments to outlaw shipments that aren't even available for sale in that community, but just on their way somewhere else. To me, that goes too far and gives local governments the ability to hurt commerce statewide.

Please fix this. I can understand some places may not want a retail business to operate if that is what the voters choose but keeping people from bringing home marijuana for personal use, or blocking lawful business activity in other parts of the state, is not what this law is about.

Sincerely,

Ms. Kate Martini
522 Deermount St
Ketchikan, AK 99901-6610

From: [Site Administrator](#) on behalf of [Kate Martini](#)
To: [Calder, John P. \(CED\)](#)
Subject: Personal freedom is the cornerstone of Measure 2
Date: Monday, June 08, 2015 2:01:04 PM

Jun 8, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

Adults can purchase and possess marijuana in amounts allowed by the voter initiative -- that is really the heart of Measure 2. While a local government may be able to limit a business's ability to sell marijuana within its borders, it cannot prevent individuals from exercising their right under the law and shouldn't be able to prevent shipments between other communities.

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Sincerely,

Ms. Kate Martini
522 Deermount St
Ketchikan, AK 99901-6610

From: [Site Administrator](#) on behalf of [Kim edwards](#)
To: [Calder, John P. \(CED\)](#)
Subject: Personal freedom is the cornerstone of Measure 2
Date: Monday, June 08, 2015 2:01:04 PM

Jun 8, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

Adults can purchase and possess marijuana in amounts allowed by the voter initiative -- that is really the heart of Measure 2. While a local government may be able to limit a business's ability to sell marijuana within its borders, it cannot prevent individuals from exercising their right under the law and shouldn't be able to prevent shipments between other communities.

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Sincerely,

Mrs. Kim edwards
1432 Laurene St
Fairbanks, AK 99701-6050

From: [Site Administrator](#) on behalf of [Peggy Svrcek](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Monday, June 08, 2015 1:31:09 PM

Jun 8, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

While local government can limit certain types of businesses within their jurisdiction, they cannot limit individuals who are complying with Measure 2. One of these activities is "transporting" marijuana. A resident in one part of the state should clearly have the ability to travel to another part of the state to make a purchase particularly if he or she cannot purchase it locally. That is exactly the type of activity the voter initiative set out to allow.

Also, I don't think it's fair that a local government could prohibit businesses from transporting marijuana through their jurisdiction on their way to another part of the state. Local communities should not be able to hurt businesses or the customers they serve elsewhere.

Yet one of the proposed rules, 3 AAC 306.240, is written so that jurisdictions that opt out of retail stores would also ban individuals from bringing marijuana back home from other parts of the state or prevent shipments from reaching their destinations in other parts of Alaska. It really doesn't make sense, and I hope you will correct this provision before it is adopted.

Thank you for your service.

Sincerely,

Ms. Peggy Svrcek
PO Box 854
Kasilof, AK 99610-0854

From: [Site Administrator](#) on behalf of [Brian Rogers](#)
To: [Calder, John P. \(CED\)](#)
Subject: Personal freedom is the cornerstone of Measure 2
Date: Monday, June 08, 2015 1:31:04 PM

Jun 8, 2015

Alaska marijuana regulatory control board
AK

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Sincerely,

Mr. Brian Rogers
PO Box 890
Kasilof, AK 99610-0890

From: [Site Administrator](#) on behalf of [George Bennett](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Monday, June 08, 2015 1:30:50 PM

Jun 8, 2015

Alaska marijuana regulatory control board
AK

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Thank you for your service.

Sincerely,

Mr. George Bennett
602 Keeling Rd
North Pole, AK 99705-5033

From: [Site Administrator](#) on behalf of [jay.rusie](#)
To: [Calder, John P. \(CED\)](#)
Subject: Personal freedom is the cornerstone of Measure 2
Date: Monday, June 08, 2015 1:30:50 PM

Jun 8, 2015

Alaska marijuana regulatory control board
AK

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Sincerely,

Mr. jay rusie
48915 Jean St
Kenai, AK 99611-9359
(907) 776-5511

From: [Site Administrator](#) on behalf of [Darren Lynn](#)
To: [Calder, John P. \(CED\)](#)
Subject: Transporting is an important right for residents
Date: Monday, June 08, 2015 1:00:49 PM

Jun 8, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

People who want to consume marijuana need to be able to get it from somewhere legal. I understand that some communities may decide to ban businesses, but the proposed rule you have would also make it illegal for a person to get it from another town where sales are legal and bring it back home. I don't think that is fair, and I hope you will change this rule.

Plus, it would even be illegal to ship marijuana through a local community if it doesn't want retail sales. That really goes beyond what we voted for.

Measure 2 is about saving law enforcement time so they can go work on more important things. I see no reason to create a system that makes people criminals just for transporting marijuana from one part of the state to another, whether it's for themselves or it's just part of their job. I think that goes too far.

These rules need to work within the rights in Measure 2, not find a way to limit them. Please change this rule before it becomes permanent. Any provision that creates a loophole for the resurgence of a black market is both foolish and unacceptable.

Sincerely,

Mr. Darren Lynn
401 Rapids Camp rd
KING SALMON, AK 99613
(907) 246-1502

From: [Site Administrator](#) on behalf of [Brandy Billing](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it-fine line
Date: Monday, June 08, 2015 1:00:48 PM

Jun 8, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

While local government can limit certain types of businesses within their jurisdiction, they cannot limit individuals who are complying with Measure 2. One of these activities is "transporting" marijuana. A resident in one part of the state should clearly have the ability to travel to another part of the state to make a purchase particularly if he or she cannot purchase it locally. That is exactly the type of activity the voter initiative set out to allow.

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Yet one of the proposed rules, 3 AAC 306.240, is written so that jurisdictions that opt out of retail stores would also ban individuals from bringing marijuana back home from other parts of the state or prevent shipments from reaching their destinations in other parts of Alaska. It really doesn't make sense, and I hope you will correct this provision before it is adopted.

It seems like a trap to me. People in every town/every village deserve the right to this incredible medicine.

Thank you for your service.

Brandy Billing

Sincerely,

Mrs. Brandy Billing
PO Box 521614
Big Lake, AK 99652-1614
(907) 315-1257

From: [Site Administrator](#) on behalf of [Joshua McHoes](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Monday, June 08, 2015 1:00:48 PM

Jun 8, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

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Thank you for your service.

Sincerely,

Mr. Joshua McHoes
3600 W Riverdell Dr
Wasilla, AK 99654-8759
(907) 414-6950

From: [Site Administrator](#) on behalf of [Kathy Stone](#)
To: [Calder, John P. \(CED\)](#)
Subject: Transporting is an important right for residents
Date: Monday, June 08, 2015 1:00:47 PM

Jun 8, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

People who want to consume marijuana need to be able to get it from somewhere legal. I understand that some communities may decide to ban businesses, but the proposed rule you have would also make it illegal for a person to get it from another town where sales are legal and bring it back home. I don't think that is fair, and I hope you will change this rule.

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Measure 2 is about saving law enforcement time so they can go work on more important things. I see no reason to create a system that makes people criminals just for transporting marijuana from one part of the state to another, whether it's for themselves or it's just part of their job. I think that goes too far.

These rules need to work within the rights in Measure 2, not find a way to limit them. Please change this rule before it becomes permanent.

Sincerely,

Mrs. Kathy Stone
PO Box 58556
Fairbanks, AK 99711-0556

From: [Site Administrator](#) on behalf of [michael garner](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Monday, June 08, 2015 12:31:01 PM

Jun 8, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

While local government can limit certain types of businesses within their jurisdiction, they cannot limit individuals who are complying with Measure 2. One of these activities is "transporting" marijuana. A resident in one part of the state should clearly have the ability to travel to another part of the state to make a purchase particularly if he or she cannot purchase it locally. That is exactly the type of activity the voter initiative set out to allow.

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Thank you for your service. elsewhere.

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Thank you for your service.

Sincerely,

Mr. michael garner
2538 E. Coles Road
Wasilla, AK 99654

From: [Site Administrator](#) on behalf of [Delphine Smith](#)
To: [Calder, John P. \(CED\)](#)
Subject: Transporting is an important right for residents
Date: Monday, June 08, 2015 12:31:01 PM

Jun 8, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

People who want to consume marijuana need to be able to get it from somewhere legal. I understand that some communities may decide to ban businesses, but the proposed rule you have would also make it illegal for a person to get it from another town where sales are legal and bring it back home. I don't think that is fair, and I hope you will change this rule.

Plus, it would even be illegal to ship marijuana through a local community if it doesn't want retail sales. That really goes beyond what we voted for.

Measure 2 is about saving law enforcement time so they can go work on more important things. I see no reason to create a system that makes people criminals just for transporting marijuana from one part of the state to another, whether it's for themselves or it's just part of their job. I think that goes too far.

These rules need to work within the rights in Measure 2, not find a way to limit them. Please change this rule before it becomes permanent.

Sincerely,

Ms. Delphine Smith
2001 E Porcupine Trl
Wasilla, AK 99654-3658

From: [Site Administrator](#) on behalf of [michael garner](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Monday, June 08, 2015 12:30:44 PM

Jun 8, 2015

Alaska marijuana regulatory control board
AK

Dear marijuana regulatory control board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

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Yet one of the proposed rules, 3 AAC 306.240, is written so that jurisdictions that opt out of retail stores would also ban individuals from bringing marijuana back home from other parts of the state or prevent shipments from reaching their destinations in other parts of Alaska. It really doesn't make sense, and I hope you will correct this provision before it is adopted. To allow this could be detrimental to people that need to purchase Medical Marijuana. They should be able to purchase and bring home the medicine that they need. Quit trying to gut the bill, and follow the language of the initiative.

Thank you for your service.

Sincerely,

Mr. michael garner
PO Box 873305
Wasilla, AK 99687-3305

From: [Site Administrator](#) on behalf of [Gordon Williams](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Monday, June 08, 2015 12:00:38 PM

Jun 8, 2015

Alaska Alcoholic Beverage Control Board
AK

Dear Alcoholic Beverage Control Board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

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Thank you for your service.

Sincerely,

Dr. Gordon Williams
4335 Birch Ln
Fairbanks, AK 99709-3444
(907) 347-4020

From: [Site Administrator](#) on behalf of [Andrew Brough](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Monday, June 08, 2015 12:00:36 PM

Jun 8, 2015

Alaska Alcoholic Beverage Control Board
AK

Dear Alcoholic Beverage Control Board,

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Thank you for your service.

Sincerely,

Mr. Andrew Brough
P.o. Box 8131
Seward, AK 99664

From: [Site Administrator](#) on behalf of [Colten Thiel](#)
To: [Calder, John P. \(CED\)](#)
Subject: Personal freedom is the cornerstone of Measure 2
Date: Monday, June 08, 2015 11:30:29 AM

Jun 8, 2015

Alaska Alcoholic Beverage Control Board
AK

Dear Alcoholic Beverage Control Board,

Adults can purchase and possess marijuana in amounts allowed by the voter initiative -- that is really the heart of Measure 2. While a local government may be able to limit a business's ability to sell marijuana within its borders, it cannot prevent individuals from exercising their right under the law and shouldn't be able to prevent shipments between other communities.

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The proposed rule would even allow local governments to outlaw shipments that aren't even available for sale in that community, but just on their way somewhere else. To me, that goes too far and gives local governments the ability to hurt commerce statewide.

Please fix this. I can understand some places may not want a retail business to operate if that is what the voters choose but keeping people from bringing home marijuana for personal use, or blocking lawful business activity in other parts of the state, is not what this law is about.

Sincerely,

Mr. Colten Thiel
1515 3rd Ave
Fairbanks, AK 99701-4245

From: [Site Administrator](#) on behalf of [sue smith jurco](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Monday, June 08, 2015 11:00:39 AM

Jun 8, 2015

Alaska Alcoholic Beverage Control Board
AK

Dear Alcoholic Beverage Control Board,

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Thank you for your service.

Sincerely,

Mrs. sue smith jurco
PO Box 7194
Nikiski, AK 99635-7194
(907) 776-3403

From: [Site Administrator](#) on behalf of [Simon Smith](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Monday, June 08, 2015 10:30:35 AM

Jun 8, 2015

Alaska Alcoholic Beverage Control Board
AK

Dear Alcoholic Beverage Control Board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

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Thank you for your service.

Sincerely,

Mr. Simon Smith
211 Princess Dr
Fairbanks, AK 99701-2874

From: [Site Administrator](#) on behalf of [susan m whitefeather](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Monday, June 08, 2015 10:30:34 AM

Jun 8, 2015

Alaska Alcoholic Beverage Control Board
AK

Dear Alcoholic Beverage Control Board,

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Thank you for your service.

Sincerely,

Dr. susan m whitefeather
PO Box 3428
Palmer, AK 99645-3428

From: [Site Administrator](#) on behalf of [Hugh Brown](#)
To: [Calder, John P. \(CED\)](#)
Subject: Transporting is an important right for residents
Date: Monday, June 08, 2015 10:30:31 AM

Jun 8, 2015

Alaska Alcoholic Beverage Control Board
AK

Dear Alcoholic Beverage Control Board,

People who want to consume marijuana need to be able to get it from somewhere legal. I understand that some communities may decide to ban businesses, but the proposed rule you have would also make it illegal for a person to get it from another town where sales are legal and bring it back home. I don't think that is fair, and I hope you will change this rule.

Plus, it would even be illegal to ship marijuana through a local community if it doesn't want retail sales. That really goes beyond what we voted for.

Measure 2 is about saving law enforcement time so they can go work on more important things. I see no reason to create a system that makes people criminals just for transporting marijuana from one part of the state to another, whether it's for themselves or it's just part of their job. I think that goes too far.

These rules need to work within the rights in Measure 2, not find a way to limit them. Please change this rule before it becomes permanent.

Sincerely,

Mr. Hugh Brown
1250 E 8th Ave
Apt 1045
Anchorage, AK 99501-3937
(907) 884-9968

From: [Site Administrator](#) on behalf of [Donovan Anderson](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Monday, June 08, 2015 10:30:29 AM

Jun 8, 2015

Alaska Alcoholic Beverage Control Board
AK

Dear Alcoholic Beverage Control Board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

While local government can limit certain types of businesses within their jurisdiction, they cannot limit individuals who are complying with Measure 2. One of these activities is "transporting" marijuana. A resident in one part of the state should clearly have the ability to travel to another part of the state to make a purchase particularly if he or she cannot purchase it locally. That is exactly the type of activity the voter initiative set out to allow.

Also, I don't think it's fair that a local government could prohibit businesses from transporting marijuana through their jurisdiction on their way to another part of the state. Local communities should not be able to hurt businesses or the customers they serve elsewhere.

Yet one of the proposed rules, 3 AAC 306.240, is written so that jurisdictions that opt out of retail stores would also ban individuals from bringing marijuana back home from other parts of the state or prevent shipments from reaching their destinations in other parts of Alaska. It really doesn't make sense, and I hope you will correct this provision before it is adopted.

Thank you for your service.

Sincerely,

Mr. Donovan Anderson
PO Box 3254
Bethel, AK 99559-3254
(907) 652-2424

From: [Site Administrator](#) on behalf of [Seth McKay](#)
To: [Calder, John P. \(CED\)](#)
Subject: Transportation of marijuana
Date: Monday, June 08, 2015 10:30:24 AM

Jun 8, 2015

Alaska Alcoholic Beverage Control Board
AK

Dear Alcoholic Beverage Control Board,

I am a bit worried that the clause for the transportation of marijuana through a village or town opting out could have very bad consequences. I agree that a village or town has the right to deem it illegal for sale, cultivation, and consumption. I also believe that the way in which it is worded could be extremely problematic for cultivation in other parts of the state. Say for instance someone is growing in Delta Junction, and they want to legally sell to a dispensary in Fairbanks, but North Pole or Salcha has made transport illegal. They would then have to drive all the way to the Glenn Highway, then across to Palmer, then up the Parks Hwy to Fairbanks. Given the extremely limited routing of Alaskan road systems, I believe that the transport clause is complete absurd. I also fail to see how the simple transportation of a substance through a municipality poses any threat whatsoever. Given the fact that it will still remain illegal to transport via Air Carrier per federal law, it is severely limiting the possibility for the initiative to meet the rights given by Measure 2.

Measure 2 is about saving law enforcement time so they can go work on more important things. I see no reason to create a system that makes people criminals just for transporting marijuana from one part of the state to another, whether it's for themselves or it's just part of their job. I think that goes too far.

These rules need to work within the rights in Measure 2, not find a way to limit them. Please change this rule before it becomes permanent.

Sincerely,

Mr. Seth McKay
2616 Lancelot Dr W
North Pole, AK 99705-6556
(702) 769-9136

From: [Site Administrator](#) on behalf of [Michelle Myers](#)
To: [Calder, John P. \(CED\)](#)
Subject: Personal freedom is the cornerstone of Measure 2
Date: Monday, June 08, 2015 10:00:20 AM

Jun 8, 2015

Alaska Alcoholic Beverage Control Board
AK

Dear Alcoholic Beverage Control Board,

Adults can purchase and possess marijuana in amounts allowed by the voter initiative -- that is really the heart of Measure 2. While a local government may be able to limit a business's ability to sell marijuana within its borders, it cannot prevent individuals from exercising their right under the law and shouldn't be able to prevent shipments between other communities.

I was initially surprised to find out that the Alcoholic Beverage Control Board is proposing a rule that would outlaw individuals from obtaining marijuana in one part of the state from bringing it back home, if their local government bans retail shops within its own local community. I don't understand how that adds up. If I cannot legally buy in town, then going to another place is only common sense. This rule is simply not how Measure 2's protections work.

The proposed rule would even allow local governments to outlaw shipments that aren't even available for sale in that community, but just on their way somewhere else. To me, that goes too far and gives local governments the ability to hurt commerce statewide.

Please fix this. I can understand some places may not want a retail business to operate if that is what the voters choose but keeping people from bringing home marijuana for personal use, or blocking lawful business activity in other parts of the state, is not what this law is about.

Sincerely,

Mr. Michelle Myers
PO Box 671818
Chugiak, AK 99567-1818

From: [Site Administrator](#) on behalf of [Glenda Korn](#)
To: [Calder, John P. \(CED\)](#)
Subject: Please work within Measure 2, not against it
Date: Monday, June 08, 2015 10:00:20 AM

Jun 8, 2015

Alaska Alcoholic Beverage Control Board
AK

Dear Alcoholic Beverage Control Board,

I am happy to see that rulemaking under Measure 2 is underway, and thank you for helping move the process along. But one proposed rule included in the first set of draft regulations should be amended.

While local government can limit certain types of businesses within their jurisdiction, they cannot limit individuals who are complying with Measure 2. One of these activities is "transporting" marijuana. A resident in one part of the state should clearly have the ability to travel to another part of the state to make a purchase particularly if he or she cannot purchase it locally. That is exactly the type of activity the voter initiative set out to allow.

Also, I don't think it's fair that a local government could prohibit businesses from transporting marijuana through their jurisdiction on their way to another part of the state. Local communities should not be able to hurt businesses or the customers they serve elsewhere.

Yet one of the proposed rules, 3 AAC 306.240, is written so that jurisdictions that opt out of retail stores would also ban individuals from bringing marijuana back home from other parts of the state or prevent shipments from reaching their destinations in other parts of Alaska. It really doesn't make sense, and I hope you will correct this provision before it is adopted.

Thank you for your service.

Sincerely,

Ms. Glenda Korn
41190 McLay Rd
Homer, AK 99603-9488
(907) 299-0049

From: [Jason Howard](#)
To: [Calder, John P. \(CED\)](#)
Subject: Testimony
Date: Saturday, June 06, 2015 9:01:20 AM
Attachments: [va.pdf](#)

Mr Calder,

I am a disabled veteran who has written the VA many times on cannabis issues as well as their prescribing against guidelines, misleading suicide statistics and [over prescribing](#). I am currently on vacation right now so I can't do a new testimony at this time, but I would like to submit my most recent letter to the VA has my testimony so that it may benefit other veterans and people in the future.

My letter is attached.

- Jason Howard

Sharon Gilles
Designated Federal Officer
MyVA Program Management Office
Department of Veterans Affairs
810 Vermont Avenue NW., Room 430,
Washington, DC 20420
Sharon.Gilles@VA.gov

Dear Ms. Gilles,

April 20, 2015

In my previous correspondence with the VA¹, I explained how the medications I was prescribed made me feel horrible when under stress, especially when I attempted to attend college. In those letters, I explained a great deal of information on The Endocannabinoid System (ECS) and how cannabis as a medication has helped me manage my medical conditions better, without the side effects I was experiencing on the prescriptions. Since emailing the VA last, more research has come to light by the VA, Universities and laboratories from around the world, and a number of different government agencies that show the importance of ECS in human health and disease, yet this system in the body is being ignored for far more harmful combination and potentially deadly mixture of pain medications, antidepressants and anti-anxiety medications that are being prescribed against VA guidelines.

In a study by the Veterans Affairs and University of Iowa, they analyzed 356,958 veterans with PTSD, and the findings indicated that veterans with PTSD were frequently prescribed medications not supported by existing guidelines (SSRI/SNRIs, Benzodiazepines, antipsychotics)².

In another study published 7 months later they found:

*“Concurrently prescribing SSRIs/SNRIs, benzodiazepines, and opioids among patients with PTSD is associated with adverse events. Although efforts are warranted to monitor patients who are prescribed combinations of these medications to prevent adverse events, these results should be interpreted with caution until they are replicated”.*³

Does the VA usually wait for more “adverse events” before stopping something which was previously found to be against guidelines? The VA is also aware that patients who receive “opioid therapy”, as the VA calls it, are at an elevated risk of attempting suicide.⁴ With such a high suicide rate among the veteran population, and with the complete veteran suicide numbers still yet to be fully calculated⁵ ⁶, we need to look at every possibility at preventing

¹ researchecs.com/va.zip

² <http://www.ncbi.nlm.nih.gov/pubmed/23474508>

³ <http://www.ncbi.nlm.nih.gov/pubmed/24091764>

⁴ <http://www.ncbi.nlm.nih.gov/pubmed/25693651>

⁵ www.washingtonpost.com/blogs/fact-checker/wp/2015/02/04/the-missing-context-behind-a-widely-cited-statistic-that-there-are-22-veteran-suicides-a-day/

⁶ <http://researchecs.com/vets2.pdf>

veteran suicides and overdoses. VA Primary Care reports instances of chronic pain in greater than 50% of male veterans and the prevalence of chronic pain may be higher among women veterans. Pain is the most frequently reported symptom in the community and primary care setting⁷.

I read on the VA website that they are offering another option for extreme pain, other than pills, such as botox injections⁸. Botox is a neurotoxin⁹. It is the most toxic protein¹⁰ known to man and around 0.00007mg is all that is needed to kill a 154lb man¹¹. It has also been found to travel to the nervous system¹². This is not a safe option for anyone, let alone long term pain. The VA needs to provide safe options^{13 14 15 16 17 18 19 20} that are non-toxic and safe at high doses²¹. Cannabis among other natural plant based “illegal treatments” have shown great progress in research over that last 50 years and could be something that could be taken by those who are sensitive to the current medications on the market and do not want to risk legal trouble trying to alleviate medical problems with alternative medicines. While some may find smoking or vaporizing against the social-norm, some of us who have medical conditions which make it difficult to swallow due to nausea during times when migraines or stomach problems are at their peak. Having other available options is key to improving quality of life in veterans.

Dr. David. Allen, a retired heart surgeon and cannabinoid scientist did a survey of 157 accredited American medical schools across all 50 states. Not one of the 157 medical schools surveyed had a department of endocannabinoid science or an endocannabinoid system director. None of them taught it as an organized course. Only 21 out of 157 schools surveyed had The Endocannabinoid System mentioned in any course.²² The National Institute of Drug Abuse stated in a drug facts pamphlet that the body produces its own cannabinoid chemicals [lipids] that play a role in regulating pleasure, memory, thinking, concentration, body movement, awareness of time, appetite, pain, and the senses (taste, touch, smell, hearing, and sight)²³. The National Institute on Alcohol Abuse and Alcoholism said in a study published in 2006 entitled “The Endocannabinoid System as an Emerging Target of Pharmacotherapy”:

⁷ http://www.va.gov/painmanagement/docs/cpg_opioidtherapy_summary.pdf

⁸ http://www.houston.va.gov/pressreleases/News_20100322.asp

⁹ <http://www.sciencedaily.com/releases/2004/12/041220013800.htm>

¹⁰ <http://onlinelibrary.wiley.com/doi/10.1111/j.1471-4159.2006.03965.x/abstract>

¹¹ <http://www.bbc.com/news/magazine-24551945>

¹² <http://www.sciencedaily.com/releases/2015/04/150416094051.htm>

¹³ <http://www.ncbi.nlm.nih.gov/pubmed/25752889>

¹⁴ <http://www.ncbi.nlm.nih.gov/pubmed/25270679>

¹⁵ <http://www.digitaljournal.com/article/353812>

¹⁶ <http://www.ncbi.nlm.nih.gov/pubmed/23727882>

¹⁷ <http://www.ncbi.nlm.nih.gov/pubmed/17196053>

¹⁸ <http://www.motherjones.com/kevin-drum/2011/06/magic-mushrooms-safe-still-illegal>

¹⁹ http://www.maps.org/news-letters/v22n3/v22n3_29-31.pdf

²⁰ <http://reset.me/story/ayahuasca-promising-treatment-post-traumatic-stress-disorder/>

²¹ oregon.gov/pharmacy/Imports/Marijuana/Public/SRay/CourtDocket86-22.pdf DEA Finding of Facts Pg 56-60

²² cannabisdigest.ca/survey-endocannabinoid-system-medical-schools/

²³ <http://researchchcs.com/df.pdf>

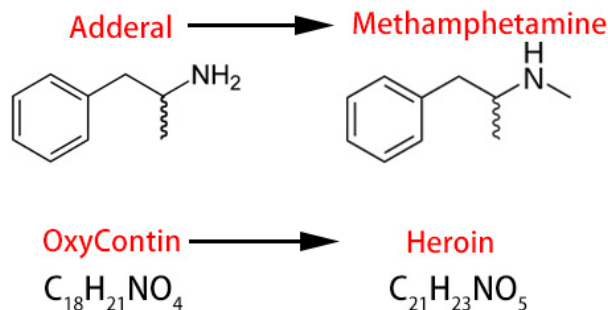
"In the past decade, the endocannabinoid system has been implicated in a growing number of physiological functions, both in the central and peripheral nervous systems and in peripheral organs. More importantly, modulating the activity of the endocannabinoid system turned out to hold therapeutic promise in a wide range of disparate diseases and pathological conditions, ranging from mood and anxiety disorders, movement disorders such as Parkinson's and Huntington's disease, neuropathic pain, multiple sclerosis and spinal cord injury, to cancer, atherosclerosis, myocardial infarction, stroke, hypertension, glaucoma, obesity/metabolic syndrome, and osteoporosis, to name just a few."²⁴ ...

Why is this system that seems extremely important in regulating so many different processes not being taught in medical school? Endocannabinoids play an important role in maintaining homeostasis down to a cellular^{25 26} and DNA level²⁷, so based on the research²⁸, this appears to be a crucial part of the healing process in the body, and if ECS is dysregulated or deficient, this could cause the widespread problems^{29 30} seen in veteran today.

I have been given a number of reasons by the VA why they will not look into cannabis and The Endocannabinoid System for treating PTSD, and pain. The reasons the VA has given me are in red and my responses are below each:

Mental illness and being under stress and being intoxicated is a very unhelpful situation

The prescription medications prescribed by the VA Doctors were far more intoxicating than cannabis. The intoxication from these pills can be explained by a simple compound comparison of other well known intoxicating illegal drugs. The withdrawal was also a very big issue for me which I explained in my first letter. On the following example I only compare 2 medications, however lorazepam, tramadol, vicodin and a number other anxiety medications and painkillers prescribed by the VA are well known to make the patient high.



²⁴ <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2241751/pdf/nihms38123.pdf>

²⁵ <http://www.ncbi.nlm.nih.gov/pubmed/22111567>

²⁶ <http://www.ncbi.nlm.nih.gov/pubmed/10869379>

²⁷ [Dr. Michelle Ross \(Nueroscientist\) \(http://goo.gl/UgS8yW\)](http://goo.gl/UgS8yW)

²⁸ researchECS.com (Google Drive Link, Videos, & Links)

²⁹ Clinical Endocannabinoid Deficiency (CECD) - researchECS.com/CECD3.pdf

³⁰ <http://europepmc.org/abstract/MED/15159679/>

Yale University School of Medicine, demonstrated in clinical and preclinical studies that stress and depression can cause atrophy and cell loss in the limbic structure of the brain critically involved in depression.³¹ This was also shown to occur in the hippocampus. Depression left untreated has shown a reduction in hippocampal volume in a number of studies.^{32 33 34 35 36 37} A National Institute of Alcohol Abuse and Alcoholism (NIAAA) research paper highlights a long standing literature linking endocannabinoids to stress, fear, and anxiety. The preclinical findings propose restoring the levels of endocannabinoid anandamide for mediating protection and recovery from stress.³⁸ The U.S Department of Health also owns US patent #6630507 which is entitled “Cannabinoids as antioxidants and neuroprotectants.”³⁹

Anatomical, physiological and pharmacological studies have shown that the endocannabinoid system is widely distributed throughout the gut and is responsible for many actions including cell repair and maintaining gut homeostasis.⁴⁰ Our cells have an endocannabinoid system in order to produce and metabolize their own cannabinoids in order to control homeostasis of the gut in a rapidly adapting manner⁴¹. The San Francisco VA Medical Center found that the prevalence of Gastrointestinal disorders (GID) in newly returning veterans was nearly 20% [diagnosed?⁴²] and veterans with a mental health disorder were at least twice as likely to have a GID as those without mental health disorders.⁴³ The VA’s research talks about low endocannabinoids^{44 45 46} as well as altered lipid metabolism in brain injury and disorders⁴⁷. Having a problem with lipid metabolism could also be related to the low endocannabinoids. This could be why “stomach stress” does not mediate as it normally would for up to a month or more depending on the level of stress encountered. This could explain why veterans experience aggressive behavior under stress⁴⁸, because stress and depression in the brain and stomach are not being mediated efficiently like they normally would be with endocannabinoids^{49 50}. Research is showing that repeated stress can break

³¹ <http://www.ncbi.nlm.nih.gov/pubmed/15271581>

³² <http://www.ncbi.nlm.nih.gov/pubmed/25465168>

³³ <http://www.ncbi.nlm.nih.gov/pubmed/12900317>

³⁴ <http://www.ncbi.nlm.nih.gov/pubmed/15514393>

³⁵ <http://www.ncbi.nlm.nih.gov/pubmed/25864963>

³⁶ <http://www.ncbi.nlm.nih.gov/pubmed/25748318>

³⁷ <http://www.ncbi.nlm.nih.gov/pubmed/19775499>

³⁸ <http://www.ncbi.nlm.nih.gov/pubmed/24325918>

³⁹ <http://www.google.com/patents/US6630507>

⁴⁰ <http://www.ncbi.nlm.nih.gov/pubmed/20117132>

⁴¹ <http://www.ncbi.nlm.nih.gov/pubmed/22111567>

⁴² % could be much higher for those who have gone undiagnosed, other VA studies show it is closer to 40% with female veterans

⁴³ <http://www.ncbi.nlm.nih.gov/pubmed/23494973>

⁴⁴ <http://www.ncbi.nlm.nih.gov/pubmed/25456347>

⁴⁵ <http://www.ncbi.nlm.nih.gov/pubmed/25023884>

⁴⁶ <http://www.ncbi.nlm.nih.gov/pubmed/24820537>

⁴⁷ <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2293298/>

⁴⁸ <http://www.ncbi.nlm.nih.gov/pubmed/25468005>

⁴⁹ <http://www.ncbi.nlm.nih.gov/pubmed/24325918>

Endocannabinoid Signaling thus leading to many different possible outcomes, which could be considered Clinical Endocannabinoid Deficiency (CECD). There could be related conditions/dysfunctions that could be connected to CECD in one form or another. I have started a short list of other possibilities so the VA researchers & Doctors can consider in their future research. The current list can be found here: <http://goo.gl/89tRsF>

The current Federal regulation of cannabis as a schedule I drug blocks any potential for use

More than 55% of post-9/11 veterans have been diagnosed with some type of mental health disorder. The Veterans Affairs National Center for PTSD said in a study⁵¹:

*“Recently, an **accumulating body of evidence** has implicated the endocannabinoid system in the etiology of PTSD, and targets within this system are believed to be suitable for treatment development.”...“There is convincing evidence from multiple studies for reduced endocannabinoid availability in PTSD.”...“evidence showing reduced levels of the endocannabinoid anandamide”...*

Since VA research is saying there is an accumulating body of evidence is linking The Endocannabinoids system to the etiology of PTSD and that evidence is showing reduced levels of the endocannabinoid anandamide, the VA should then request a change in Federal regulation so that The Endocannabinoid System and cannabis plant can be made available to treat veterans or at the very least extensively researched without delay. Because with the wrong medication or combinations of medications, it seems like we will continue to see the same results. THC has been shown to increase circulating endocannabinoids in the body for 2 to 3 hours depending on the method of which it is consumed⁵². Safety of cannabis has well been established by the DEA in the 1988 rescheduling petition finding of facts page 56-60. In that section they stated “Nearly all medicines have toxic, potentially lethal effects. But marijuana is not such a substance. There is no record in the extensive medical literature describing a proven, documented cannabis-induced fatality. “.... “In practical terms, marijuana cannot induce a lethal response as a result of drug-related toxicity”“Marijuana, in its natural form, is one of the safest therapeutically active substances known to man. By any measure of rational analysis marijuana can be safely used within a supervised routine of medical care.”⁵³

Lack of motivation, clouding of concentration and memory, anxiety, dysphoria, poor judgment and impulsive behavior.

This was a problem with the pills and not cannabis, because I was constantly having to regulate the amount of pills due to the side effects causing all the above problems including very bad constipation and a number of other different side effects such as horrible withdraws

⁵⁰ <http://www.ncbi.nlm.nih.gov/pubmed/22111567>

⁵¹ <http://www.ncbi.nlm.nih.gov/pubmed/25456347>

⁵² <http://www.ncbi.nlm.nih.gov/pubmed/23899642>

⁵³ <http://www.oregon.gov/pharmacy/Imports/Marijuana/Public/SRay/CourtDocket86-22.pdf>

DEA findings of facts page 56-60

for many days thus requiring me to continue to stay on the painkillers in order to avoid the withdraw. The high from Oxycontin was also a problem for me, because many times it was uncomfortable and made me sick to my stomach on top of the other stomach problems such as Opioid-induced bowel dysfunction (OBID) which is a common problem among opioid based painkillers⁵⁴. Many side effects are listed on the handouts by the VA with each prescription. I am not sure why the VA is concerned for me regarding the side effects of cannabis, but not the extremely dangerous side effects of the prescribed drugs which have very similar properties to “illicit” drugs. The oxycontin warning label warns about fatal respiratory depression twice, as well as warns of taking larger than 40mg dose could cause fatal respiratory depression. However this is not possible with cannabis, because cannabinoid receptors are in sparse densities⁵⁵ in the lower brainstem so high doses of THC wouldn't affect respiratory function like all other prescribed medications.

The VA should also take into consideration its own research⁵⁶ and patents⁵⁷ into the conditions & medications when referring to side effects and that providing the right treatment for the condition should be at least an option for every veteran.

“Anxiety produced by environmental threats can impair goal-directed processing and is associated with a range of psychiatric disorders, particularly when aversive events occur unpredictably.”⁵⁸

- Durham Veterans Affairs Medical Center, Yale, Duke

“PTSD is associated with generalized health symptoms, including neurocognitive impairment and other symptoms in the persistent post-concussion syndrome definition⁵⁹.”⁶⁰

-VA/DoD Clinical Practice Guideline for management of Post-traumatic Stress

“..greater peripheral anandamide [endocannabinoid] levels were associated with decreased attentional bias to threat”... “They further suggest that novel pharmacotherapies that target the CB1 [cannabinoid receptor 1] system may provide a more focused, mechanism-based approach to mitigating this core aspect of trauma-related psychopathology.”⁶¹

- National Center for PTSD, Veteran Affairs, Yale, New York University, University of California

⁵⁴ <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4269001/pdf/WO-18-23108.pdf>

⁵⁵ <http://www.ncbi.nlm.nih.gov/pubmed/2308954>

⁵⁶ <http://www.ncbi.nlm.nih.gov/pubmed/25458072>

⁵⁷ <https://www.google.com/patents/WO2013173596A1>

⁵⁸ <http://www.ncbi.nlm.nih.gov/pubmed/24882566>

⁵⁹ <http://www.mayoclinic.org/diseases-conditions/post-concussion-syndrome/basics/symptoms/con-20032705>

⁶⁰ http://www.healthquality.va.gov/guidelines/MH/ptsd/cpg_PTSD-FULL-201011612.pdf

⁶¹ <http://www.ncbi.nlm.nih.gov/pubmed/24820537>

“The cannabinoid (CB) system is a key neurochemical mediator of anxiety and fear learning in both animals and humans....We found that THC significantly reduced amygdala reactivity to social signals of threat but did not affect activity in primary visual and motor cortex.” ...⁶²

- Veterans Affairs Ann Arbor Healthcare System, University of Michigan

The Veterans Affairs Medical center published a paper in 2014, which looked at medical cannabis states for a period between 1999 and 2010. They found that medical cannabis laws are associated with significantly lower state-level opioid overdose mortality rates.⁶³ In 1998, a research paper was published by the Malcom Randall VA medical Center, among a number of other universities, entitled “Opioids Complications and Side Effects” which talked about a number of different problems associated with opioids:

“...the role of opioids in the treatment of chronic pain is also influenced by the fact that these potent analgesics are associated with a significant number of side effects and complications. “...

...“Common side effects of opioid administration include sedation, dizziness, nausea, vomiting, constipation, physical dependence, tolerance, and respiratory depression. Physical dependence and addiction are clinical concerns that may prevent proper prescribing and in turn inadequate pain management. Less common side effects may include delayed gastric emptying, hyperalgesia, immunologic and hormonal dysfunction, muscle rigidity, and myoclonus. The most common side effects of opioid usage are constipation (which has a very high incidence) and nausea. These 2 side effects can be difficult to manage and frequently tolerance to them does not develop; this is especially true for constipation. They may be severe enough to require opioid discontinuation, and contribute to under-dosing and inadequate analgesia. “⁶⁴ ...

VA’s research⁶⁵ also has shown a dysfunction in the blood brain barrier (BBB) resulting from blast shock waves (BSWs). Studies in animal models suggest that exposure to relatively milder BSWs resulting in Mild traumatic brain injury (mTBI), can enhance oxidative stress resulting in loss of tight junction proteins, edema formation and leakiness of BBB. With more intense BSWs causes acute disruption of the BBB with vascular lesions in the brain. They discuss the potential for early intervention strategies capable of easing oxidative stress and repairing BBB, or blocking inflammation for minimizing delayed neurological deficits. This is important because research has shown that anandamide and 2-AG ⁶⁶ have been shown in research to reinforces the blood brain barrier^{67 68}. Cannabinoids have also been shown by

⁶² <http://www.ncbi.nlm.nih.gov/pubmed/18322078>

⁶³ <http://www.ncbi.nlm.nih.gov/pubmed/25154332>

⁶⁴ <http://www.nilpain.org/web-storage/webstorage6/Opioid%20complications%20and%20side%20effects.pdf>

⁶⁵ <http://www.ncbi.nlm.nih.gov/pubmed/25165433>

⁶⁶ 2-Arachidonoylglycerol - an endocannabinoid produced by the body

⁶⁷ <http://www.ncbi.nlm.nih.gov/pubmed/25651941>

many studies to be antioxidant^{69 70} and neuroprotective^{71 72}. Multiple studies suggest that cannabinoid receptor stimulation reduces the effects of brain edema among other brain injuries^{73 74 75}.

Getting the correct dosage is too hard with cannabis

This again was a bigger problem with pills because it was difficult to adjust oxycontin and other medications, so I would not get too much where the high would be nauseating and cause severe constipation, itchy nose and face and still have enough in my system to reduce the pain without overdosing due to the many other medications that were in my system. The pills also take a lot longer to start working and are only moderately effective for severe pain, so a migraine that is already an 8-9 on the pain scale doesn't wait around for an oxycontin to start to work. Cannabis is able to start working very quickly, however sometimes it doesn't subside all the pain and higher amounts of cannabis may be required. This is due to the different strains not being readily available in my state, because dispensaries are still not available. Even with extremely high amounts, cannabis is still safe, because no one has ever overdosed on cannabis.⁷⁶ The medical dispensaries do test their cannabis products and provide labeling as to the percentage of THC and CBD in their products.

Thank you for your time and consideration on these important issues.

Regards,

Jason Howard

⁶⁸ <https://docs.google.com/file/d/0B7U366sVg-U4THdidGUyNjIubVE/edit>

⁶⁹ <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3349875/pdf/main.pdf>

⁷⁰ <http://www.ncbi.nlm.nih.gov/pubmed/10869379>

⁷¹ <http://www.ncbi.nlm.nih.gov/pubmed/17196181>

⁷² <http://www.ncbi.nlm.nih.gov/pubmed/22236282>

⁷³ <http://www.ncbi.nlm.nih.gov/pubmed/24819918>

⁷⁴ <http://www.ncbi.nlm.nih.gov/pubmed/23414569>

⁷⁵ <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3165950/pdf/bph0163-1402.pdf>

⁷⁶ <http://www.oregon.gov/pharmacy/Imports/Marijuana/Public/SRay/CourtDocket86-22.pdf>

DEA findings of facts page 56-60

From: [Edward Johanson](#)
To: [Calder, John P. \(CED\)](#)
Subject: Proposed Marijuana regs
Date: Friday, June 05, 2015 8:47:29 AM

Dear Sir,

If I understand correctly, in the proposed regs U could only have 6 marijuana plants in your house. There are 3 adults in our house who use medical marijuana, all different for different needs. We want to grow our own for ourselves. 6 plants per household for us would not work. Thank You

From: [Robin Thomas](#)
To: [Calder, John P. \(CED\)](#)
Subject: local Marijuana MJ option comment
Date: Wednesday, June 03, 2015 4:51:30 PM

Hi, just wanted to comment on Set one , local option reg. I think that communities need to know what they are opting out of befor they are allowed to opt out. My reasoning is that MJ is just coming out of the closet and there are still a lot of ghosts and myths surrounding MJ and it's impacts. THere is also a lot of positive science and economic information coming out as cannabis becomes the leader in industry growth in USA according to Forbes .

In a nut shell there are a pros and cons to consider ,some being anecdotal and unscientific, residual propaganda from years of prohibition based on on special interests and agendas. But mostly the communities should be fully aware of how regs play out in the state of Alaska before being allowed to opt out. Economic and social impacts of opting out may not be as desirable as some community leaders have been led to believe. As previously mentioned, Marijuana has been classified as a schedule 1, dangerous substance for many years with no real science behind the myths of potential harm to brain growth in young adults and possible suicide.

Much of the time ' Marijuana' , which is a much scarier name than Cannabis, has been labeled as a harmful drug when referenced in the term 'drugs and alcohol use in our community" when the real culprits are Alcohol and inhalant abuse as well as pharmaceutical pain killers. I feel that some of the fear of 'Marijuana' instilled in the minds of communities that have been ravaged by alcohol abuse of may influence local option decisions. I am not condoning abuse of any kind of substance as we know that inhaling gasoline leads to death as well, yet gasoline has never been banned by local option.

I feel that the local option language was inserted into the MJ initiative for political reasons . I feel that local option is a good thing to protect democratic community values , however for the reasons stated I do not feel that communities should jump into MJ local option until they are fully educated and aware of the impacts of opting out.

Some of these impacts may include loss of economic benefits of legalizing MJ trade in the community. Loss off freedom and being labeled a s a criminal for folks that choose to continue to blackmarket MJ as supply and demand continues to offer financial windfalls. Loss of integrity for local options as MJ use is labeled or villainized along more harmful substance abuses. Financial burden of law enforcement and judicial procedure used to enforce local MJ option laws. Misguided science and facts surrounding MJ use and medicinal potential for a long list of common health ailments.

Thanks for the chance to comment on any ongoing MJ sessions off the MCB.

Robin Thomas
Rural Alaskan

--

Robin C Thomas
907 304 5054

From: [Brian Grenier](#)
To: [Calder, John P. \(CED\)](#)
Subject: Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options
Date: Saturday, May 30, 2015 8:02:52 PM

Dear Sirs,

- Considering the legitimacy of industrial Hemp research in the United States,
- provided the cultivating of hemp is allowed under the laws of the state,
- merely by more clearly defining what is 'marijuana', or 'Cannabis', or 'Cannabis Sativa L.' in the new proposed
- Alcoholic Beverage Control Board Regulations Regarding Marijuana and Local Options"

I propose: "Cannabis under this regulation contains over .3% THC. Cannabis containing under .3% THC are covered under other regulation and are legal for growing under research protocols exploring future commercial potential."

By not defining low THC Cannabis plants and high THC Cannabis plants, regulations are arbitrary and capricious.

Please see the Library of Congress record for the US Congress 2014 Bill Summary:
[http://thomas.loc.gov/cgi-bin/cpquery?
%26dbname=cp113%26r_n=hr333.113%26sel=TOC_834691](http://thomas.loc.gov/cgi-bin/cpquery?%26dbname=cp113%26r_n=hr333.113%26sel=TOC_834691)

All the best,
Brian J Grenier
8322 N Lynx Lake Rd
Willow, AK 99688

--
408 418 8862

From: [Franklin, Cynthia A \(CED\)](#)
To: [Calder, John P \(CED\)](#)
Subject: Fwd: Marijuana Cultivation Facilities
Date: Monday, May 25, 2015 4:34:00 PM

Sent from my iPhone

Begin forwarded message:

From: <derrick.kahler1@yahoo.com>
Date: May 25, 2015 at 3:30:13 AM PDT
To: "cynthia.franklin@alaska.gov" <cynthia.franklin@alaska.gov>
Subject: **Marijuana Cultivation Facilities**

Good Morning Ms. Cynthia and Happy Memorial Day,
I would like to start by thanking the Alcoholic Beverage Control Board, and the State of Alaska, for taking the time to regulate marijuana responsibly and also taking the time consider my inquiries. As I know time is a valuable asset I would like to state that it is not my intent to hassle the ABC Board on Marijuana Regulations, rather my intent is to request these questions be addressed in the next Board meeting. The questions are as follows:

1. Does the Board feel a licensed marijuana cultivation facility should be allowed to operated in a person's home in a residential zone, or will it be mandatory to operate out of a commercial area?
2. Does the Board feel it will be necessary to not allow a single business, corporation, or person to hold both a marijuana cultivation license and a marijuana retail license, in order to prevent a monopoly on the market?

Again I would like to thank you and the Board for your consideration of these topics.

Respectfully,
Derrick Kahler

From: [Franklin, Cynthia A \(CED\)](#)
To: [Calder, John P \(CED\)](#)
Subject: Fwd: ABC Board Website Question
Date: Monday, May 25, 2015 4:33:23 PM

Sent from my iPhone

Begin forwarded message:

From: Gordon Epperly <enter7740@14th-amendment.com>
Date: May 25, 2015 at 12:19:48 AM PDT
To: <cynthia.franklin@alaska.gov>
Subject: ABC Board Website Question
Reply-To: Gordon Epperly <enter7740@14th-amendment.com>

Hello Cynthia

In regard to adoptiong Regulations for Marijuana, are you and your fellow members of the Alaska ABC Board aware of litigation that is before the U.S. District Court for the District of Alaska??

<http://tinyurl.com/qezd6x9>

Gordon Epperly

From: [Bill Hearn](#)
To: [Calder, John P. \(CED\)](#)
Subject: Public comment on marijuana & local options
Date: Monday, May 25, 2015 1:34:26 PM
Attachments: [Public Comment #1.docx](#)

Mr. Calder,

Attached find my public comments.

Thank you.

Bill Hearn

May 25, 2015

To John Calder:

My comments are as follow...

1. A municipality or village may opt out, or opt in, based on a vote, or by ordinance passed by a city council or assembly. Keeping the actions of our current State Legislature in mind, members of a city council or assembly may be elected on other issues, and then once elected, this handful of individuals could pass an ordinance to opt out, or opt in, and lock that municipality or village into their (the council or assembly's) position for 24 months, even though the ordinance may be against the wishes of a majority of their constituents. I suggest that only a vote by the people make it possible to opt out, or opt in, to prevent the possibility of being held hostage by the views of the handful of their elected officials.
2. Voters, or an ordinance passed by a city council or assembly, may "prohibit the importation **for sale** of marijuana and marijuana products..." Later in the same sentence in 3 AAC 306.240(a) it continues that "...a person...may not knowingly send, transport , or bring marijuana or marijuana products into the municipality or established village." The words "for sale" have disappeared from that part of the sentence. Does this mean "personal use" is banned also in that municipality or village? I hope not. Or else "personal use" needs to be clearly specified in the vote or ordinance.

Thank you.

Bill Hearn

PO Box 1927, Seward AK 99664-1927

(907)224-3564 or cell (907)632-7261

Hearn.bill@yahoo.com

From: derrick.kahler1@yahoo.com
To: [Calder, John P. \(CED\)](#)
Subject: Marijuana Cultivation Facilities
Date: Monday, May 25, 2015 2:49:37 AM

Good Morning Mr. Calder and Happy Memorial Day,

I would like to start by thanking the Alcoholic Beverage Control Board, and the State of Alaska, for taking the time to regulate marijuana responsibly and also taking the time consider my inquiries. As I know time is a valuable asset I would like to state that it is not my intent to hassle the ABC Board on Marijuana Regulations, rather my intent is to request these questions be addressed in the next Board meeting. The questions are as follows:

1. Does the Board feel a licensed marijuana cultivation facility should be allowed to operated in a person's home in a residential zone, or will it be mandatory to operate out of a commercial area?
2. Does the Board feel it will be necessary to not allow a single business, corporation, or person to hold both a marijuana cultivation license and a marijuana retail license, in order to prevent a monopoly on the market?

Again I would like to thank you and the Board for your consideration of these topics.

Respectfully,

Derrick Kahler

From: [Alaska Online Public Notices](#)
To: [Calder, John P. \(CED\)](#)
Subject: New Comment on Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options
Date: Sunday, May 24, 2015 3:04:03 PM

A new comment has been submitted on the public notice [Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options](#).

Submitted:

5/24/2015 3:04:01 PM

Allen Cornelison
acorn777@gmail.com

Unknown city, US
Anonymous User

Comment:

JOHN CALDER,
Alcoholic Beverage Control Board
550 W. 7th Ave, Suite 1600
Anchorage, AK 99501

Dear Mr. Calder:

I am writing regarding the Alcoholic Beverage Control Board proposal to adopt regulation changes in Title 3 of the Alaska Administrative Code, dealing with local option regulations and definitions relating to marijuana and marijuana establishments.
Reference MJ Regulations Set 1 Final .PDF

1. Page 5 paragraph title; 3 AAC 306.240. Prohibition of importation or purchase after election. In (a) it states, "If a majority of the voters vote to prohibit the importation for sale of marijuana and marijuana products under 3 AAC 306.200(a)(4) or (b)(3), or if the assembly or city council passes an ordinance to the same effect, a person, beginning on the first day of the month following certification of the results of the election, may not knowingly send, transport, or bring marijuana or marijuana products into the municipality or established village."

On page 1 paragraph title; 3 AAC 306.200 Local Options, (4) states, "the sale or importation for sale of marijuana and marijuana products".

There seems to be a disconnect between these two synonymous regulatory changes in that on page 5 the verbiage should be changed to state the same as on page 1 allowing importation but NOT importation for sales. The wording on page 5 makes illegal ANY importation from other municipalities. IE, if Palmer opts out, people who live in Palmer are unable to legally drive to Wasilla to purchase their medicine for home use.

I would like to see the wording on page 5 changed to reflect the wording on page 1 and anywhere else in the document so as not to cause the illegal importation of marijuana or marijuana products for personal use.

2. Page 6 and 7 paragraph title; 3 AAC 306.260. Licensing after prohibition on sale except in premises operated by municipality.

I am against any governing body becoming direct competition with the public sector.

3. Multiple pages throughout the document aforementioned. For reference, please use page 1; paragraph title; 3 AAC 306.200. Local Options. Number (3) states, “the sale of marijuana and marijuana products except on premises operated by the municipality under a retail marijuana license; or”....

With my comment of number 2 above, I also feel that if the people or the assembly of a municipality, community, unincorporated borough or village elect to opt out, this should reflect on any and all marijuana and marijuana product sales and operations.

Sincerely
Allen Cornelison

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: jeffndol@yahoo.com
To: [Calder, John P. \(CED\)](#)
Subject: DIRECTORY-Active Cannabis groups or Organizations
Date: Sunday, May 24, 2015 2:38:29 PM
Attachments: [Active Cannabis groups or Coalitions representing the people.docx](#)

Dear ABC board members,

Alaska Green Resources, working group in Kenai, has come to the realization that there are several working groups active throughout the cannabis legalization process. We have assembled a “directory” that we found helpful and thought it may assist in your work load as well. Please feel free to give me a call with any questions. As we update this directory I will keep you posted.

Thank you for your hard work,

Dollynda Phelps

AGR

907-252-8026

Sent from Windows Mail

Active Cannabis groups or Coalitions representing the people...5/21/15

Alaska Green Resources

Kenai

Dollynda Phelps

907-252-8026 jeffndol@yahoo.com

Cannafarm Co-Op

Eagle River

Jessica Jensen

907-229-4166 aj.ak49@yahoo.com

Anchorage Cannabis Business Association

Anchorage

Nick Miller

907-244-2125 alaskabuds@gmail.com

Kenai Community Coalition on Cannabis

Kenai

Marc Theiler

marc@kenaiattorney.com

Alaska Cannabis Institute

Anchorage

Cory Wray

Cory.wray@hotmail.com

Kachemak Cannabis Coalition

Homer

Wes

kachemakcannabiscoalition@gmail.com

Kachemak Cannabis Consultancy

Homer

Shane Monroe

shanetakashi@yahoo.com

Alaska Cannabis Growers Association

Anchorage

Cory Wray/Conrad Daily

Cory.wray@hotmail.com

Alaska Cannabis Network
Soldotna
Michele Holley
buyalaska@gmail.com

Southeast Cannabis Culture
Juneau

Fairbanks Cannabis
Fairbanks

Alaska Cannabis Collective

Green Chamber of Commerce
Anchorage

From: [Carrie Harris](#)
To: [Calder, John P. \(CED\)](#)
Subject: questions and comments
Date: Friday, May 22, 2015 12:11:42 AM

questions and comments

Under 3 AAC 306.

Prohibition of importation or purchase after election

may not knowingly send, transport, or bring marijuana or marijuana products into the municipality or established village.

How far does this reach?

Would it halt someone from transporting marijuana or marijuana products to be sold or tested from Anchorage through Kenai to Homer, If Kenai or Soldotna decides to place a prohibition on Marijuana?

.

“marijuana plant” means a living organism of genus Cannabis capable of absorbing water and inorganic substances through its roots, and synthesizing nutrients in its leaves by photosynthesis;

This definition includes hemp and should be changed.

hemp should be regulated separately from strains of cannabis with higher delta-9 tetrahydrocannabinol (THC) concentrations. Hemp is a weed that will not get you high or buzzed, but has a great many uses that people are itching to get to try and use.

3 AAC 306.990. Definitions.(a) In AS 17.38

Definitions

This is in direct opposition of the language of the initiative.

Line C.(1) “assist” does not include. Further define “assist”

If I rent an apartment for you to live in I have assisted you in your housing needs.

If I rent you a space to grow your marijuana plants I have assisted you in your gardening needs.

Could I be considered growing your plants for you if you grow them on my land or in my grow box or foil tent?

The initiative states Sec. 17.38.030

.

Restrictions on personal cultivation, penalty

3. Marijuana cultivation may only occur on property lawfully in possession of the cultivator **or with the consent of the person in lawful possession of the property**

Line C under 3AAC 306.990 of the definitions is in direct opposition of the initiative.

- c. growing marijuana plants for another person in a place other than that other person's residence;

Under line (2) “personal cultivation” does not include

- c. growing marijuana plants for another person in a place other than that other

person's residence.

This again is in direct opposition of the language of the initiative

The initiative states Sec. 17.38.030.

Restrictions on personal cultivation, penalty.

Marijuana cultivation may only occur on property lawfully in possession of the cultivator **or with the consent of the person in lawful possession of the property**

Now I have to ask, why did you add a persons "person's residence"? To the end of the line growing marijuana plants for another person in a place other than that other person's residence;

I rented for 15 years and that is so insulting to me, its like the government is saying, you are not enough of a citizen, by adding "person's residence" The government is saying I cant grow because I don't own and I have to Buy from somewhere.

The government is saying I should not have the same rights and freedoms as a homeowner.

Can you imagine telling me I could brew beer at a buddies or on a space I rented because it was not my residence, because I am not a homeowner I have to buy it?

I know the language is poor but the intent of this initiative is clear, please respect the voter when you are making the regulations.

Carrie Harris

everydayingenuity@yahoo.com

From: [Alaska Online Public Notices](#)
To: [Calder, John P. \(CED\)](#)
Subject: New Comment on Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options
Date: Thursday, May 21, 2015 8:54:01 PM

A new comment has been submitted on the public notice [Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options](#).

Submitted:

5/21/2015 8:53:59 PM

Mystiek Lockery
mystiekforstatesrights@yahoo.com

Unknown city, US
Anonymous User

Comment:

To Whom It May Concern,

I think one part of "3 AAC 306.250. Effect on licenses of restriction on sale." should be changed, or taken out. It says, "or in the unincorporated area within ten miles of the boundaries of the municipality, or within the perimeter of the established village." I think that wording is a bad idea, because it adversely affects those who are near, but not a part of, that municipality. They are not inside the boundaries of the municipality, so they do not qualify to vote on the matter, but they will then be forced to abide by a decision made where they had no representation. Of course that goes against everything our country and its system stand for.

Another thing I would ask you to consider is having some way for delivery drivers to legally transport larger amounts of marijuana, so they can deliver to multiple customers at a time, making their trips more efficient on gas, time, effort, and money. Some people may just "want" to have it delivered, but others who use it medically may need to have it delivered for a variety of reasons. They may really appreciate an option that does not rely solely on family members or friends.

Well, those are two things I noticed right away.

A thought/question:

The Marijuana Control Board, currently being formed, is being set in place to handle these kinds of issues and any others that arise, right? It may be a good idea to let them come into existence, then let them take care of these matters and others like them.

I do not bring this up as a matter of disrespect in any way. I believe the ABC's contributions have been very helpful and necessary. It's just that now we are putting together the Marijuana Control Board and I was thinking maybe the rest of the things should be handled by them, as it is their purpose for existing.

Sincerely,
Mystiek Lockery

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Mystiek Lockery](#)
To: [Calder, John P. \(CED\)](#)
Subject: Proposed regulations
Date: Thursday, May 21, 2015 8:51:50 PM

To Whom It May Concern,

I think one part of “3 AAC 306.250. Effect on licenses of restriction on sale.” should be changed, or taken out. It says, “or in the unincorporated area within ten miles of the boundaries of the municipality, or within the perimeter of the established village.” I think that wording is a bad idea, because it adversely affects those who are near, but not a part of, that municipality. They are not inside the boundaries of the municipality, so they do not qualify to vote on the matter, but they will then be forced to abide by a decision made where they had no representation. Of course that goes against everything our country and its system stand for.

Another thing I would ask you to consider is having some way for delivery drivers to legally transport larger amounts of marijuana, so they can deliver to multiple customers at a time, making their trips more efficient on gas, time, effort, and money. Some people may just “want” to have it delivered, but others who use it medically may **need** to have it delivered for a variety of reasons. They may really appreciate an option that does not rely solely on family members or friends.

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A thought/question:

The Marijuana Control Board, currently being formed, is being set in place to handle these kinds of issues and any others that arise, right? It may be a good idea to let them come into existence, then let them take care of these matters and others like them.

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Sincerely,
Mystiek Lockery

From: [Alaska Online Public Notices](#)
To: [Calder, John P. \(CED\)](#)
Subject: New Comment on Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options
Date: Thursday, May 21, 2015 6:28:33 PM

A new comment has been submitted on the public notice [Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options](#).

Submitted:

5/21/2015 6:28:32 PM

Carol Thompson
tds@icefog.net

North Pole, AK, US
Anonymous User

Comment:

I cannot find the link to the full text of the proposed changes on this website. However, if the article in the ADN dated Thursday, May 21, 2015 is correct, then limiting a household to 6 plants will be practically impossible to adhere to, since when one starts with seeds, you have to grow more than 6 to weed out the males. Plus, if one wants to grow one's own medicine, clones need to be taken to ensure timely replacement of harvested plants. These clones take time to grow to a size usable for pain relief, whether in edibles or as smoke. 6 plants just won't do it. A limit of 12 plants would be more useful for those of us growing our own medicine.

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Chris French](#)
To: [Calder, John P. \(CED\)](#)
Subject: Marijuana Local Option Question
Date: Thursday, May 21, 2015 1:45:50 PM

John,

We have another set of questions related to the local option marijuana business regulations. How does the section in the proposed regulations on procedure for local option election (AAC 306.230) relate to an application for a petition under AS 29.26.110 for example, if a petition requests that the Borough for example, enact an ordinance to ban marijuana businesses. This provision requires a smaller number of residents to sign the petition. A second question relates to zoning powers and impact on Marijuana businesses, would the Borough be able to ban businesses simply through the passage of a zoning ordinance that prohibits the uses in most, if not all zoning classifications. I'm not trying to play devil's advocate here, but the Borough Attorney and I are very curious to how this regulation interacts with other statutes and local government powers.

Thank you



Chris French, AICP
Ketchikan Gateway Borough
Director of Planning and Community Development
1900 First Ave., Suite 126
Ketchikan, AK 99901
www.kgbak.us
(907) 228-6638

From: [jim](#)
To: [Calder, John P. \(CED\)](#)
Subject: Proposed marijuana regulations, comments
Date: Thursday, May 21, 2015 12:18:59 PM

Dear Sir:

I wish to submit comments on the proposed marijuana regulations. Please accept this e-mail as my first set of comments.

I am opposed to the concept of local option, and do not believe there should be a local option. There is a major problem with the bootlegging of alcohol in Alaska which exists only due to local option. Local option has failed to keep alcohol out of dry communities, has resulted in uncontrolled sales to all persons of any age, has made large profits for bootleggers, and has created an entire new class of criminals. The only people who have benefited from local option are law enforcement personnel because it has created a group of people for law enforcement to pursue, prosecute, and lock up. If Alaska had any common sense, it would repeal local option.

Local option for marijuana presents the same problems as alcohol only in spades since marijuana is easier to conceal and use harder to detect. We voted to legalize marijuana in part to get rid of a victimless crime. You propose to ignore that vote and create a new class of criminals. It would be a mistake which should not be enacted.

James Friderici

Willow, Alaska

From: [Alaska Online Public Notices](#)
To: [Calder, John P. \(CED\)](#)
Subject: New Comment on Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options
Date: Thursday, May 21, 2015 10:38:20 AM

A new comment has been submitted on the public notice [Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options](#).

Submitted:

5/21/2015 10:38:18 AM

maureen
mldmaxand@yahoo.com

Unknown city, US
Anonymous User

Comment:

I had heard earlier that Felons would not be able to get license to sell. I would like that to be changed to only with drug related felonies. Most felons have a hard enough time to get work in this state esp. since juvenal records are kept listed. I think that is appalling and most states do not do this. who do we contact to lobby for this?

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Chris French](#)
To: [Calder, John P. \(CED\)](#)
Subject: Marijuana and Local Option Proposed Regulations - Question
Date: Thursday, May 21, 2015 8:46:39 AM

John,

I spoke to Cynthia Franklin about two weeks ago on the regulations under development at that time and she told me that the local option for municipal ordinance would have to be done by each municipality within a Borough, and not by the Borough for the entire area. The proposed regulations do not clearly point this out or at least it is unclear to me. Is that the intent of these regulations?

Thank you

A handwritten signature in black ink that reads "Chris French". The signature is written in a cursive style with a large initial "C".

Chris French, AICP
Ketchikan Gateway Borough
Director of Planning and Community Development
1900 First Ave., Suite 126
Ketchikan, AK 99901
www.kgbak.us
(907) 228-6638

From: [Alaska Online Public Notices](#)
To: [Calder, John P. \(CED\)](#)
Subject: New Comment on Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options
Date: Thursday, May 21, 2015 7:05:38 AM

A new comment has been submitted on the public notice [Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options](#).

Submitted:

5/21/2015 7:05:37 AM

Unknown city, US
Anonymous User

Comment:

The definition of "possession" as applied collectively is ridiculous. Under these standards if you and I are sitting at a table and I put a \$100 bill on the table then everyone in the room is in "possession" of my \$100 bill. Because they know it is there they potentially COULD MAYBE be in control of my \$100 bill, so are therefore in "possession" of what is in reality, and by any rational basis in law, MY \$100 bill, not anyone else's unless I give it to them. The people voted for 6 plants per person. This rule defines a collective group and arbitrarily limits the rights in those they assign to a given collective group (a household as they define it) in distinction to historic application of other rights which always apply to individuals. This proposes to allow different rights for another randomly defined collective (neighbors for example). Rights are individual in this country, not collective. You do not become less of a citizen due all the rights of a citizen, including the right to grow pot, and due process just because you are a room mate, a spouse, life partner, or an adult child living at home. You should still retain the rights to equal protections, rights against illegal search and seizure, etc. as any other individual.

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Alaska Online Public Notices](#)
To: [Calder, John P. \(CED\)](#)
Subject: New Comment on Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options
Date: Wednesday, May 20, 2015 10:47:25 PM

A new comment has been submitted on the public notice [Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options](#).

Submitted:

5/20/2015 10:47:24 PM

Unknown City?
Anonymous User

Comment:

Is there something in writing making it a crime if someone of legal age distributes to a minor? There should be.

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Don Miller](#)
To: [Calder, John P. \(CED\)](#)
Subject: Proposed Marijuana Regulations
Date: Wednesday, May 20, 2015 10:42:41 PM

Dear Mr. Calder:

I would like to make some comments on the proposed regulations regarding marijuana and local option.

I am amused and befuddled by the process to establish regulations regarding the regulated sale and use of marijuana. Marijuana has been in many ways, legal to use and to possess for the better part of the last 40 years...so its not some new thing by any means. What the ABC is doing is regulating the production and distribution...again..not something brand new . The reefer madness demonstrated by certain legislators was surreal. The past few months have shown that the green community is, with but a few exceptions, overwhelming responsible, but the regulatory process does not seem to recognize that..

I understand that the ABC is attempting to craft legislation that complies with both the spirit and the letter of the initiative passed last November.

My specific comments relate to the portion dealing with possession, particularly the interpretation of "6 plants per person" rule in the law. I think the interpretation of that to mean "6 per household" is wrong,

If one of the goals is to reduce unregulated . production and sale, I would to think the ABC would want encourage and not inhibit growing it at home, and to do so would interpret that phrase in the light most favorable to home growers. Six plants per adult would be more realistic, and would comply with the language and the intent of the law. I certainly wouldn't want to start my seed tomato crop with only six plants...and if I were growing cannabis I would want to start with as many sprouts as we legally could. At my house that would be 12 under the "6 per person" portion of the law.

Thank you for the opportunity to comment.

Donald H Miller

From: [Alaska Online Public Notices](#)
To: [Calder, John P. \(CED\)](#)
Subject: New Comment on Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options
Date: Wednesday, May 20, 2015 9:29:14 PM

A new comment has been submitted on the public notice [Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options](#).

Submitted:

5/20/2015 9:29:10 PM

T.J. duffy
juneauduf@gmail.com

Unknown city, US
Anonymous User

Comment:

I have a concern about possession.

Now that marijuana is legal, no amount of possession should be criminalized, with the exception of marijuana imported into this state.

The one ounce rule, as I understand it, is unreasonable, arbitrary and discriminatory. If six people in a car all go to the weed store and buy an ounce, all should be legal. If one person buys weeds for his invalid mother (as if he were buying a bottle of wine for her), and he buys an ounce for himself, he should not be criminalized for having over one ounce.

The 'one ounce' rule also conflicts with the regulation that says a pot grower can keep as much of his cannabis that he grows. So if he has 50 pounds of his own weed in the freezer, that conflicts with the one ounce rule.

The term "one ounce" is vague and arbitrary. Does this include stems, seeds and other parts of the plant that are normally not consumed? What about the weight of the container?

Alaskans have spoken. We want weed regulated like alcohol. We do not want it criminalized. We want less regulations, not more.

Please eliminate all regulations which criminalize any possession of any amount of weed grown in Alaska.

Thank you.

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Alaska Online Public Notices](#)
To: [Calder, John P. \(CED\)](#)
Subject: New Comment on Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options
Date: Wednesday, May 20, 2015 6:44:00 PM

A new comment has been submitted on the public notice [Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options](#).

Submitted:

5/20/2015 6:43:59 PM

bill gregory
mrbill.gregory@gmail.com

Unknown city, US
Anonymous User

Comment:

I support your approach on mirroring marijuana rules and regulations with statutes and regulations for liquor establishments.

I would add that marijuana consumption and use laws, should also mirror those of alcohol consumption i.e. public consumption and use.

thnx

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Alaska Online Public Notices](#)
To: [Calder, John P. \(CED\)](#)
Subject: New Comment on Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options
Date: Wednesday, May 20, 2015 6:23:05 PM

A new comment has been submitted on the public notice [Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options](#).

Submitted:

5/20/2015 6:23:04 PM

Robert Davis
al4r@outlook.com

Unknown city, US
Anonymous User

Comment:

What is the difference if it's legal about how many plants you grow. My God, if a person is sick you need several different kinds to get thru your day. Problem is no one knows this that is used to Alcohol. It takes at least 4 months from seed just to harvest a plant. Then it takes an additional 4 to 8 weeks to cure it before you can use it. That is for smoking or medical purposes. Also, there is a new and promising method of juicing this plant and for that you need way more than 24 plants to keep up with the pruning and juicing of the plant. BTW: You can't get high or even feel any effects of the thc a. It only gets you high if you heat it up. If you need some more input let me know and I'm more than happy to assist you in your endeavors to get this done. I am well informed with most of the current research that is being done and some that has been done. They are currently finding that this plant has excellent medicinal properties and finally it's being discovered. Basically this plant is harmless and people that use it on a regular basis do not have major problems or any problems with life. You can not OD on it, but you can OD on Alcohol and die. There has never been one case of Over Dose with Marijuana. Also, it's not that easy to grow and it costs a lot of money to do it right. You need medical grow houses first and those should be started or allowed to start as soon as possible. It will be 6 to 8 months before that Marijuana will be ready for market and some can take even longer. This Marijuana needs to be grown in a clean room environment and then sent out to a lab to check for mold, bugs and possibly the wrong hydro chemicals used to grow it. If you would like the whole growing process from seed to harvest to curing, I would be glad to discuss that with you. There need to be kitchens set up for Medical use and the focus should be on the medical aspects of this plant first. As even this process is good for the rec user. So both types of users can benefit from this type of growing and processing. You need to keep the amateurs from getting licenses and you also need to not allow those that are involved in selling this product now. Like the likes of Rocky and his illegal business. I can't believe you still letting this person conduct business with marijuana sales.

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Alaska Online Public Notices](#)
To: [Calder, John P. \(CED\)](#)
Subject: New Comment on Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options
Date: Wednesday, May 20, 2015 3:36:31 PM

A new comment has been submitted on the public notice [Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options](#).

Submitted:

5/20/2015 3:36:29 PM

Valerie Sours
valeiresours@hotmail.com

San Jose, CA, US
Anonymous User

Comment:

As the regulations undergo processing, I understand that people may possess and use the substance in their household. However, does this pertain to apartment complexes as well? If so, since the tenant of one apartment may partake in the recreation use of it, are there regulations for this, as it may negatively affect their other neighbors (i.e. fumes/smell, nausea from the fumes/smell, allergies, under age children in other households, etc.)? Are there any current or up-coming regulations to situations such as these? If so, what are they? If not, what will they be? Will there be any kinds of regulations for any (small or large) apartment complexes as it may affect all neighboring tenants?

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Alaska Online Public Notices](#)
To: [Calder, John P. \(CED\)](#)
Subject: New Comment on Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options
Date: Wednesday, May 20, 2015 2:56:28 PM

A new comment has been submitted on the public notice [Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options](#).

Submitted:

5/20/2015 2:56:27 PM

Emily R. Haas
emilyakflirt@yahoo.com

Unknown city, US
Anonymous User

Comment:

I am a bit concerned about the policies regarding getting a DUI while under the influence of marijuana. Is there a legal limit for THC blood content as there is on blood alcohol content, like above a 0.08 and you get a DUI for alcohol but what will there be for marijuana? Is there a sure way to test for impairment on the spot? What if the person smoked that day and drove later on in the day when they are not high anymore, will the blood THC levels reflect that the person is not under the influence anymore? Will there be a separate ticket for smoking and driving, a DUI and the repercussions of a DUI seem too harsh to apply to a person who has only smoked a little and is okay to drive.

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Greg Jurisich](#)
To: [Calder, John P. \(CED\)](#)
Subject: marijuana regulations
Date: Wednesday, May 20, 2015 1:50:20 PM

Can't find actual definitions anywhere. Number of plants must be 6 per person, as per initiative. Not, 6 per household, this is not what we voted and approved.

From: [Alaska Online Public Notices](#)
To: [Calder, John P. \(CED\)](#)
Subject: New Comment on Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options
Date: Wednesday, May 20, 2015 1:06:50 PM

A new comment has been submitted on the public notice [Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options](#).

Submitted:

5/20/2015 1:06:49 PM

Steve Gossman
steve.gossman@gmail.com

Unknown City?
Anonymous User

Comment:

Public comment in regards to 3AAC 306.200

I notice here that there are four license types listed; Marijuana cultivation facility, Marijuana products manufacturing facility, Marijuana testing facility, and Marijuana retail facility. During preliminary discussions there was talk of a "Boutique" growers license. This was a very good idea because it would give the state the ability to see which entry level growers could produce product and revenue without risking them starting with a large tier grow and not delivering on the promised revenue for the state. Its also a good option because there are lots of people out there whom dont desire to have a large grow operation....just something small and simple to put food on the table and some money in the bank.

I hope this small grow license / small grow tier (50) is included in the final language of the marijuana regulations.

Public comment in regards to 3 AAC 306.260

I strongly object to this section of the proposed regulations. Ballot measure 2 contains no language at all that government run / owned dispensaries would even be considered as a possibility. The people of Alaska did not vote yes on Ballot Measure 2 so they could have government owned dispensaries. The people voted yes on Ballot Measure 2 so they could have the opportunity for Alaskan citizens to open, operate and benefit from these businesses in the free market.

Not to mention that government run dispensaries will do nothing more than fuel the black market...which legalization was supposed to fix. This whole section "3 AAC 306.260" should be removed.

Sincerely,

Steve Gossman

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Greg Jurisich](#)
To: [Calder, John P. \(CED\)](#)
Subject: proposed marijuana opt out regulations
Date: Wednesday, May 20, 2015 12:34:50 PM

Part of these proposed regulations would violate an individual's constitutional rights, *Ravin vs state of AK*. This could cost the State \$ in law suits. Remove the parts restricting an individual's right to possess and cultivate marijuana for personal use.

From: [Alaska Online Public Notices](#)
To: [Calder, John P. \(CED\)](#)
Subject: New Comment on Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options
Date: Wednesday, May 20, 2015 9:32:41 AM

A new comment has been submitted on the public notice [Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options](#).

Submitted:

5/20/2015 9:32:40 AM

Unknown city, US
Anonymous User

Comment:

This comment relates to 3 AAC 306.240: The law allows for a person to cultivate a certain number of marijuana plants in their home. There should be clarifying language that a person is allowed to import marijuana seeds into a locality enacting a local option for the strict purposes of personal cultivation. Failure to explicitly state this could lead to a de facto ban on personal cultivation which would be in conflict with the law.

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Alaska Online Public Notices](#)
To: [Calder, John P. \(CED\)](#)
Subject: New Comment on Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options
Date: Wednesday, May 20, 2015 9:03:32 AM

A new comment has been submitted on the public notice [Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options](#).

Submitted:

5/20/2015 9:03:30 AM

Joe Mason
flashak@gmail.com

Unknown city, US
Anonymous User

Comment:

It is disturbing to see that "3 AAC 306.240. Prohibition of importation or purchase after election" prohibits not only importation of marijuana products for sale, but also importation of marijuana products for personal use, including medical marijuana.

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Robert](#)
To: [Calder, John P. \(CED\)](#)
Subject: Bad idea!
Date: Tuesday, May 19, 2015 10:35:18 PM

To legalize marijuana by
popular vote?

Proposition 2 already been voted.
People of Alaska had already expressed third opinion by voting.

These measures are unnecessary and they are in Violation of The marijuana Control Board. The members haven't even been seated. And the governor has under House Bill 123 as written in To law.

All that should be scrapped.
It's a Clear attack against marijuana.
And the person that thought this up should be fired.
Wasting taxpayers money, for this persons own personal feelings on the matter.

Clearly overstepping their hand & boundaries.
Just undermined the
marijuana control board right there.
I think it's a slap, in the face to the governor.

Congratulations.
That 17-year-old girl that ran over a father of two because; She was drunk. She's getting a slap on the wrist.
Possibly a year in prison with a suspended sentence. Possibly a year in prison. No persons have been arrested for giving her alcohol.

Maybe you should, get to work and reinforcing the alcohol law.

Only if we had alcohol beverage control board that could stop.
the madness of drunken alcoholic rich lawyer children running around.
Somehow as a taxpayer; I feel cheated.

From: [Mystiek Lockery](#)
To: [Calder, John P. \(CED\)](#)
Subject: More information needed
Date: Tuesday, May 19, 2015 10:41:05 PM

I was happy to receive the e-mail concerning proposed changes.

Section 2 says:

(2) Definitions are proposed to be adopted, including the following:

Definitions of the terms “assist”, “personal cultivation”, “adulterated food or drink product”, “edible marijuana product”, “licensed premises”, “local governing body”, “marijuana concentrate”, “marijuana product”, “marijuana plant”, and “possess”.

but no where in the e-mail does it say what the definitions are to be. There is no way for anyone to know if the proposed changes are going to affect them if that element is unknown. Can the e-mails be re-sent to people with the definitions included?

Mystiek Lockery

From: [Alaska Online Public Notices](#)
To: [Calder, John P. \(CED\)](#)
Subject: New Comment on Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options
Date: Tuesday, May 19, 2015 10:31:48 PM

A new comment has been submitted on the public notice [Alcoholic Beverage Control Board Notice of Proposed Regulations Regarding Marijuana and Local Options](#).

Submitted:

5/19/2015 10:31:46 PM

Mystiek Lockery
mystiekforstatesrights@yahoo.com

Unknown city, US
Anonymous User

Comment:

Thank you for the e-mail concerning proposed changes.

Section 2 says:

(2) Definitions are proposed to be adopted, including the following:

Definitions of the terms “assist”, “personal cultivation”, “adulterated food or drink product”, “edible marijuana product”, “licensed premises”, “local governing body”, “marijuana concentrate”, “marijuana product”, “marijuana plant”, and “possess”.

but no where in the e-mail does it say what the definitions are to be. There is no way for anyone to know if the proposed changes are going to affect them if that element is unknown. Can you resend the e-mails to people and include what the definitions are to be?

Thank you.

Mystiek Lockery

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

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MEMORANDUM

TO: Robert Klein, Chair
and Members of the ABC Board

DATE: June 23, 2015

FROM: Cynthia Franklin, Director

RE: Questions and Answers from Public
Commentary MJ Regulations Set #1

The following questions were received during the public comment process. Answers to relevant questions have been provided. Questions concerning matters not contained in the regulations in Set #1 submitted for public comment are listed without answers.

QUESTIONS RELEVANT TO SET#1 WITH ANSWERS

1. I spoke to Cynthia Franklin about two weeks ago on the regulations under development at that time and she told me that the local option for municipal ordinance would have to be done by each municipality within a Borough, and not by the Borough for the entire area. The proposed regulations do not clearly point this out or at least it is unclear to me. Is that the intent of these regulations?

A: If a municipality within a borough opts out, the opt-out applies to the municipality. If a Borough opts out, the local option only applies to the areas within the Borough but outside of city limits. The intent of the regulations is for marijuana local option to operate in a similar manner to alcohol local option. This is how borough and municipality interaction in local option is applied in Title 4.

2. How does the section in the proposed regulations on procedure for local option election (AAC 306.230) relate to an application for a petition under AS 29.26.110 for example, if a petition requests that the Borough for example, enact an ordinance to ban marijuana businesses.

A: The procedure in AS 29.26.110 is a general procedure. Once specific regulations are passed relating to marijuana local option elections, the more specific procedures must be used for that type of election.



3. A second question relates to zoning powers and impact on Marijuana businesses, would the Borough be able to ban businesses simply through the passage of a zoning ordinance that prohibits the uses in most, if not all zoning classifications.

A: AS 17. 38.110 grants local governments local control over marijuana establishments. This certainly could include zoning restrictions.

4. Under 3 AAC 306. Prohibition of importation or purchase after election may not knowingly send, transport, or bring marijuana or marijuana products into the municipality or established village. How far does this reach? Would it halt someone from transporting marijuana or marijuana products to be sold or tested from Anchorage through Kenai to Homer, If Kenai or Soldotna decides to place a prohibition on Marijuana?

A: The current language of the proposed regulation does not clearly exempt such transport through a local option area. Your question has formed the basis of a proposed revision to the language.

5. Could I be considered growing your plants for you if you grow them on my land or in my grow box or foil tent?

A: Yes, because they are in your actual control, or possession.

6. Why did you add a persons "person's residence"? To the end of the line growing marijuana plants for another person in a place other than that other person's residence;

A: The definitions concerning personal growing privileges are intended to clarify that an unlicensed marijuana cultivation business created from combining multiple personal grows is not permitted.

7. Voters, or an ordinance passed by a city council or assembly, may "prohibit the importation for sale of marijuana and marijuana products..." Later in the same sentence in 3 AAC 306.240(a) it continues that "...a person...may not knowingly send, transport , or bring marijuana or marijuana products into the municipality or established village." The words "for sale" have disappeared from that part of the sentence. Does this mean "personal use" is banned also in that municipality or village?

A: The personal possession rights contained in AS 17.38.020 cannot be invalidated by the local option rules according to the language in that section, "Notwithstanding any other provision of law . . ." However, the language of the



proposed regulations could be revised to more clearly reflect that the rules are not intended to affect the rights afforded by AS 17.38.020.

8. I have a question related to proposed rule 3 AAC 306.250. It states that for those municipalities that opt out, the area that would be included in the ban extends into the unincorporated area within 10 miles of the boundary of the municipality. I am curious if there is a comparable rule or statutory provisions for alcohol regulations. I do not see a similar provision in the relevant statutes or in the rules. If you happen to know if there is one, I would appreciate your assistance by letting me know.

A: The 10 mile rule is modelled after the amended rule for boundaries in Senate Bill 99, the proposed revisions to Title 4. The amendments propose to expand the boundary from 5 to 10 miles wherever a 5 mile boundary is present in the local option rules of Title 4.

QUESTIONS NOT RELEVANT TO SET #1 (not answered)

1. Is there a legal limit for THC blood content as there is on blood alcohol content, like above a 0.08 and you get a DUI for alcohol but what will there be for marijuana?
2. Is there a sure way to test for impairment on the spot?
3. What if the person smoked that day and drove later on in the day when they are not high anymore, will the blood THC levels reflect that the person is not under the influence anymore?
4. Will there be a separate ticket for smoking and driving, a DUI and the repercussions of a DUI seem too harsh to apply to a person who has only smoked a little and is okay to drive.
5. As the regulations undergo processing, I understand that people may possess and use the substance in their household. However, does this pertain to apartment complexes as well?
6. If so, since the tenant of one apartment may partake in the recreation use of it, are there regulations for this, as it may negatively affect their other neighbors (i.e. fumes/smell, nausea from the fumes/smell, allergies, under age children in other households, etc.)?
7. Are there any current or up-coming regulations to situations such as these? If so, what are they? If not, what will they be?
8. Will there be any kinds of regulations for any (small or large) apartment complexes as it may affect all neighboring tenants?
9. The term "one ounce" is vague and arbitrary. Does this include stems, seeds and other parts of the plant that are normally not consumed? What about the weight of the container?



10. Is there something in writing making it a crime if someone of legal age distributes to a minor?
11. I had heard earlier that Felons would not be able to get license to sell. I would like that to be changed to only with drug related felonies. Most felons have a hard enough time to get work in this state esp. since juvenal records are kept listed. I think that is appalling and most states do not do this. who do we contact to lobby for this?
12. The Marijuana Control Board, currently being formed, is being set in place to handle these kinds of issues and any others that arise, right?
13. Does the Board feel a licensed marijuana cultivation facility should be allowed to operated in a person's home in a residential zone, or will it be mandatory to operate out of a commercial area?
14. Does the Board feel it will be necessary to not allow a single business, corporation, or person to hold both a marijuana cultivation license and a marijuana retail license, in order to prevent a monopoly on the market?

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MEMORANDUM

TO: Robert Klein, Chair
and Members of the ABC Board

DATE: June 22, 2015

FROM: Cynthia Franklin, Director

RE: Legal Considerations-Set 1

The Department of Law has been assisting the agency in the development of marijuana regulations. Although they cannot officially weigh in on the legality of any given set of regulations until they are formally adopted, they have continued to provide guidance both through the ABC's assigned AAG Harriet Milks and through regulations attorney Steve Weaver.

Our AAG has informed us that two pieces of the local option regulations put out for public comment (Set #1) will not pass legal muster. These legal considerations are discussed further below.

Definition of Local Governing Body including Established Villages

AS 17.38.900 (4) defines "local government" as both home rule and general law municipalities, including boroughs and cities of all classes and unified municipalities. The statute does not include any mention of established villages as a governmental entity that can hold a local option election relating to marijuana establishments. In alcohol, established villages are permitted to hold local option elections under AS 04.11.491.

There was testimony in the legislative session by drafters of the initiative that the omission of established villages from the definition of local government was inadvertent and there was no intent on the part of the drafters to prevent villages from opting out of commercialized marijuana establishments. The legislature included the addition of established villages to the definition of local governments having the right to opt out in HB 75, which did not pass this session.

Set 1 has a definition of local governing body which includes villages and provides that local option elections may be held by entities meeting the regulatory definition of local governing body. The Department of Law's position is that writing villages in by regulation will not pass legal muster. The legislature is the only body who can repair the omission and the regulations must use the definition of local government contained in the statute.



Percentage Requirement for Local Option Election Vote

The regulations in Set 1 model local option elections for marijuana after local option elections for alcohol, which require a petition to be signed by 35% or more of the registered voters residing within a local governing body to trigger an election. AS 29.26.130 requires that a petition in more general law matters be signed by 25% or more of the number of votes cast in the last regular election if the area has fewer than 7,500 persons and 15% if the area has 7,500 persons or more.

The Department of Law through our AAG has indicated that although statutory authority exists for a 35% signature requirement in alcohol local option elections, no such authority exists in AS 17.38 and the regulations relating to local option will be governed by the more general statute in Title 29.

Procedure on Substantive Changes to Regulations after Public Comment

The APA provides that if the board makes substantive changes to regulations after a public comment period, the regulations must be re-posted for public comment on the changed regulations. The Department of Law indicates that the two changes discussed herein are substantive and require Set #1 to be posted for a second public comment period.

The agency's recommendation to the board is that the foregoing changes in Set #1 be made and that the revised set be reposted for public comment following this board meeting. There may be other changes to Set #1 made by the board based on the first round of public comment as well.

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THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**

ALCOHOLIC BEVERAGE CONTROL BOARD

MARIJUANA CONTROL BOARD

550 W 7th Avenue, Ste 1600

Anchorage, Alaska 99501

Main: 907.269.0350

TDD: 907.465.5437

Fax: 907.334.2285

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

DATE: June 19, 2015

FROM: Cynthia Franklin
Director, ABC Board

RE: Set 1 Suggested Revisions

Suggested revisions to the set 1 draft will be presented to the board at the July 2, 2015 meeting.

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THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**

ALCOHOLIC BEVERAGE CONTROL BOARD
MARIJUANA CONTROL BOARD

550 W 7th Avenue, Ste 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

DATE: June 19, 2015

FROM: Cynthia Franklin
Director, ABC Board

RE: Draft Regulations

Set 2 of the draft regulations will be presented to the board at the July 2, 2015 meeting.

Tab

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THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**

ALCOHOLIC BEVERAGE CONTROL BOARD
MARIJUANA CONTROL BOARD

550 W 7th Avenue, Ste 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

DATE: June 19, 2015

FROM: Cynthia Franklin
Director, ABC Board

RE: Draft Regulations

Set 2 of the draft regulations will be presented to the board at the July 2, 2015 meeting.

Tab

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THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**

ALCOHOLIC BEVERAGE CONTROL BOARD
MARIJUANA CONTROL BOARD

550 W 7th Avenue, Ste 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

DATE: June 19, 2015

FROM: Cynthia Franklin
Director, ABC Board

RE: Draft Regulations

Set 2 of the draft regulations will be presented to the board at the July 2, 2015 meeting.

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THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**

ALCOHOLIC BEVERAGE CONTROL BOARD
MARIJUANA CONTROL BOARD

550 W 7th Avenue, Ste 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

DATE: June 19, 2015

FROM: Cynthia Franklin
Director, ABC Board

RE: Draft Regulations

Set 2 of the draft regulations will be presented to the board at the July 2, 2015 meeting.