



Alaska Marijuana Control Board

Marijuana Handler Permit

Form MJ-10: Education Course Provider Application

What is this form?

This marijuana handler permit education course provider application is required for all persons and entities seeking to have a marijuana handler permit education course approved by the Marijuana Control Board. Applicants should review **3 AAC 306.700**.

The course curriculum must cover at least the following topics:

- AS 17.37, AS17.38, and 3 AAC 306
- The effects of consumption of marijuana and marijuana products
- How to identify a person impaired by consumption of marijuana
- How to determine valid identification
- How to intervene to prevent unlawful marijuana consumption
- The penalty for an unlawful act by a licensee, an employee, or an agent of a marijuana establishment
- A written test, demonstrating that each student has learned the information correctly

This form must be submitted to AMCO's main office, along with a copy of the course curriculum, before any marijuana handler permit education course provider application will be considered by the board.

Applicant Information

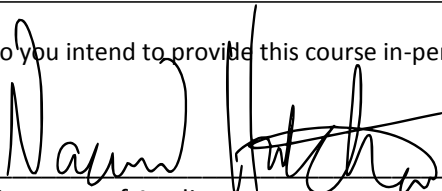
Enter information for the business seeking to be an approved marijuana handler permit education course.

Applicant:					
Course Name:					
Mailing Address:					
City:		State:		ZIP:	
Email Address:		Phone:			

In-person ☐ Online ☐

Do you intend to provide this course in-person in a classroom-type setting, or online? Check all that apply.

☐ ☐


Signature of Applicant

Date

OFFICE USE ONLY

Board Meeting Date:		Approved Y/N?:		Course #:	
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Goals of CHAMP training

The Cannabis Handlers and Marijuana Professionals (CHAMP) Certification Course will provide the industry professional with everything that they need to know in order to operate legally and safely in the State of Alaska.

The main focus of this training program addresses these specific areas:

- To provide clear understanding of AS 17.37, AS 17.38, and 3 AAC Chapter 306. Regulation of Marijuana Industry
- To give a clear explanation of the effects of marijuana consumption, as well as how to identify an impaired person
- Determining valid identification
- Preventing unlawful consumption
- Building the necessary skills to safely handle difficult situations
- To outline the penalties associated with unlawful acts

Marijuana Laws vary from state to state, this course is intended to cover only the treatment of marijuana within the State of Alaska. Licensees, employees, or agents of marijuana establishments who sell, cultivate, manufacture, test, or transport marijuana or a marijuana product, or who check the identification of a consumer or visitor, are required to obtain a marijuana handler permit from the Alcohol and Marijuana Control Office (AMCO) before being licensed or beginning employment at a marijuana establishment. To obtain a marijuana handler permit, one must first complete a marijuana handler permit education course approved by the board, pass a written test demonstrating an understanding of the course material, and obtain a certificate of course completion from the course provider. A person who has completed the marijuana handler

permit course may then present that course completion certificate to AMCO, who will then issue a marijuana handler permit card valid for three years. A person may renew an expiring card by passing a written test demonstrating an understanding of the course subjects. A licensee, employee, or agent must keep the marijuana handler permit card in that person's immediate possession when on the licensed premises of a marijuana establishment or while transporting marijuana or marijuana products.

Section 1.

Terms and Concepts

Marijuana is the term chosen by the State of Alaska to describe parts of the cannabis plant that produces more than .03% THC. Marijuana includes dried bud and flower, trimmings, plants, cuttings, clones, marijuana products, and marijuana concentrates.

Marijuana Establishments are state licensed businesses that are directly involved in the growing, production, testing, and retail sale of marijuana. There are four types of marijuana establishments:

1. Cultivation facilities
2. Manufacturing facilities
3. Testing facilities
4. Retail facilities. Retail facilities may also apply for a public consumption endorsement, which allows for on-site consumption of marijuana purchased at that same retail store.

There are several legal terms and documents related to the regulation of the marijuana industry.

- AS 17.37 refers to the Medical Uses of Marijuana for Persons Suffering from Debilitating Medical Conditions Act.
- AS 17.38, also known as Ballot Measure 2, refers to the Act to tax and regulate the production, sale, and use of marijuana.
- 3 AAC 306, also referred to as Chapter 306, is the chapter to tax and regulate the marijuana industry in the State of Alaska as adopted by the marijuana control board.

Liability and Responsibility

Becoming a part of the commercial marijuana industry requires a great level of responsibility and compliance with state and local law. It is extremely important for one to understand the liability and personal responsibility associated with this new industry.

Marijuana laws and zoning in the State of Alaska are made at two different levels of government:

1. State - Creates statewide laws and regulations. Responsible for licensing, designates buffer distances, does not handle zoning permits
2. Municipality - Handles local zoning requirements and may restrict any or all marijuana establishments, but may not restrict personal use. Ability to create sales taxes. Can be more restrictive than state, but not less restrictive. May create a local regulatory authority. Includes city councils, village mayor's offices, planning and zoning departments.

Municipal ordinances will vary throughout the state. It is the industry professional's responsibility to stay informed of all state and local legal requirements regarding their business. Keep in mind that local law enforcement can enforce state laws.

At the state level, the governing authority over marijuana regulations and establishments is the Alcohol and Marijuana Control Office (AMCO). AMCO is responsible for the issuance, renewal, transfer, suspension, and revocation of all marijuana licenses. AMCO operates within laws that are passed by the state legislature and signed into law by the governor.

Violating or ignoring marijuana regulations will result in very serious consequences, such as fines, lawsuits, suspension or revocation of marijuana license, civil or criminal charges, injury and/or death.

All employees and licensees are responsible for adhering to all regulation and inspection to avoid penalty or forced closure of the establishment.

Retail sales of marijuana are restricted to state-licensed entities and only to adults over the age of 21. Marijuana sales by unlicensed individuals or entities remain subject to criminal penalties. To deliver for compensation less than 1 ounce of marijuana without a marijuana retail license can result in a class A misdemeanor punishable by up to 1 year imprisonment and/or a fine up to \$10,000. Delivery with or without compensation of an ounce or more may result in a class C felony punishable by up to 5 years imprisonment and/or a fine up to \$50,000.

Criminal negligence describes conduct of an employee, licensee, or agent that "grossly deviates" from normal, reasonable standards of an ordinary person. Criminal negligence could result in the suspension or revocation of a marijuana establishment license.

Criminal liability will result when a responsible individual ignores or breaks the law regarding the sale or consumption of marijuana. Penalties for licensees, agents, and employees may include fines, suspension or revocation of marijuana license, and/or jail time.

Civil Liability can occur when an individual, an owner, or the establishment itself is held financially accountable for injury or damages to or by a customer of the establishment. By contributing to or not preventing an injury or civil damages, a civil lawsuit may be filed against the establishment, owner, or individual. When a civil lawsuit is filed, all safety procedures and protocols will be investigated, as well as actions of all employees and licensees.

Civil Fines may be imposed on any marijuana establishment, licensee, or person that AMCO determines violated AS 17.38 or Chapter 306. Civil fines may not exceed the greater of

1. an amount that is three times the monetary gain realized by the marijuana establishment, licensee, or person as a result of the violation, as determined by the board;
2. \$10,000 for the first violation
3. \$30,000 for the second violation
4. \$50,000 for the third or subsequent violation

Risk Awareness

Because of the historical stigma and changing laws in the marijuana industry, there are many risks associated with marijuana that industry professionals need to be aware of. Federal legality is perhaps the largest question that the legal marijuana industry is waiting for an answer to. While legal under state law, federal law enforcement may choose to enforce marijuana drug scheduling through cease and desist orders, product and asset seizure, or possibly more drastic measures depending on severity of offense.

Because of the existing illegality at the federal level, nearly all federally insured banks refuse to allow marijuana business access to the banking system. The result is a cash only industry, where the use of checking accounts, credit cards, and investment loans are largely out of the question. This cash only industry creates a target on marijuana businesses and employees and may attract criminal actors. Marijuana establishments and licensees should be very aware of the risks a cash only industry poses for its employees.

Risk Acceptance

In order to change policies and public opinion on marijuana, the industry must work together towards following state regulation and minimizing risk. The best way to accomplish this task is through knowledge and education. Stay informed on all current cannabis news, studies, and local regulation.

Current Federal Enforcement Policy on State Marijuana Laws

In a Department of Justice memorandum issued to federal prosecutors on August 29, 2013 by Deputy Attorney General James Cole, federal law enforcement policies with respect to state marijuana laws were outlined, commonly known as the "Cole Memo." The cornerstone of this policy is its emphasis on state regulation. According to the memo, the federal government will focus its efforts on eight enforcement priorities and rely on state law enforcement authorities to manage areas that are not federal priorities.

The memo states,

"The Department's guidance in this memorandum rests on its expectation that state and local governments that have enacted laws authorizing marijuana-related conduct will implement strong and effective regulatory and enforcement systems that will address the threat those state laws could pose to public safety, public health, and other law enforcement interests."

The eight areas of particular concern are:

1. Preventing the distribution of marijuana to minors
2. Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels
3. Preventing the diversion of marijuana from states where it is legal from going to other states
4. Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity
5. Preventing violence and the use of firearms in the cultivation and use of marijuana
6. Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use
7. Preventing the growing of marijuana on public lands, as well as public safety and environmental dangers posed by marijuana production on public lands
8. Preventing marijuana possession or use on federal property

Risk Management

Now that we understand the risks associated with the marijuana industry, we must work toward minimizing and managing those risks. Having adequate safety measures and security systems in place at each marijuana establishment, including 24 hour

lighting of entrances and exits, security cameras, and commercial grade locks, will greatly reduce chances of break-ins and other criminal activity. Identification (ID) checks, age requirement signage, childproof packaging, and buffer distances from schools and daycares, may help reduce children's access to accidentally consuming marijuana or unlawfully purchasing. Remember, no one under 21 years of age may enter a marijuana establishment.

The implications of a cash-only industry can be very dangerous for a marijuana establishment, and therefore very important for each to have policies and procedures in place to prevent violence and theft. Each employee should be aware of these risks and trained in preventative measures to take in various situations. Thorough and ongoing employee training is necessary in creating a safe and comfortable work environment.

Role of Government

In the State of Alaska, the governing authority over marijuana laws and establishments is the Alcohol and Marijuana Control Office (AMCO). AMCO is responsible for the issuance, renewal, transfer, suspension, and revocation of all marijuana licenses.

Employees and licensees are required to cooperate with all AMCO representatives and investigators as well as all local, state, and federal law enforcement. AMCO representatives are required to furnish an ID badge or other form of proof of identification. Regulation enforcement is handled by AMCO officers who may inspect any marijuana establishment at any time in any reasonable manner without a search warrant. AMCO officer inspections may check for required sign postage, current marijuana handler cards for each employee/licensee, and proper procedures to adhere to state regulations. They may inspect any marijuana or marijuana product on the premises, any equipment used, the inventory tracking system, business records and computers.

Community Decisions

Each community has the option to "opt-out," or prohibit the sale or production of marijuana within its boundaries.

If a majority of persons vote to approve this option, or if a local government's assembly or city council passes an ordinance to the same effect, the local government must adopt a local option to prohibit the sale or importation of marijuana and any marijuana product, or to prohibit the operation of any marijuana establishment.

A local government may not prohibit the personal use and possession of marijuana and marijuana products as authorized under AS 17.38.

If a majority of persons vote to remove a prohibition currently in effect, or if a local government's assembly or city council passes an ordinance to the same effect, that repeal is effective the first day following the certification of the election.

Laws Regarding Consumption

Consuming marijuana in public is prohibited. AS 17.38 defines "in public" as a place to which the public or a substantial group of persons has access and includes highways, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, and hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence. On November 20, 2015, the Marijuana Control Board amended to definition to exclude marijuana retail stores that have a consumption endorsement issued by the board.

With prior approval of the board, a marijuana retail store may receive an on-site consumption endorsement that would allow for consumption of marijuana or a marijuana product purchased on the licensed premises, in a designated area on the same licensed premises.

It will remain a criminal offense for someone under 21 to possess any amount of marijuana, AS 17.38.010 made the use of marijuana legal only for persons 21 years of age or older.

AS 17.38 also states that a person, employer, school, hospital, recreational or youth center, correction facility, corporation or any other entity who occupies, owns or controls private property may prohibit or otherwise regulate the possession, consumption, use, display, transfer, distribution, sale, transportation or growing of marijuana on or in that property.

AS 17.37 & AS 17.38

AS 17.37 refers to the Medical Uses of Marijuana for Persons Suffering from Debilitating Medical Conditions Act. AS 17.37 created a confidential registry of patients and listing of caregivers. AS 17.37 lays out privileges and restrictions of medical use of marijuana. Since AS 17.38 has a much broader scope, much of AS 17.37 has been essentially nullified. One aspect of AS 17.37 that remained relevant is the provision that a physician is not subject to arrest, prosecution, disciplinary proceeding, or denial of any right or privilege for advising a patient diagnosed as having a debilitating medical condition of possible benefits of medical use of marijuana. Nothing in AS 17.38 changed any privileges and prohibitions related to medical cards issued per AS 17.37.

AS 17.38, also known as Ballot Measure 2, refers to the Act to tax and regulate the production, sale, and use of marijuana. AS 17.78 is responsible for the creation of the Marijuana Control Board, and provided the outline for the regulation and rulemaking of the marijuana industry in the State of Alaska.

The main goals behind AS 17.38 are to allow law enforcement to focus on violent and property crimes, and to enhance individual freedom by legalizing marijuana for all persons 21 years of age or older. AS 17.38 also states that the production and sale of marijuana should be regulated so that:

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

AS 17.38 does not exempt any individual or entity from any requirement of federal law, nor will it pose any obstacle to federal enforcement of federal law.

AS 17.38 does not authorize the cultivation or sale of industrial hemp.

In regards to personal use, 17.38 authorized the following acts by persons 21 years of age or older and will not be a criminal or civil offense under Alaska law:

- Possessing, using, displaying, purchasing, or transporting one ounce or less of marijuana or marijuana accessories
- Possessing, growing, processing, or transporting no more than six marijuana plants, with three or fewer being mature, flowering plants, and possession of all marijuana produced by the plants on the premises where the plants were grown
- 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
- Consumption of marijuana, except in public
- Assisting another person who is 21 years of age or older in any of the above

A local government may prohibit the operation any or all types of commercial marijuana establishments. A local government may also govern the time, place, manner and number of marijuana establishment operations. A local government may establish civil penalties for violation of an ordinance or regulation governing the time, place, and manner of a marijuana establishment that may operate in such local government. A local government may

designate a local regulatory authority responsible for processing registration applications to operate a marijuana establishment within that local government.

Local government cannot restrict or prohibit the personal use of marijuana.

Summary

Section 2.

3 AAC Chapter 306

This section provides a summary of Alaska Administrative Code Chapter 306 Regulation of the Marijuana Industry. It is only a summary and should not be taken as legal advice. A complete version of 3 AAC Chapter 306, as well as forms and instructions for filing an application for a marijuana establishment license can be found online at the Alcohol & Marijuana Control Office's website or at the board's office. The board's website address is www.commerce.alaska.gov/web/amco/ and its office is at 550 West 7th Ave. Suite 1600, Anchorage, AK 99501. The board's telephone number is (907) 269-0350.

Licensing, Fees

A marijuana establishment may not operate in the State of Alaska unless it has obtained the applicable marijuana establishment license from the marijuana control board. An individual or entity may hold more than one license type, with the exception of Marijuana Testing Facilities. If an individual holds interest in a Marijuana Testing Facility, they may not hold interest in any other license type.

License types and fee amounts:

- Non-refundable application fee - \$1000
- Annual license renewal fee - \$600
- Annual Marijuana Testing Facility - \$1000
- Annual Limited Marijuana Cultivation Facility - \$1000
- Annual Standard Marijuana Cultivation Facility - \$5000
- Annual Concentrate Manufacturing Facility - \$1000
- Annual Standard Marijuana Product Manufacturing Facility - \$5000
- Annual Marijuana Retail Facility - \$5000

- Non-refundable fee to change a marijuana establishment's business name, licensed premises diagram, operating plan, or proposed new marijuana product - \$250

License restrictions

State-designated buffer distances from sensitive receptors are measured by the shortest pedestrian route from the public entrance of the building in which the licensed premises would be located to the outer boundaries of the sensitive receptor, or front entrance of religious building. Marijuana establishments may be "grandfathered in" if a sensitive receptor comes in after a license has been awarded, meaning they will be allowed to remain in that location, renew their license, or transfer their license to another person. Grandfather rights will not apply if license is revoked or expires.

The board will not issue a marijuana establishment license if:

- the licensed premises will be located within 500 feet of:
 - a school ground
 - a recreation or youth center
 - a building in which religious services are regularly conducted
 - a correctional facility
- the licensed premises will be located in a liquor license premises
- when a local government protests an application on the grounds that that the applicant's proposed licensed premises are located in a place where a local zoning ordinance prohibits the marijuana establishment

The board will not issue a marijuana establishment license to a person, partnership, LLC, or corporation in which any member/owner:

- is prohibited under AS 17.38 from receiving a marijuana establishment license because of a conviction of a felony
- has been found guilty of selling alcohol without a license
- has been found guilty of selling alcohol to an individual under 21 years of age

- has been found guilty of a misdemeanor crime involving a controlled substance, violence against a person, use of a weapon, or dishonesty within the preceding five years
- has, within two years before submitting an application, been convicted of a class A misdemeanor relating to selling, furnishing, or distributing marijuana or operating an establishment where marijuana is consumed contrary to state law
- is not a resident of the State of Alaska as determined by PFD filing status

License conditions

Marijuana establishment licenses are site-specific, meaning they are issued only for the location specified on the license as "licensed premises". A marijuana establishment must have a right to possession of its licensed premises at all times, and may not lease its licensed premises to another person for any reason. If a marijuana establishment wishes to reduce or expand the area of the licensed premises used for a marijuana establishment, they must submit a new line drawing showing the proposed changes to the premises, pay the \$250 fee, and obtain the board's written approval.

A marijuana establishment may not relocate its licensed premises to a different place without obtaining a new license for the new premises.

Application for new license

An applicant for a new marijuana establishment license must file a completed application on a form the board prescribes, a \$1000 nonrefundable application fee, the applicable annual license fee, as well as fingerprint cards and fees required for a criminal background check.

An application for a new marijuana establishment license must include:

- The name of the applicant and any business name the applicant will use for the proposed marijuana establishment
- The applicant's state business license number

- The name, mailing address, telephone number, and social security number of each proposed licensee and each affiliate of each proposed licensee
- an electronic mail address at which the applicant agrees to receive any correspondence from the board before and after it receives a license;
- the type of license the applicant is requesting
- the address of the premises to include global positioning system (GPS) coordinates where the applicant intends to operate a marijuana establishment
- A detailed diagram of the proposed licensed premises showing all entrances and boundaries of the premises, restricted access areas, and storage areas;
- The title, lease, or other documentation showing the applicant's right to possession of the proposed licensed premises;
- An affidavit showing where and when the applicant posted notice of the application and proof of advertising as required
- Additional license type-specific information that the board requires
- A marijuana establishment license application must include the applicant's operating plan describing to the board's satisfaction the proposed marijuana establishment's plans for
 - Security
 - Inventory tracking of all marijuana and marijuana products on the premises
 - Employee qualification and training
 - Waste disposal
 - Transportation and delivery of marijuana and marijuana products
 - Signage and advertising

Application for retail marijuana store license

In addition to general application requirements, retail stores must also submit a copy of the required food safety permit and an operating plan that includes a description of the way marijuana and marijuana products will be displayed and sold.

Application procedure

As soon as practical after initiating a new marijuana license application, the applicant must give notice of the application to the public by

- posting a copy of the application, on the form the board prescribes, for 10 days at
 - the location of the proposed licensed premises
 - one other conspicuous location in the area of the proposed premises
- publishing an announcement once a week for three consecutive weeks in a newspaper of general circulation in the area; or
- in an area where no newspaper circulates, the applicant must arrange for broadcast announcements on a radio station serving the local area where the proposed licensee seeks to operate twice a week for three successive weeks during triple A advertising time
- submit a copy of the application:
 - the local government
 - any community council in the area of the proposed licensed premises

After the applicant completes the notice requirements and submits remaining application requirements, the applicant must pay the application and licensing fees. The applicant must then use the board's electronic system to inform the board that the applicant has submitted a complete application.

When AMCO receives an application for a marijuana establishment license, determination will be made to find if the application is complete. If the application is deemed complete, AMCO will immediately give written notice to:

- the applicant
- the local government with jurisdiction over the applicant's proposed licensed premises
- the community council if the proposed licensed premises are located within the boundary of a community council established by municipal charter or ordinance

- any nonprofit community organization that has requested notification in writing

If an application for a marijuana establishment license is incomplete, AMCO must notify the applicant by electronic mail at the address provided.

Criminal justice information and records

When filing an application for a new marijuana establishment license or transfer of a license, each applicant must submit fingerprints and fees required by the Department of Public Safety for a criminal background check. The board will use the criminal justice report to determine if an applicant qualifies for a marijuana establishment license.

Petition for license in area with no local government

The board will not approve a new license in an area outside, but within 50 miles of, the boundary of a local government unless the board receives a petition to issue the license signed by a majority of the permanent residents residing within one mile of the proposed premises.

In an area that is 50 miles or more from the boundary of a local government, the applicant must submit a petition to issue the license containing the signatures of two-thirds of the permanent residents residing within a radius of five miles of the United States post office station nearest to the proposed licensed premises. If there is no United States post office station within a radius of five miles of the proposed licensed premises, the petition must be signed by two-thirds of the permanent residents residing within a five-mile radius of the proposed licensed premises.

Application for renewal of license

Each marijuana establishment must file a renewal application annually not later than June 30. AMCO will send notice on or before May 1st to the marijuana establishment's e-mail address on file with the board. The notice will include instructions on using and submitting the renewal form. The marijuana

establishment must submit the renewal application and renewal fee electronically no later than June 30 of each year.

Ownership change to be reported

Within 10 days of any change in ownership, a licensed marijuana establishment must report the change on a form prescribed by the board. If any change will result in a change in controlling interest of the marijuana establishment license, the marijuana establishment must file an application for transfer of license to another person.

In this section, "ownership change" means:

- if the licensee is a partnership, any change in the identity of the partners, or in the ownership percentages held by any partners
- if the licensee is a limited liability company, any change in the identity of the members, or in the ownership percentage held by any member
- if the licensee is a corporation, any sale of corporate stock to a person not currently an owner, or any change of the percentage ownership of an existing shareholder.

Application for transfer of a license to another person

A person may not transfer a marijuana establishment license or a controlling interest in a marijuana establishment license without applying for and receiving the written consent of the board.

Transfer of a license includes a sale of all or part of the interest of an individual owner. An application for transfer of a marijuana establishment license, or of a controlling interest in a marijuana establishment license, must be filed in writing on a form the board prescribes, in compliance with the application procedure.

The application must name the current holder of the marijuana establishment license and the proposed transferee. The application must contain the same information about each transferee as is required of an applicant for a new license. The

application must follow rules and meet requirements set out in 3 AAC 306.045.

Relocation of licensed premises not allowed

Marijuana establishment licenses are site-specific, meaning the licensed premises cannot be relocated. Licenses are issued for a prescribed space at a specific GPS location, they are no longer applicable if a marijuana establishment relocates. If a licensee wishes to operate a marijuana establishment at a different location, the establishment must submit a new application for the new premises, and must surrender the existing license where the marijuana establishment does not intend to continue its operation.

Protest by local government

Not later than 60 days after AMCO sends notice of an application for a new, renewal, or transfer of a marijuana establishment license, a local government may protest the application by sending AMCO and the applicant a written protest and the reasons for the protest. AMCO may not accept a protest received after the 60-day period.

If a local government protests an application for a new, renewal, or for a transfer of a license, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. If a local government determines that a marijuana establishment has violated a provision of AS 17.38, Chapter 306, or a condition the board has imposed on the licensee, the local government may notify the board. Unless AMCO finds that the local government's notice is arbitrary, capricious, and unreasonable, AMCO will prepare the determination as an accusation against the licensee and conduct proceedings to resolve the matter as provided under Chapter 306.

Public participation

Any person may object to an application for a new license, renewal of a license, or transfer of a license to another person by submitting a written statement of reasons for the objection to the board and the applicant not later than 30 days after

notice of the application. The objection must be sent to the applicant at the mailing address or electronic mail address provided in the notice of application. If the board determines to conduct a public hearing, an interested person may give oral testimony at the public hearing. The board may, on its own initiative or in response to an objection or protest, hold a hearing to ascertain the reaction of the public or a local government to an application.

Procedure for action on license application

The board must either grant or deny an application not later than 90 days after receiving the complete application. However, the board will not grant or deny the application before:

- the time allowed for a protest, unless the local government waives its right to protest
- the time allowed for an public objection has elapsed.

Not later than seven days before the date set for board action on an application for a new license, renewal of a license, or transfer of a license to another person, a meeting agenda will be posted listing the matters scheduled for action at that meeting. The board may review an application for a new license, renewal of a license, or transfer of a license to another person, without additional notice to the applicant.

The board will consider any written objection, protest, suggested condition, or petition, and also will consider any testimony received at a hearing on public protest held when it considers the application. AMCO will retain the written objection, protest, or suggested condition or petition, and the hearing record as part of the permanent record of the board's review of an application.

Denial of license application

After review of the application of a new, renewal, or transfer of a license, including the applicant's proposed operating plan and all relevant information, the board will deny an application for a new license if the board finds that:

- the application is not complete as required under the applicable provisions

- contains any false statement of material fact
- the license would violate any restriction in 3 AAC 306.010
- the license would violate any restriction applicable to the particular license type authorized under Chapter 306
- the license is prohibited as a result of an ordinance or election
- the board finds that the operating plan does not adequately demonstrate that the applicant will comply with applicable provisions
- the license would not be in the best interests of the public

If the board denies an application, not later than 15 days after the board meeting at which the application was denied the board must furnish a written statement of issues to the applicant, explaining the reason for the denial in clear and concise language, and identifying any statute or regulation on which the denial is based. In the notice of denial the board will inform the applicant of the right to an informal conference under 3 AAC 306.085 and to a formal hearing under 3 AAC 306.090.

Informal conference

Not later than 15 days after the date of the written notice of denial, the applicant may request an informal conference with the AMCO director or the board. An informal conference must be held at a time and place convenient to the applicant and the board not later than the next scheduled meeting of the board. An informal conference may be conducted by telephone. If the informal conference does not resolve the matter to the applicant's satisfaction, the applicant may request a formal hearing by filing a notice of defense, not later than 15 days after the last day of the informal conference.

Formal hearing

If an applicant is aggrieved by an action of the board denying the application, the applicant may request a formal hearing by filing a notice of defense in compliance with AS 44.62.390 not later than 15 days after the date of the written notice of the denial, or with 15 days of the last day of the informal

conference, if the applicant requested and participated in an informal conference. Failure to file a notice of defense constitutes a waiver of the right to a formal hearing.

Appeals

An aggrieved applicant or marijuana establishment license holder may appeal to the board regarding any action of AMCO, the director, or an employee or agent of the board regarding an application for a new license, a license renewal, or a transfer of license to another person.

An applicant or marijuana establishment license holder aggrieved by a final decision of the board regarding an application for a new license, a license renewal, or a transfer of license to another person may appeal to the Superior Court under AS 44.62.560.

Local Options

Local options

A local government's assembly or city council has the option to prohibit the sale or production of marijuana. If the majority of the persons voting on a question vote to approve the option, or if a local government passes an ordinance to the same effect, the local government will adopt a local option to prohibit the sale or importation for sale of marijuana and any marijuana product, or the operation of any marijuana establishment. In the event of a change in local opinion, a majority of voters may repeal the prohibition. Nothing in Chapter 306 prevents a local government from applying for a marijuana establishment license.

A local government may not prohibit the personal use and possession of marijuana and marijuana products as authorized under AS 17.38.020.

Operating Requirements for All License Marijuana Establishments

A marijuana establishment license will be site-specific. Licensed premises must be clearly designated in a line drawing

submitted with a license application. A marijuana establishment's license must be posted in a conspicuous place within the licensed premises. A marijuana establishment may not alter the functional floor plan without prior approval from the board.

A marijuana establishment must make the existing or proposed licensed premises available for inspection by an investigator. The board may also request a local fire protection agency or any other state health and safety agency to inspect licensed premises or proposed licensed premises. Areas of inspection may include the premises, facilities, qualifications of personnel, methods of operation, business and financial records, marijuana inventory tracking system, and policies of any marijuana establishment.

Marijuana handler permit

Each licensee, employee, or agent of a marijuana establishment must obtain a marijuana handler permit before becoming licensed or beginning employment. This includes anyone who sells, cultivates, manufactures, tests, or transports marijuana or a marijuana product, or who checks the identification of a consumer or visitor. To obtain a marijuana handler permit, a person must complete an approved marijuana handler permit education course and pass a written test demonstrating an understanding of the course material. The course provider will provide a certificate of course completion to present to the board. Upon payment of \$50 to AMCO, the board will issue a marijuana handler permit card valid for three years from the date of issue. A person may renew a marijuana handler card by passing a written test demonstrating an understanding of the course subjects.

Each licensee, employee, or agent must keep their marijuana handler permit card in their immediate possession, or keep a valid copy on file on the premises, at all times when on the licensed premises of the retail marijuana store.

Restricted access areas and security

A marijuana establishment must restrict access to any part of the licensed premises where marijuana or a marijuana product is grown, processed, tested, stored, or stocked. Each entrance to a restricted access area must be marked by a sign that says "Restricted access area. Visitors must be escorted." A marijuana establishment must limit the number of visitors to not more than five visitors per employee escort. In a restricted access area, a licensee, employee, or agent of the marijuana establishment must wear a current identification badge bearing that person's photograph. Any visitor to the restricted access area must show identification as required to prove that person is 21 years of age or older, obtain a visitor identification badge, and must be escorted by an employee at all times.

Each licensee, employee, or agent of a marijuana establishment must display an identification badge issued by the marijuana establishment at all times when on the licensed premises. The licensed premises of a marijuana establishment must have exterior lighting to facilitate surveillance, a security alarm system on all exterior doors and windows, and continuous video monitoring. A marijuana establishment must have policies and procedures that are designed to prevent diversion of marijuana or marijuana product in or out, and prevent loitering. A marijuana establishment must use commercial grade, non-residential door locks on all exterior entry points to the licensed premises.

Video surveillance

A marijuana establishment must install and maintain a video surveillance and camera recording system as required. The video system must cover each restricted access area and each entrance to a restricted access area within the licensed premises. Surveillance must also cover each entrance to the exterior of the licensed premises and each point-of-sale area.

Required video cameras must be placed in a way that produces a clear view adequate to identify any individual inside the licensed premises, or within 20 feet of each entrance to the

licensed premises. Both the interior and the exterior of each entrance to the facility must be recorded by a video camera. Any area where marijuana is grown, cured, manufactured, stored, sold, or destroyed, must have a camera placement in adequate fixed positions in the room facing the primary entry door, at a height that will provide an unobstructed view of the regular activity.

Surveillance video recording equipment and records must be housed in a locked and secure area accessible only to an authorized person, investigators, and law enforcement personnel. A marijuana establishment may use an off site monitoring service and offsite storage of video surveillance records if security requirements at the offsite facility are at least as strict as onsite security requirements. Each surveillance recording must be preserved for a minimum of 40 days, in a format that can be easily accessed for viewing, clearly and accurately display the time and date, and archived in a format that does not permit alteration of the recorded image.

Marijuana inventory tracking system

The State of Alaska has chosen to use a marijuana inventory tracking system called METRC by Franwell. METRC stands for Marijuana Enforcement Tracking, Reporting and Compliance. Franwell charges \$40 per month per license for access to METRC for ongoing training, support and maintenance. Tracking tags cost \$0.45 apiece for plants and \$0.25 apiece for package tags.

While AMCO has access to all accounts in METRC, licensees will only be able to access their own information, they will not be able see any information about any other licensee. Franwell will be offering live webinar trainings three times per week, 50 weeks per year for ongoing training. Written training manuals will be provided.

A marijuana establishment may use their own inventory tracking system, but is must be capable of sharing information with METRC to ensure all marijuana and marijuana product cultivated,

processed, and sold in the state is identified and tracked from seed or cutting, through transfer to other licensed establishments, to a completed sale to consumer, or disposal of the harvest batch or production lot. Marijuana delivered to a marijuana establishment must be weighed on a state certified and registered scale.

The inventory tracking system must be used to ensure all marijuana and marijuana product in a marijuana establishment's possession is identified and tracked from the time it is received, until the time it is sold, transferred, or otherwise disposed of. When marijuana is delivered or transported to the licensed premises, the marijuana establishment must immediately enter identification information for that batch into the inventory tracking system.

A marijuana establishment may not accept marijuana or a marijuana product that is not accompanied by a valid transport manifest generated from the inventory tracking system of the marijuana establishment that originated the delivery. A marijuana establishment must reconcile each transaction and current inventory to its inventory tracking system at the close of business each day. The receiving marijuana establishment receiving establishment will be held responsible for any variance in the quantity of marijuana or marijuana product received and the quantity sold, transferred, or disposed of.

The marijuana cultivation facility must assign a tracking number to each plant over eight inches tall. When harvested, bud and flowers, clones or cuttings, or leaves and trim of separate harvest batches of distinct strains may be combined in a package for wholesale not exceeding five pounds. Each harvest batch must be given an inventory tracking number. Clones or cuttings must be limited to 50 or fewer and must be identified by a batch tracking number. A marijuana cultivation facility must record each sale and transport of each batch in the inventory tracking system, and must generate a valid transport manifest to accompany each transported batch. A cultivation facility must record in the inventory tracking system all marijuana samples

provided for the purpose of negotiating sales. This record must include the amount of each sample, the receiving retail store or manufacturing facility, and the disposal of any expired or outdated promotional sample returned to the cultivation facility.

Packaging and labeling of marijuana

A retail marijuana store must ensure that all marijuana and marijuana products sold on its licensed premises are packaged and labeled in compliance with Chapter 306. All marijuana or marijuana products sold to a retail customer must be packaged in opaque, resealable, child-resistant packaging when the purchaser leaves the retail section of the licensed premises.

Packaging may not have any printed images that specifically target persons under 21 years of age. Packaging may not resemble any widely branded food, drink, or candy product by using familiar words/colors/styles so that it could be easily mistaken for that branded food product. The packaging must also protect the product from contamination and may not impart any toxic or damaging substance to the marijuana.

No form of marijuana or marijuana product may be labeled as organic.

All marijuana sold at a retail marijuana store have a label on each package identifies the retail marijuana store by name or distinctive logo and marijuana establishment license number.

Each package of marijuana or marijuana product sold to a retail store for resale to a consumer must have a label with the following information:

- the name and license number of the establishment where the marijuana grown or processed
- the harvest or production lot number assigned to the product in the package
- the net weight of the product in the package not including weight of packaging

- The estimated amount of THC per serving, as well as the number of servings total
- each of the following statements
 - "Marijuana has intoxicating effects and may be habit forming and addictive."
 - "Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence."
 - "There are health risks associated with consumption of marijuana."
 - "For use only by adults twenty-one and older. Keep out of the reach of children."
 - "Marijuana should not be used by women who are pregnant or breastfeeding."

A marijuana cultivation facility may package its marijuana bud and flower in a wholesale package not exceeding five pounds to be repackaged by the retail store or product manufacturing facility, or not exceeding one ounce if it will be sold to a customer without repackaging by the retailer. Each package prepared must be identified by a tracking label generated by the cultivation facility's inventory tracking system.

With each harvest batch or production lot of marijuana sold, the originating establishment must affix a label setting out the name and license number of the marijuana cultivation facility where the marijuana was grown, the harvest batch number and net weight of the marijuana in the package, and a complete list of all soil amendments, fertilizers, and other crop production aids applied to the growing medium or plants included in the batch including pesticides, fungicides, and herbicides. The establishment must also disclose the name of the licensed marijuana testing facility that performed required laboratory testing and the results of each required laboratory test.

Prior to transportation, a wholesale shipment of marijuana must have a label affixed to the shipping container showing the results of required testing including:

- a cannabinoid potency profile expressed as a range of percentages that extend from the lowest to highest percentage of concentration for each cannabinoid listed from every test conducted on that production lot from the same marijuana product manufacturing facility within the last three months
- a statement listing the results of required microbial testing
- a statement listing the results of required residual solvent testing, if applicable; and
- a statement listing contaminants for which the product was tested in addition to Chapter 306 requirements, including:
 - molds, mildew, and filth
 - herbicides, pesticides, and fungicides
 - harmful chemicals

If a marijuana product manufacturing facility ships wholesale marijuana product from a production lot of marijuana product that has not been tested for each contaminant listed, the label for that lot must include a statement identifying each contaminant for which that lot has not been tested.

Health and safety standards

A marijuana establishment must comply with all applicable health and safety requirements specified in Chapter 306, and is subject to inspection by the local fire department, building investigator, or code enforcement officer to confirm that health or safety violations are not present.

A marijuana establishment must take all reasonable measures and precautions to ensure that any person who has an illness, open sore or wound, or other potential source of infection does not come in contact with marijuana or a marijuana product. The licensed premises have adequate and readily accessible toilet facilities that are maintained, sanitary, and in good repair, and convenient hand washing facilities with running water at a suitable temperature. The marijuana establishment must provide effective hand-cleaning, sanitizing, and drying devices.

Each person working in direct contact with marijuana must conform to good hygienic practices while on duty. These practices including washing hands thoroughly before starting work, after using toilet facilities, and at any other time when the person's hands may have become soiled or contaminated. Floors, walls, and ceilings must be constructed to allow adequate cleaning must be kept in good repair. Adequate lighting must be installed in any area where marijuana or a marijuana product is stored, displayed, or sold, and where any equipment is cleaned. Each toxic cleaning compound, sanitizing agent, and pesticide chemicals must be properly identified and stored in a safe manner to protect against contamination of marijuana or a marijuana product and in compliance with any applicable local, state, or federal law.

Adequate sanitation practices must be used in receiving, inspecting, transporting, and storing marijuana. All marijuana must be stored in a manner that prevents the growth of bacteria, microbes, or other undesirable microorganisms. A marijuana establishment must ensure that any marijuana stored improperly or beyond its usable life is not salvaged and returned to the marketplace.

Should a disaster or accident occur at a licensed marijuana establishment, inspection must prove that the marijuana stored there was not adversely affected by the disaster or accident, and the marijuana establishment must maintain a record of the salvaged marijuana or marijuana product in its inventory tracking system, including the name, lot number and final disposition.

Waste disposal

All Garbage and waste must be properly disposed of and waste disposal equipment maintained to avoid odors, pests, and contamination any area of the marijuana establishment.

A marijuana establishment must manage and dispose of any generated solid or liquid waste in compliance with applicable federal, state, and local laws. Marijuana waste must be rendered

unusable before it leaves a marijuana establishment. Marijuana waste includes: plant waste (roots, stalks, leaves, and stems), solid marijuana sample plant waste, and other waste as determined by the board.

A marijuana establishment must give the board notice using the inventory tracking system three days before making the waste unusable and disposing of it, however, the board may authorize immediate emergency disposal. The marijuana establishment must keep a record of the final destination of marijuana waste made unusable.

Marijuana plant waste must be made unusable by grinding the waste and mixing it with at least an equal amount of other compostable or non-compostable materials. A marijuana establishment may use another method to make marijuana waste unusable if the board approves the method in advance. Waste material may be mixed with materials such as food waste, yard waste, grease or oils, paper, cardboard, or plastic waste.

Standardized scales

A marijuana establishment must use registered scales in compliance with the Weights and Measures Act. A marijuana establishment must maintain registration and inspection reports of scales registered and upon request by the board or AMCO, provide a copy of the registration and inspection reports of the registered scales to the board for review.

Transportation

A marijuana establishment must transport marijuana as follows:

- A marijuana cultivation facility may transport marijuana to another marijuana cultivation facility, a marijuana product manufacturing facility, a marijuana testing facility, or a retail marijuana store;
- A marijuana product manufacturing facility may transport a marijuana product to another marijuana product manufacturing facility, a marijuana testing facility, or a marijuana retail store

- A marijuana testing facility may transport marijuana or a marijuana product to the facility from which it received the marijuana or another marijuana testing facility
- A retail marijuana store may transport marijuana or a marijuana product to another retail marijuana store.

A marijuana establishment from which a shipment of marijuana or marijuana product originates is responsible for preparing, packaging, and securing the marijuana or marijuana product during shipment, for recording the transfer in the marijuana inventory tracking system, and for preparing the transport manifest.

An individual transporting marijuana must have a valid marijuana handler permit in their possession at all times. Marijuana must be packaged within a sealed, tamper-evident shipping container, and appropriately labeled.

When marijuana or a marijuana product is transported, the marijuana establishment that originates the transport must use the marijuana inventory tracking system to record the type, amount, and weight of marijuana or marijuana product being transported, the name of the transporter, the time of departure and of expected delivery, and the make, model, and license plate number of the transporting vehicle. A complete printed transport manifest on a form prescribed by the board must be kept with the marijuana or marijuana product at all times. A copy of the transport manifest must be given to the licensed marijuana establishment that receives the shipment.

During transport, the marijuana or marijuana product must be securely locked in a sealed package or container and in a locked and storage compartment in the vehicle transporting the marijuana or marijuana product. The sealed package may not be opened during transport. A vehicle transporting marijuana or a marijuana product must travel directly from the shipping marijuana establishment to the receiving marijuana establishment, and may not make unnecessary stops in between except to deliver or pick up marijuana or a marijuana product at another licensed marijuana establishment.

When a marijuana establishment receives transported marijuana, the recipient of the shipment must use the inventory tracking system to report the type, amount, and weight of marijuana or marijuana product received. The recipient must refuse to accept any shipment of marijuana or marijuana product that is not accompanied by the transport manifest. A marijuana establishment is required to keep records of all marijuana or marijuana products shipped from or received at that marijuana establishment.

Business records

A marijuana establishment must maintain, in a reasonably prudent manner, all books and records necessary to fully account for each business transaction for the current year and three preceding calendar years. Records for the last six months must be maintained on the marijuana establishment's licensed premises, while older records may be archived on or off premises. Other information that a marijuana establishment must maintain include:

- A current list of employees, including full name and marijuana handler permit number of each person
- The business contact information for vendors that maintain video surveillance systems and security alarm systems
- records related to advertising and marketing
- A current diagram of the licensed premises including each restricted access area
- A log recording the name, and date and time of entry of each visitor permitted in a restricted access area
- All records normally retained for tax purposes
- Accurate and comprehensive inventory tracking records that account for all marijuana inventory activity
- Transportation records for marijuana and marijuana products as required

A marijuana establishment must provide any record required to be kept on the licensed premises to an employee of the board upon request. Any record kept off premises must be provided to the board's employees not later than three business days after a

request for the record. Any loss of records and data, including electronically maintained records, does not excuse a violation of this section. The board may determine a failure to retain required records to be a license violation affecting public safety.

Retail Stores

Except as permitted under AS 17.38.020, a person may not sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver marijuana or any marijuana product to a consumer unless the person is operating, or is an employee or agent of, a licensed retail marijuana store. After submitting a retail store application, the applicant must demonstrate to the board's satisfaction that the applicant will operate in compliance with each applicable provision of Chapter 306 and each applicable public health, fire, safety, and tax code and ordinance of the state and the local government. A licensee, employee, or agent of any retail marijuana store may not have an ownership interest in, or a direct or indirect financial interest in a licensed marijuana testing facility.

Limit on quantity sold

A retail marijuana store may not sell in a single transaction:

- more than one ounce of usable marijuana
- more than seven grams of marijuana concentrate for inhalation
- products containing more than a total of 5600 milligrams of THC.

Retail marijuana store privileges

All marijuana sold by a retail store must be packaged, labeled, not exceeding the quantity and potency limits provided in Chapter 306. Each customer must be physically present on the licensed premises at the time of sale, and must furnish valid identification proving they are over 21 years of age. A licensed retail marijuana store is authorized to sell marijuana purchased from a licensed marijuana cultivation facility, marijuana product purchased from a licensed marijuana product

manufacturing facility, and store marijuana and marijuana products on the licensed premises in a manner consistent Chapter 306. If the retail store obtains a consumption endorsement from the board, the retail store may permit consumption of marijuana or a marijuana product purchased on the licensed premises, in a designated area on the licensed premises.

Acts prohibited at retail marijuana store

A licensed retail marijuana store may not sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver, marijuana or a marijuana product:

- to a person under 21 years of age,
- to a person that is under the influence of alcohol, inhalants, or controlled substances
- that is not labeled and packaged as required in Chapter 306
- in a quantity exceeding the limit set out in Chapter 306
- over the Internet; a licensed retail marijuana store may only sell marijuana or a marijuana product to a consumer who is physically present on the licensed premises
- after the expiration date shown on the label of the marijuana or marijuana product

A licensed retail marijuana store may not conduct business on or allow a consumer to access the retail marijuana store's licensed premises between the hours of 5:00 a.m. and 8:00 a.m. each day, or allow a person to consume marijuana or a marijuana product on the retail marijuana store's licensed premises, except in a designated area with a consumption endorsement from the board.

A retail store may not offer or deliver to a consumer for any reason, free marijuana or marijuana product, including a sample, or alcoholic beverages, free or for compensation.

Access restricted at marijuana retail store

A person under 21 years of age may not enter a retail marijuana store at any time.

Each entry to a retail marijuana store must be posted with a sign that says "No one under 21 years of age allowed." The sign

must be not less than 12 inches long and 12 inches wide, with letters at least one-half inch in height in high contrast to the background of the sign.

An area of a retail marijuana store's licensed premises where marijuana or any marijuana product is stocked for sale or dispensed for sale is a restricted access area. The retail marijuana store must post signs, require identification, and escort visitors through restricted access areas as required in Chapter 306.

A retail marijuana store may not sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver, marijuana or a marijuana product until all laboratory testing and labeling requirements have been met.

Restriction on advertising of marijuana and marijuana products

A retail marijuana store may have not more than three signs, visible to the general public from the public right-of-way, that identify the retail marijuana store by its business name. A sign may be placed in the retail marijuana store's window or attached to the outside of the licensed premises. The size of each sign may not exceed 4,800 square inches.

An advertisement for marijuana or a marijuana product may not contain a statement or illustration that is false or misleading, that promotes excessive consumption, or that represents that the use of marijuana has curative or therapeutic effects.

Advertisements may not depict a person under 21 years of age consuming marijuana or include objects, cartoon characters, toys, or any other depictions designed to appeal to a person under 21 years of age.

A retail marijuana store may not place an advertisement for marijuana or a marijuana product within 1,000 feet of the perimeter of any school, post secondary education campus, child care facility, substance abuse or treatment facility, playground, recreation center, public park, library, or game arcade that is open to persons under 21 years of age.

Advertisements for marijuana also may not be placed on or in a

public transit vehicle, public transit shelter, or on a publicly owned or operated property.

A retail marijuana store may not give coupons as promotional materials, or conduct promotional activities, games, or competitions to encourage sale of marijuana.

All advertising for marijuana or any marijuana product must contain each of the following warnings:

- "Marijuana has intoxicating effects and may be habit forming and addictive."
- "Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence."
- "There are health risks associated with consumption of marijuana."
- "For use only by adults twenty-one and older. Keep out of the reach of children."
- "Marijuana should not be used by women who are pregnant or breastfeeding."

Cultivation Facilities

Excluding personal use, a person may not plant, propagate, cultivate, harvest, trim, dry, cure, package, or label marijuana grown at a place under that person's control or sell marijuana grown at a place under that person's control to a marijuana establishment unless the person has obtained a marijuana cultivation facility license from the board in compliance with this chapter or is an employee or agent acting for a licensed marijuana cultivation facility. The board will issue two types of marijuana cultivation facility licenses: standard cultivation, and limited cultivation. A standard cultivation license is for any facility with greater than 500 square feet under cultivation, meaning the actual floor area where plants are kept. This measurement does not account for hallways, offices, storage areas, etc. A limited cultivation license is for a facility with 500 or fewer square feet under cultivation. After submitting a cultivation facility application, the applicant must demonstrate to the board's satisfaction that the

applicant will operate in compliance with each applicable provision of Chapter 306 and each applicable public health, fire, safety, and tax code and ordinance of the state and the local government. A licensee, employee, or agent of any marijuana cultivation facility may not have an ownership interest in, or a direct or indirect financial interest in a licensed marijuana testing facility.

In addition to general application requirements, proposed marijuana cultivation facilities must submit an operating plan that includes the size of the space intended to be under cultivation, the growing medium to be used, fertilizers, chemicals, gases, and delivery systems, including carbon dioxide management. The operating plan must also include the irrigation and wastewater systems to be used, waste disposal arrangements, odor control methods, and testing procedure and protocols the cultivation facility will follow.

Marijuana cultivation facilities: privileges and prohibited acts

A licensed marijuana cultivation facility is authorized to propagate, cultivate, harvest, prepare, cure, package, store, and label marijuana, and to sell marijuana to a licensed retail marijuana store, another licensed marijuana cultivation facility, or a licensed marijuana product manufacturing facility. A cultivation facility must provide samples of each harvest cycle to be tested by a licensed marijuana testing facility. All marijuana inventory must be stored on the licensed premises in a secure restricted access area and must be accounted for in the cultivation facility's marijuana inventory tracking system. Cultivation facilities must transport all marijuana in compliance with Chapter 306.

Marijuana cultivation facilities may provide a sample of their marijuana to licensed retail marijuana stores or marijuana product manufacturing facilities.

A marijuana cultivation facility that obtains any other marijuana establishment license must conduct any product manufacturing or retail marijuana store operation in a room completely separated from the marijuana cultivation facility by a secure door.

A licensed standard marijuana cultivation facility may not sell, distribute, or transfer marijuana or a marijuana product to a consumer, with or without compensation. No person, including a licensee, employee, or agent, may consume marijuana on the licensed premises or within 20 feet of the exterior of any building or outdoor cultivation facility on the licensed premises. Cultivation facilities may not treat or otherwise adulterate marijuana with any organic or nonorganic chemical or other compound to alter the color, appearance, weight, or odor of the marijuana. Cultivation facilities may not extract marijuana concentrates except as permitted under a marijuana product manufacturing facility license. All marijuana must be properly packaged and labeled before being sold.

Restricted access area

A marijuana cultivation facility must conduct all marijuana growing operation within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors. Where not prohibited by local government, outdoor production may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight-obscuring wall or fence at least six feet high.

A marijuana cultivation facility must ensure that any marijuana at the marijuana cultivation facility cannot be observed by the public from outside the marijuana cultivation facility, and does not emit an odor that is detectable by the public from outside the marijuana cultivation facility.

A marijuana cultivation facility must have full video surveillance of the licensed premises as required, including any area where marijuana is grown, processed, packaged, or stored, or where marijuana waste is destroyed

Required laboratory testing

A marijuana cultivation facility may not sell or transport any marijuana until all required laboratory testing has been completed. A marijuana cultivation facility must collect a random sample for testing by segregating harvested marijuana

into batches of individual strains of bud and flower, then selecting a random sample from each batch. The cultivation facility must designate an individual responsible for collecting each sample, and provide a signed statement of true random selection to the marijuana testing facility. The cultivation facility must maintain a copy of this statement as a business record. The cultivation facility is responsible for transporting the sample to the testing facility. While the sample is being tested, the cultivation facility must maintain the batch in a secure, cool, and dry location to prevent the marijuana from becoming contaminated, and may not sell or transport any marijuana from this batch until the required testing has been completed in writing. The marijuana cultivation facility must maintain the testing results as part of its business records.

Samples

A sample provided to a retail store or manufacturing facility for the purpose of negotiating a sale may be not more than one ounce, and a cultivation facility may not provide any one licensed retail store or manufacturing facility with more than one ounce of marijuana per month free-of-charge. A retail store must either return the marijuana sample to the marijuana cultivation facility that provided the sample, or destroy the marijuana sample after use and document the destruction in the retail store inventory tracking system.

Random sampling

The board must from time to time require a cultivation facility to provide samples of the growing medium, soil amendments, fertilizers, crop production aids, pesticides, or water for random compliance checks. The samples will be screened for pesticides, chemical residues, unsafe levels of metals, and other laboratory tests in the interests of the public. The board must identify a licensed marijuana testing facility to perform the testing and collect samples, testing costs are the responsibility of the cultivation facility.

Marijuana tax to be paid

A marijuana cultivation facility must submit monthly reports to the Department of Revenue and pay the required excise tax on all marijuana sold or provided as a sample to a marijuana establishments.

Manufacturing Facilities

A person may not extract marijuana concentrate for sale or formulate or manufacture any marijuana product for sale unless that person has obtained a marijuana product manufacturing facility license from the board, or is an employee or agent acting for a licensed marijuana product manufacturing facility. The board will issue two types of manufacturing licenses, standard marijuana product manufacturing facility and marijuana concentrate manufacturing facility.

In addition to other application requirements, a manufacturing facility must demonstrate to the board's satisfaction that the applicant will operate in compliance with each applicable provision of Chapter 306 and each applicable public health, fire, safety, and tax code and ordinance of the state and the local government. A licensee, employee, or agent of any manufacturing facility may not have an ownership interest in, or a direct or indirect financial interest in a licensed marijuana testing facility.

A licensee, employee, or agent of a marijuana product manufacturing facility who handles marijuana at the facility must obtain a food worker card and keep that card in that person's possession at all times while on the licensed premises of the manufacturing facility.

Marijuana product manufacturing facility privileges

Licensed manufacturing facilities are authorized to purchase marijuana from a marijuana cultivation facility or from another marijuana product manufacturing facility. Manufacturing facilities may manufacture, extract, refine, process, cook, package, label, and store marijuana products and concentrates as

approved in Chapter 306. These including waxes or oils, edible products, ointments, salves, patches, or tinctures. A manufacturing facility may sell, distribute, or deliver marijuana extract or any marijuana product only to a licensed retail marijuana store or to another licensed marijuana product manufacturing facility. Manufacturing facilities must provide and transport samples of marijuana concentrate or other marijuana product to a licensed marijuana testing facility. Manufacturing facilities may provide a sample of an approved marijuana concentrate or product to a retail marijuana store for the purpose of negotiating a sale. All inventory must be stored in a restricted access area, and transported according to Chapter 306.

Acts prohibited at marijuana product manufacturing facility

A licensed manufacturing facility may not sell, deliver, distribute, or transfer marijuana, marijuana concentrate, or a marijuana product directly to a consumer, with or without compensation, or sell marijuana, marijuana concentrate, or a marijuana product that is not manufactured, packaged, and labeled in compliance Chapter 306. A manufacturing facility may not allow any person to consume marijuana, marijuana concentrate, or a marijuana product on the licensed premises.

Manufacturing facilities may not sell any product that is an "adulterated food or drink," or anything that closely resembles a familiar food, drink, or candy. Marijuana products may not be packaged to look like candy, using bright colors or cartoon characters that would appeal to children.

All marijuana accepted from a cultivation facility or another marijuana product manufacturing facility must be properly identified with a required labels, and must be accompanied by a valid transport manifest showing the source and destination of the marijuana shipment.

Marijuana concentrate manufacturing facility license

A marijuana concentrate manufacturing facility is allowed to extract marijuana concentrates, but not any other form of

marijuana product. A licensed marijuana concentrate manufacturing facility may not manufacture, refine, process, cook, package, label, store, sell, distribute, deliver, or provide samples of any marijuana product other than marijuana approved concentrates.

Application for marijuana product manufacturing facility license

a copy of a food safety permit if required from the Department of Environmental Conservation (DEC) or a municipality with authority delegated. Marijuana establishment must provide a diagram of the proposed licensed premises identifying the area where any in-house testing would occur, and where marijuana products or concentrates will be stored. The applicant must provide a description of the equipment, solvents, gases, chemicals, and other compounds used in production as well as the processes used. The applicant also must describe procedures for waste disposal. The applicant must list each marijuana product the applicant intends to process, along with a product description of the color, shape, texture, ingredients and standard production procedure to be used. The applicant must describe the packaging to be used for each type of product and sample labels showing how the required labeling information will be set out.

Approval of concentrates and marijuana products

A manufacturing facility must obtain the board's approval for each product it will manufacture. The board will not approve a product that is listed as prohibited Chapter 306. An applicant may request approval of intended products by including in its operating plan a photograph, drawing, or graphic representation of the expected appearance of each final product and the proposed procedure or process for each product.

A licensed marijuana product manufacturing facility may at any time submit a new product approval request to the board on a form the board prescribes along with a \$250 change fee. A licensed marijuana product manufacturing facility must keep its ingredient list and potency limits for any food product containing marijuana on file at the marijuana product

manufacturing facility's licensed premises. The ingredient list and potency limits for any product manufactured at the facility must be made available for inspection on request by AMCO, or an employee or agent of the board.

A licensee, employee, or agent of a marijuana product manufacturing facility who handles marijuana at the facility must obtain a food worker card and keep that card in that person's possession at all times while on the licensed premises of the marijuana product manufacturing facility.

Restricted access and storage areas

A marijuana product manufacturing facility must perform all extraction or product manufacturing operations in a restricted access area. A marijuana product manufacturing facility must have full video surveillance covering each area where marijuana concentrate is produced, where any product manufacturing operation involving marijuana occurs, where any marijuana or a marijuana product is stored, and where marijuana waste is destroyed. Any area where marijuana or a marijuana product is stored must be moisture- and temperature-controlled and protected from pests and vermin.

Required laboratory testing

A marijuana product manufacturing facility must provide a sample of each marijuana product manufactured at the facility to a licensed marijuana testing facility, and may not sell or transport a marijuana product until such laboratory testing has been completed. Each manufacturing facility must designate an individual responsible for collecting each sample by selecting a product at random from each production lot in an amount required by the marijuana testing facility. That individual must then prepare a signed statement showing that each sample has been randomly selected, provide that signed statement to the marijuana testing facility, and maintain a copy as a business record. The manufacturing facility is responsible for transporting the sample to the marijuana testing facility.

After collecting and transporting a sample for testing, a marijuana product manufacturing facility must segregate the entire production lot until the marijuana testing facility reports the results from its tests. During this period, the production lot should be kept in a secure, cool, and dry location to prevent contamination. The manufacturing facility may not sell or transport any marijuana product from the segregated lot until the marijuana testing facility has completed its testing and provided results, in writing, to the manufacturing facility. The marijuana product manufacturing facility must maintain the testing results as part of its business records.

Production of marijuana concentrate

Before producing marijuana concentrate for sale, a marijuana product manufacturing facility must develop standard operating procedures, good manufacturing practices, a safety plan, and a training plan for each individual employed in an extraction process. A marijuana product manufacturing facility may create marijuana concentrates only as follows:

- water-based marijuana concentrate using only water, ice, or dry ice
- food-based marijuana concentrate may be produced through the use of propylene glycol, glycerin, butter, olive oil, or other typical cooking fats

Infused dairy butter, oils, or fats may be used in preparing edible products, but may not be prepared as stand-alone edible products for sale.

Solvent-based marijuana concentrate may be produced using N-butane, isobutane, propane, or heptane or other solvents or gases the board approves that exhibit minimal potential health risks. Any solvents and carbon dioxide used must be of at least 99 percent purity and must be used in a ventilated area using a professional grade closed-loop extraction system designed to recover the solvents. All sources of ignition must be controlled if a flammable atmosphere is or could be present. A manufacturing facility using a professional grade closed-loop

gas extraction system must ensure that each vessel is used in compliance with its manufacturer's stated pressure ratings. Each person using a solvent, gas, or closed-loop extraction system must handle and store materials safely, and must be fully trained on how to use the system with direct access to applicable material safety data sheets.

A licensed engineer must certify that any professional grade closed-loop system was commercially manufactured, is safe for its intended use, and is built to generally accepted engineering codes. Any professional grade closed-loop system, and other equipment and facilities used in the extraction process, must be approved by the local fire code official and meet any applicable fire, safety, and building code requirements. A marijuana product manufacturing facility may use heat, screens, presses, steam distillation, ice water, and other methods without employing solvents or gases to create:

- kief
- hashish
- bubble hash
- infused dairy butter, or oils or fats
- other extracts

A manufacturing facility may use food-grade glycerin, ethanol, and propylene glycol solvents to create extracts. All ethanol must be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.

Potency limits per serving and transaction for edible marijuana products

A marijuana product manufacturing facility may not prepare a marijuana product with potency levels exceeding the following:

- five milligrams of active tetrahydrocannabinol (THC) or Delta 9 in a single serving of a marijuana product
- not more than 10 servings, or 50 milligrams of active THC or Delta 9, in a single packaged unit of a marijuana product to be eaten or swallowed

THC content must be homogenous, or evenly distributed throughout the marijuana product within 20% of the target amount.

If the marijuana product contains multiple servings, it must be designed so that the product itself has markings to clearly delineating each serving of the product. In the case of liquid products with multiple servings, the packaging must indicate the number and size of individual servings.

Testing Facilities

Applicability

Any person offering a testing service analyzing, or certifying potency, chemical residue, mold, or other contaminants in marijuana or marijuana products as a third-party testing facility must meet the requirements for a testing facility under Chapter 306. The provisions do not apply to a marijuana establishment that controls marijuana testing equipment used solely for its own in-house testing.

Marijuana testing facility license required

A person may not provide a marijuana testing service unless the person has obtained a marijuana testing facility license from the board in compliance with this chapter. A person seeking a marijuana testing facility license must submit an application for a marijuana testing facility license that demonstrate to the board that the applicant will operate in compliance with each applicable provision of Chapter 306, will operate within each applicable health, fire, safety, tax code and ordinance of the state and the local government.

An applicant of a marijuana testing facility license may not hold any direct or indirect financial interest in any other marijuana license type in the state, or have a financial interest in common with a person who is a licensee of a marijuana establishment in this state other than a testing facility. Also, no agents or employees of a testing facility may have direct or indirect financial interest in another licensed marijuana establishment.

Marijuana testing facilities: privileges and prohibitions

A licensed marijuana testing facility may have any amount of marijuana on its premises at any given time, so long as the testing facility's marijuana inventory tracking system document that all marijuana are only for testing purposes. A testing facility may not sell, deliver, distribute, or transfer marijuana to a consumer, for compensation or not. No person may be allowed to consume marijuana the licensed premises.

Application for marijuana testing facility license

An applicant for a new marijuana testing facility license must file an application on a form the board prescribes, including each test the marijuana testing facility will offer, the marijuana testing facility's standard operating procedure for each test, and the acceptable range of results for each test.

Approval of testing facility

A person seeking a marijuana testing facility license must display competence in performing each test the potential licensee will offer as an independent third-party testing facility. These tests include those for THC, THCA, CBD, CBDA and CBN potency, harmful microbes including E. Coli and salmonella, residual solvents, pesticides, poisons, toxins, harmful chemicals, molds, mildew, or filth.

In evaluating testing competence, the board may require the applicant to demonstrate proficiency in testing, conduct an on-site inspection of the applicant's premise, and examine applicable requirement compliance qualifications. These include:

- qualifications of the testing facilities personnel
- standard procedures for each testing methodology used
- proficiency testing results
- quality control and quality assurance
- Security
- chain of custody
- specimen retention
- Space
- Records
- reporting of results

Testing licenses will be awarded if the board finds the proposed testing facility generally in compliance with good laboratory practices.

Proficiency testing program

When an accredited proficiency testing program becomes available in the state, the board may require an applicant for a testing

facility license to successfully complete a proficiency testing program within 12 months of receiving a license.

Before renewing a testing facility license, the board may require the facility to participate in a proficiency testing program. The license of a marijuana testing facility may be limited, suspended, or revoked if the facility fails to participate or fails to receive a passing score in a proficiency testing program.

Scientific director

A marijuana testing facility must employ a scientific director who will be responsible for overseeing scientific methods of the testing facility laboratory, ensuring maintenance of laboratory quality standards, and supervising all laboratory staff. The scientific director must have either:

- a doctorate degree in chemical or biological sciences and at least two years of post-degree laboratory experience
- a master's degree in chemical or biological sciences and at least four years of post-degree laboratory experience
- a bachelor's degree in chemical or biological sciences and at least six years of post-degree laboratory experience

Testing methodologies

A licensed marijuana testing facility must use as guidelines or references for testing methodologies texts such as the American Herbal Pharmacopoeia's Cannabis Inflorescence: Standards of Identity, Analysis, and Quality Control, Revision 2014, and the United Nations Office on Drugs and Crime's Recommended Methods for the Identification and Analysis of Cannabis and Cannabis Products: Manual for Use by National Drug Analysis Laboratories, dated 2009.

A testing facility may notify the board of an alternative scientifically valid testing methodology that the testing facility proposes to use for any laboratory test it conducts. The board may require third-party validation of any monograph, peer-reviewed scientific journal article, or analytical method

the marijuana testing facility proposes to follow to ensure the methodology produces comparable and accurate results.

The board may require random validation of a marijuana testing facility's execution of each testing methodology the facility uses. The marijuana testing facility must pay all costs of validation.

Standard operating procedure manual

Each licensed marijuana testing facility must have a written manual of standard operating procedures with detailed instructions explaining how to perform each testing method used and minimum standards for each test. The written manual of standard operating procedures must be available to each employee of the marijuana testing facility at all times. The written manual of standard operating procedures must cover at minimum:

- sample preparation for each matrix that will be tested
- reagent, solution, and reference standard preparation
- instrument setup, if applicable
- standardization of volumetric reagent solutions, if applicable;
- data acquisition
- calculation of results
- identification criteria
- quality control frequency
- quality control acceptance criteria
- corrective action protocol.

The scientific director must approve, sign, and date each standard operating procedure.

Laboratory testing of marijuana and marijuana products

Required tests may include potency analysis, moisture content, foreign matter inspection, microbial screening, pesticide, chemical residue, metals screening, and residual solvents levels. A marijuana testing facility must establish a schedule of fees and sample size required for each test it offers.

Potency Testing

All marijuana bud and flower, marijuana concentrate, and marijuana products must be tested for potency. The required cannabinoid potency test must at least determine the concentration of THC, THCA, CBD, CBDA and CBN cannabinoids. A marijuana testing facility must report potency test results as follows:

- The testing facility must list a single percentage for each required cannabinoid, representing an average concentration of all samples within that test batch. The sum of THC and THCA may be reported as total THC; the sum of CBD and CBDA may be reported as total CBD;
- For potency testing on a marijuana product, the testing facility must list the total number of milligrams for each cannabinoid contained within a single retail sale unit.
- When testing whether the THC content is homogenous, the reported content of each serving must be within 20 percent of the manufacturer's target. For example, if a product contains five serving with 25 milligrams of total THC, each serving must contain between four and six milligrams of THC.

The marijuana testing facility must determine an edible marijuana product to have failed potency testing if

- a single unit of packaged edible retail marijuana product is determined to have more than 50 milligrams of total THC
- the THC content of the edible marijuana product is not homogenous, or evenly distributed throughout the product

Substance	Acceptable Limits Per Gram	Product to be Tested
E. coli	less than 1 colony forming unit (CFU/g)	flower; marijuana products; water- and food-based concentrates
Salmonella	less than 1 colony forming unit (CFU/g)	flower; marijuana products; water- and food-based concentrates

Fungus	less than 1 colony forming unit (CFU/g)	flower; marijuana products; water- and food-based concentrates
Butanes	less than 800 parts per million (PPM)	solvent-based concentrates
Heptanes	less than 500 parts per million (PPM)	solvent-based concentrates
Hexane	less than 10 parts per million (PPM)	solvent-based concentrates
Toluene	less than 1 parts per million (PPM)	solvent-based concentrates
Total Xylenes	less than 1 parts per million (PPM)	solvent-based concentrates
Benzene	less than .025 parts per million (PPM)	solvent-based concentrates

Chain of custody

A marijuana testing facility must establish a chain of custody and sample requirement instructions. These must include issuing instructions for minimum sample requirements and storage requirements, and extensive documentation. Documentation must include:

- the state of packaging integrity seals
- the condition and amount of sample as received
- each person handling the samples
- any transfer of samples to another testing facility
- the disposal of samples

The testing facility must also maintain a current list of authorized persons and restrict entry to the testing facility to those authorized persons. The testing facility must be adequately secure all storage areas, and ensure samples are stored appropriately.

Marijuana inventory tracking system

A marijuana testing facility must use a marijuana inventory tracking system as provided in 3 AAC 306.730 to ensure all marijuana transported to the marijuana testing facility's premises is identified and tracked from the time the marijuana arrives at the marijuana testing facility to the use and destruction of the marijuana in testing, or to disposal in compliance with 3 AAC 306.740.

Failed materials, retests

If a sample tested by a marijuana testing facility does not pass the required tests, the marijuana establishment that provided the sample must dispose of the entire harvest batch or production lot from which the sample was taken and document the disposal in the inventory tracking system.

If a sample of marijuana fails a required test, any marijuana material from the same plants automatically fails that test. The board may approve a request to allow a failed batch of marijuana to be used to make a carbon dioxide or solvent-based extract, as long as it passes all required tests after processing.

If a marijuana establishment petitions for a retest of marijuana or a marijuana product that failed a required test, the board may authorize a retest to validate the test results.

General provisions

Public records

Marijuana establishment applications are public records. The board may, at the request of any applicant, designate materials confidential if they contain proprietary information including trade secrets or are required to be kept confidential by any federal or state law.

Exercise of authority

Until a marijuana establishment surrenders its license to the board, and so long as business is conducted under the license on the licensed premises, the person holding the license, whether an individual, a partnership, a limited liability company, a

corporation, or a local government, is responsible and liable for the conduct of the business. Any individual exercising actual authority over the conduct of business on the licensed premises must be the holder of the marijuana establishment license, or an agent or employee of that person unless the board has approved a transfer of the license to a different person.

Death of licensee

If an individual who is the sole licensee of a marijuana establishment dies, the marijuana establishment must cease operation. A personal representative appointed by the superior court for the estate of the deceased licensee may submit to AMCO a written request to reopen the business, along with a copy of the court order appointing the personal representative. If the licensed marijuana establishment is in good standing, and the personal representative is not a person prohibited from holding a marijuana establishment license, the board must grant permission to the personal representative to operate the business on the licensed premises.

A marijuana establishment is in good standing if the marijuana establishment

- has a valid current license
- has paid all fees due and all local taxes due
- has no unresolved suspension or revocation proceedings against it.

A personal representative authorized to operate a marijuana establishment must submit an application for a transfer of ownership to another person not later than 90 days after obtaining the board's approval to operate.

Section 3.

Effects of consumption

It is important for all industry professionals to have a clear understanding of how cannabis can be consumed. Marijuana manufacturers have the ability to extract the THC, or tetrahydrocannabinol, from the plant matter and use it in a wide variety of products. It is important to know at what point the THC becomes psychotropic, or mind and mood altering. Understanding the effect and duration of THC on the body and thought processes is essential to all marijuana handlers.

Cannabis and the Human Body

When THC is introduced into the bloodstream, it is carried throughout the body affecting various organs. In the brain, THC connects to specific sites on nerve cells called cannabinoid receptors that affect how those nerve cells behave.

Many of these receptors are found in the parts of the brain that influence:

- Pleasure
- Short term memory
- Learning
- Thought
- Concentration
- Judgement
- Sensory and time perception
- Movement
- Coordination

Short-term effects of marijuana can include:

- Impairment in memory and learning
- Distorted reality perception
- Difficulty in critical thinking and problem solving
- Reduced judgement and coordination

These effects on nerve cells in the brain are responsible for impairments associative processes, higher cognitive function, and psychomotor behavior such as driving abilities while under the influence of marijuana.

Noticeable Effects

The importance of preventing marijuana overconsumption is comparable to the importance of preventing drunkenness in an alcohol establishment. Being able to identify the customers who should no longer be served, sold to, or allowed into the premises is the responsibility of each and every marijuana handler.

Physiological, psychological, and behavioral effects of marijuana vary widely among individuals and present a list of common responses to cannabinoids.

- Dizziness, increase in appetite, tachycardia(rapid heartbeat), facial flushing, dry mouth and tremors initially.
- Merriment, happiness, and even exhilaration at high doses.
- Disinhibition, impaired judgment, relaxation, increased sociability and talkativeness.
- Enhanced sensory perception, giving rise to increased aesthetic attentivity.
- Heightened imagination leading to a subjective sense of increased creativity.
- Reduced coordination and ataxia (loss of full control of bodily movements), which can impede driving ability.
- Paranoia, anxiety, and panic attacks.
- Cannabinoid Hyperemesis has been seen in chronic marijuana users, effects include nausea, vomiting, diarrhea, and abdominal pain.

Modes of Consumption

When it comes to cannabis consumption, the delivery method plays a very large role in what the effects of consumption will be.

Obtaining the desired mental and physical effects of cannabis is largely dependent upon how it's consumed, since each consumption method provides a unique experience and specific effects. Modes of consumption can be broken into three main categories:

- Inhalation
 - Combustion
 - Vaporizing
 - Dabbing
- Ingestion
 - Edibles
 - Tincture
- Topical
 - Balms, salves, lotions,
 - Transdermal patches

Combustion

Historically, the most common form of ingestion was by burning and inhaling the dried flowers or leaves of the cannabis plant. Hashish(compressed resins and trichomes of the marijuana plant) and kief (dry crystallized trichomes resembling a fine powder) can also be consumed this way. Marijuana can be smoked through a handpipe, smoked using a water pipe (bong), or rolled using rolling papers (joint).

The effects of smoking dried cannabis are felt almost immediately, and begin to diminish after about an hour. Depending on the individual and the THC potency, effects wear off almost completely within 90 minutes to 4 hours. Pros of inhalation include immediate effect onset and which makes judging dosed fairly easy. Regular inhalation of any type of smoke creates a number of health issues, which is why it is the least recommended form of marijuana consumption.

It is important to note that when smoking from hand pipes or water pipes, many users are also inhaling small amounts of butane gas from the lighters they are using. To avoid butane inhalation, it is best to use hemp wick or similar when smoking from pipes to avoid negative health impacts associated with butane inhalation.

Vaporization

There are two main forms of vaporization, conduction and convection. Conduction heat is when plant matter or concentrate is combusted using a heated element or hot plate. A convection vaporizer is a device that is able to activate psychotropic properties of THC without combusting any plant matter. This allows a person to inhale the active ingredients as water vapor instead of smoke, eliminating many of the undesirable and harmful effects of smoking.

Dabbing

Another form of vaporization, one that is a point of contention amongst the cannabis community and policy makers, is "dabbing". Dabbing is a form of vaporization in which very potent cannabis concentrates are dropped on a heated titanium, quartz, or ceramic nail piece, creating vapor that is then inhaled. There are many health benefits associated with inhaling clean concentrates over dried flower combustion, however, concerns arise from the intense effects of high-potency concentrates on new and even many experienced users, as well as dangers of superheating the nail piece.

Edibles

THC can also be activated by heating the plant material to a high enough temperature to activate the THC. Raw cannabis contains THCA, which is non psychotropic, therefore will not produce any "high" when ingested. Dissolving the THC into heated fats or oils that can then be incorporated into food is a common form of decarboxylated marijuana. Edibles will take longer to take effect than inhalation, between 20 minutes to an hour or more. Doses can be difficult to judge, and it is recommended to eat a single portion of edible marijuana at a time, and wait at least an hour to assess its effects. Edibles last much longer than other consumption methods, often up to four hours or more, and will take effect significantly faster if eaten on an empty stomach.

Tincture

A tincture is a form of marijuana concentrate by extraction into an alcohol or glycerin base. Tinctures were once the primary form of cannabis medicines sold in the United States before cannabis prohibition 1937. Tinctures are highly concentrated and require careful dosage, usually only a couple drops sublingually or in a beverage, and are generally fast acting.

Topical

Topical products are those that are applied directly to the skin. They include lotions, salves, balms, sprays, oils, and creams. Topicals are often marketed for skin conditions like psoriasis, rheumatoid arthritis, migraines, restless leg syndrome, muscle spasms, muscle stress and soreness. Unlike smoking, vaporizing or eating the medical cannabis, topicals

cannot enter the bloodstream, and therefore will not produce the "high" associated with other forms of consumption.

Duration of Effects

While there is still much debate about the length of retention of marijuana in the body, it can be estimated by using several factors. Dosage, method of consumption, frequency of use, and individual metabolism rate all play into how long it will take marijuana to be completely eliminated from the body. A frequent marijuana user might retain traces of marijuana ten to twenty days after the last intake, and in extreme cases may even takes months. For a single use or infrequent user, it may be as few as three or four days.

What are its overdose effects?

No death from overdose of marijuana has been reported. However, an individual's health can become seriously compromised by ingesting too much marijuana, especially when inexperienced.

- Time distortions, illusions, delusions, and hallucinations are rare except at high doses.
- Emotional lability, incongruity of affect, dysphoria, disorganized thinking, inability to converse logically, agitation, paranoia, confusion, restlessness, anxiety, drowsiness, and panic attacks may occur, especially in inexperienced users or in those who have taken a large dose.

Tolerance & Detection

Regular users of marijuana may develop a tolerance and require more of the drug in order feel similar effects. This is not dissimilar to tolerances that develop with many other substances, drugs and otherwise. Unlike many other drugs THC is fat soluble and as a result is stored in fatty tissue throughout the body. This accumulation of cannabinoids can be further increased by regular and chronic use. Due to the fat soluble nature of cannabinoids they can be detected in the body for

weeks or in extreme cases months. This is detection window is significantly longer than that of many other popular drugs, including alcohol.

Identifying Impaired Persons

Physical Change:

- Bloodshot eyes, drooping eyelids
- Lethargic body movements
- Dry mouth and lips

Change in Actions:

- Spontaneous laughter, giggling
- Unusually talkative, or unusually silent
- Increased appetite
- Irregular thought patterns
- Misjudgments of time
- Fidgeting, paranoia

Section 4.

Determining valid identification

AS 17.38 states that:

"(a) A person who is under 21 years of age may not present or offer to a marijuana establishment or the marijuana establishment's agent or employee any written or oral evidence of age that is false, fraudulent or not actually the person's own, for the purpose of:

(1) Purchasing, attempting to purchase or otherwise procuring or attempting to procure marijuana or marijuana products; or

(2) Gaining access to a marijuana establishment.

(b) A person who violates this section is guilty of a violation punishable by a fine of up to \$400"

Authenticating valid forms of identification is crucial for all employees and licensees of a marijuana establishment. The legal age of entry into a marijuana establishment in Alaska is 21 years old, persons under 21 may not be allowed in the licensed premises at all, even accompanied by an adult or parent. It is the responsibility of each marijuana handler to ensure their customers are of legal age before being allowed to enter the marijuana establishment.

To be admitted into a restricted access area, each visitor must show identification to prove that person is at least 21 years of age. Each visitor must obtain a visitor identification badge before entering the restricted access area and be escorted at all times by a licensee or employee.

The State of Alaska has begun issuing temporary licenses and ID cards to use while the person waits for their laminate card to arrive in the mail. Temporary ID cards are made of soft plastic and paper, folding along the middle to become standard size. These temporary licenses should not be accepted to gain entry or purchase marijuana.

Verifying Authenticity

Any form of identification presented for entry into a marijuana establishment must be unexpired and unaltered. Valid forms of identification include passports, driver's licenses, instruction permits, or identification cards of any state or territory of the United States, the District of Columbia, or a province of Canada. A valid identification card must be issued by a federal or state government agency authorized to issue a driver's license or identification card.

ID Check Procedure

Greet the customer verbally, paying attention for any signs of nervousness, eye contact avoidance, or other behavioral indicators that this person might be intentionally using false identification.

Ask for the card so that both sides can be inspected, check for alterations, note the person's name, and check photo to establish likeness.

After establishing authenticity, check the expiration date to ensure the ID is current. Take care to examine the photo to ensure that it belongs to the person presenting it.

Most states, including Alaska, have made it easier to determine age by formatting over-21 ID layouts in a horizontal orientation, and under-21 IDs with a vertical layout. Under-21 IDs may also feature the date the individual would become 21. Valid IDs will also have authenticity elements such as holograms, ghost images, microprinting, and watermarks to help confirm government issue.

Verifying Age

Perhaps the fastest way to determine a person's age by taking the birth year printed on their identification card, adding 20, then adding 1. The result will be the year that person turned 21. If that year has already passed, the person is over 21 years old. If the year is the same as the current one, check to see if

their birth month and day have passed. If that year has not passed yet, the individual is not yet twenty one and therefore cannot enter the premises.

Retail Sales

One method used by underage persons to gain entry to age restricted places is to use the ID of someone over 21, such as an older sibling they resemble. Look for subtle differences in the face shape, ears, nose, mouth, and teeth. If you are unsure that the individual presenting the ID to you is in fact the person in the photo, there are several options for verification. Start by asking questions about information on the ID, such as their birth date or their address. Ask for an additional form of identification, if further verification is necessary. If it is still unclear if the ID is valid, don't hesitate to ask for help from a manager or coworker.

If ID validity or age cannot be determined, you may refuse the entry or sale. You have the right to refuse service to anyone unless that refusal is a violation of AS 18.80.210

False Identification

It is illegal in the State of Alaska for persons under 21 years old to misrepresent their age or provide false identification.

When identifying fake IDs, look for obvious signs of tampering or forgery. Words that don't belong on any federal or state issued ID card include: authentic, official, genuine. Look for uneven thickness, bubbles, and split laminate.

Once you have identified a fake ID, follow correct house procedures in confiscating the fake, and recording the event. Confiscated fake IDs must be given to law enforcement as soon as possible.

A person may give off many signals and clues that would indicate they may be attempting to use a fake ID. What are some signs that marijuana handlers should look out for?

Preventing Unlawful Consumption

It is unlawful to consume marijuana in a public place. Remember, the penalty for an individual consuming marijuana in a public place is a \$100 fine.

A "public place" is defined as:

"In a place to which the public or a substantial group of persons has access and includes highways, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, and hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence; "public place" does not include a marijuana club."

"marijuana club" means an entity registered to allow consumption of marijuana by paying members of the club on the registered premises and whose members are 21 years of age or older;

A retail marijuana establishment may, with an endorsement from the marijuana control board, permit consumption of marijuana or a marijuana product purchased on the licensed premises, in a designated area on the licensed premises.

Manufacturing facilities and cultivation facilities may not allow any person, including a licensee, employee, or agent, to consume marijuana or a marijuana product on the licensed premises or within 20 feet of the exterior of any building or outdoor cultivation facility on the licensed premises.

Counting Purchase Attempts

AS 17.38 allows for an individual to possess, use, display, purchase, or transport one ounce or less of marijuana. A licensed retail marijuana store must not sell more than the following quantity of marijuana or marijuana product in a single transaction:

- one ounce of useable marijuana, or

- seven grams of marijuana concentrate for inhalation, or
- marijuana or marijuana products containing a maximum of 5600 milligrams of THC.

Potency limits

A marijuana product manufacturing facility may not prepare any product with potency levels exceeding the following

- for a single serving of marijuana product, five milligrams active tetrahydrocannabinol (THC) or Delta 9;
- in a single packaged unit of marijuana product to be eaten or swallowed, not more than ten servings, or fifty milligrams of active THC or Delta 9; the THC content must be homogenous, or evenly distributed throughout the marijuana product

Section 5.

Observation and Communication

As a marijuana handler, it is your responsibility to observe all customer and visitor behavior for signs of suspicious behaviour, and impairment in the case of retail consumption venues. At some point, customers or visitor may bring illegal activities in or around your establishment.

Some behavior to look out for:

- Loitering near the entrance, or in the parking lot
- Many customers looking for a particular person or employee
- Secretive or discrete exchanges between persons

Communicating with customers and visitors is the easiest way to evaluate their behavior. Start a conversation and pay attention to their responses. Look for slurred or incoherent speech, watch body language and movements. Does this person seem erratic? Do they look like they are trying to hide something?

Communication between coworkers and management is essential to the proper operation of any marijuana establishment. Notify each other of anything unusual, or persons who should no longer be served. Teamwork is the only way to ensure that each employee is kept informed and alert. Keep a communication log when there are employees working different shifts, so that there is communication throughout all staff.

Management Support

As a new industry, it is important to stay current on marijuana laws and regulations in the State of Alaska. It is the responsibility of the licensee and marijuana establishment to ensure a safe work environment for all agents and employees. If you have a suggestion that may benefit the operation of a

marijuana establishment, voice your concerns to the management or owner.

In any case, if you are unsure of how to proceed in any given situation, do not hesitate to ask management for house policies on dealing with specific situations. Management should have many policies and procedures for dealing with a host of situations.

Management is there for support and guidance, but remember that employees and agents are held accountable for their actions and could face civil or criminal charges. Each marijuana handler is not only representing the establishment that they work for, but the entire marijuana industry. Do not allow yourself to carry out instructions you are uncomfortable with or that you know to be illegal.

Refusal of Service

If you ever find yourself in a situation where you are unsure whether to serve someone or allow them entry into an establishment, it is best to follow instinct and refuse service or entry. Representatives of a marijuana establishment may refuse service to anyone, unless that refusal is a violation of AS 18.80.210. When refusing service, be sure that reasons given are not discriminatory. It is illegal to refuse service based on any of the following: gender, physical or mental disability, marital status, pregnancy, parenthood, race, religion, color, or national origin.

When operating a retail store, keep track of how often a person attempts to purchase marijuana or marijuana products in the same day. Remember, it is unlawful for a person to purchase, and transport, more than an ounce of useable marijuana in a single transaction.

Dealing with Impaired Persons

If a person arrives impaired or intoxicated to the licensed premises, it is unlawful to serve them or allow them entry.

Attitude and demeanor are very important here, be clear and direct with your authority. Instruct the person that they need to leave the premises safely, and ensure that they will not be driving. Offer to call a cab or a friend to pick them up, or instruct them to the nearest bus stop.

Use calm, but assertive verbal and body language.

If a situation arises when you need to refuse entry or ask a customer to leave, be sure to have backup. Notify a manager or coworker of the situation, and be sure they are ready to support you if necessary.

What are some ways of letting a person know they must leave or can no longer be served?

Difficult Situations and Emergencies

Any person exercising authority over the conduct of business on the licensed premises is held responsible for the conduct of this business. This is not restricted solely to holder of the marijuana establishment license, but includes agents or employee of that individual. Safety is the number one priority for any business, and marijuana handlers are responsible for maintaining that safety.

It is recommended to always have at least two marijuana handlers on shift when an establishment is open for business, so that no one person has to take on any difficult situation alone. If a difficult situation arises, it is important for each employee to have a partner, or to be able to call for help if needed.

Remember, representatives of a marijuana establishment may refuse service to anyone, unless that refusal is a violation of AS 18.80.210. When refusing service, be sure that reasons given are not discriminatory.

What could be a legitimate cause for refusal of service?

Driving High is a DUI

Marijuana has been approved for consumption in retail shops that have obtained a consumption endorsement from the marijuana control board. Much like drinking alcohol in a bar, marijuana and marijuana products can be purchased for consumption on-site in designated areas in these retail shops. Impaired driving is a serious matter, and should be taken into account before a person is served any marijuana. How did the person arrive, and how will they leave? Did they come with friends? Are they new to the effects of marijuana? These are all important question to ask before a customer is served.

Driving while impaired is reckless and irresponsible. Using marijuana before driving could result in an arrest for driving under the influence (DUI). Marijuana should not be consumed in combination with alcohol or prescription medications. Mixing marijuana with alcohol or other drugs results in significantly greater impairment, and effects are much harder to calculate.

Some effects of marijuana that impair driving and motor skills include:

- Lengthened reaction time
- Short-term memory loss
- Hand-eye coordination impairment
- Reduced concentration
- Altered perception of depth, distance, and time

Although the effects of marijuana wear off more quickly than the effects of alcohol, it's not a good idea to consume marijuana within several hours before driving or operating machinery.

The more THC a person consumes, the greater the impairment and the longer the duration. The higher the THC content in the blood, the higher the chance of a motor vehicle accident.

The dangers of driving under the influence are even greater when marijuana is ingested as edibles, because the effects of marijuana can take longer to develop and last longer when it is eaten. Edible products tend to cause powerful full-body, psychoactive effects, and should be eaten sparingly. Pay attention to serving sizes and doses when making or serving edible marijuana products. Each product may not exceeding the following potency levels

(1) for a single serving of marijuana product, five milligrams active tetrahydrocannabinol (THC) or Delta 9;

(2) in a single packaged unit of marijuana product to be eaten or swallowed, not more than ten servings, or fifty milligrams of active THC or Delta 9;

The THC content in each marijuana product must be evenly distributed throughout the entire product.

A designated driver is a person within a group that agrees to abstain from consuming cannabis so that they will be able to safely drive the others in the group home. In the case of no designated driver, many communities support safe ride home programs. Buses and taxis are also a good option to avoid driving.

Illegal Activities

Illegal drugs, alcohol, and firearms have no place in a licensed marijuana establishment. If you become aware of any of these items on the premises, notify management immediately. The

presence of any or several of these items in a marijuana establishment could be cause for suspension or revocation of the establishment's license, as well as civil or criminal liability.

Activities such as gambling and prostitution are also illegal, persons engaging in these activities should be ejected from the establishment. Always use extreme caution when dealing with illegal activities. Notify management and coworkers of your suspicions before proceeding. If you feel that you or anyone else in the establishment may be in danger, call law enforcement immediately.

Violent Situations

While violence is not a typical effect of marijuana consumption, there may be situations in which hostility may arise. Whether the situation is verbal abuse or physical assault, knowing how to handle various situations greatly reduces the chance of anyone getting hurt.

Be alert for signs of aggression or hostility, and always be aware of everyone on the premises.

If you become aware of a potentially violent situation, immediately contact management or coworkers to alert them of the situation.

Intervention

- Isolate the hostile individual; move them away from other customers, outside if possible.
- Politely tell the individual that their behavior will not be tolerated and instruct the individual to leave.
- If the person becomes increasingly aggressive, or physically violent, get police involved quickly. If you feel that there is or will be a threat to public safety, immediately inform law enforcement.
- Never retaliate or use violence against a hostile person.
- Never try to physically restrain a hostile individual unless you have been professionally trained to do so.

Incident Reporting

Make sure you are aware of company policies for incident reporting and documenting any illegal activities. These incident reports can be very useful if a situation arises where documentation is needed to determine if proper action was taken.

Keeping an employee log of daily happenings around each establishment is another good way of ensuring that everyone is staying involved, informed, and that procedures are being followed.

Section 6.

Penalties for an unlawful acts

Marijuana sales by unlicensed individuals or entities remain subject to criminal penalties, all marijuana establishments must be state-licensed¹. To deliver for compensation less than 1 ounce of marijuana without a marijuana retail license may result in a class A misdemeanor punishable by up to 1 year imprisonment and/or a fine up to \$10,000. Delivery with or without compensation of an ounce or more of marijuana will result in a class C felony punishable by up to 5 years imprisonment and/or a fine up to \$50,000.

Retail marijuana sales are restricted to adults 21 years of age or older, delivery to a person under the age of 19 by a person at least 3 years his senior is a class B felony punishable by up to 10 years imprisonment and/or a fine up to \$100,000.

Inspection and investigation

In addition to local and state law enforcement, several individuals are responsible for inspecting and investigating the marijuana industry to ensure safe practices and lawful action. These individuals are referred to as "investigators," and include the director of the board, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity. They may inspect the licensed premises of any marijuana establishment, including any marijuana and marijuana product on the premises, as well as equipment used in cultivating, processing, testing, or storing marijuana. investigators also have authority to access to the marijuana establishment's inventory tracking system, business records, and computers, at any reasonable time and in a reasonable manner. If need arises, investigators may issue a report or notice of a violation of Chapter 306, exercise peace officer powers, and take any other action AMCO determines is necessary.

A marijuana establishment, and any licensee, employee, or agent in charge must cooperate with investigators to enforce the laws related to marijuana.

Cooperation includes permitting entry and inspection of the licensed premises, as well as access to business records at reasonable times when requested. Investigators must be able to provide proof of authority/identification

Report or notice of violation

investigators may issue an inspection report, an advisory report, or a notice of violation before taking action to suspend or revoke a marijuana establishment license.

An inspection report documents each inspection of licensed premises and must be prepared on a form the board prescribes. Inspection reports must include information prescribed by statute, regulation, or the board.

investigators may issue an advisory notice when an incident occurs or a defect is noted that could result in a violation of a statute, regulation, or municipal ordinance. An advisory notice may result from an inspection report, but is not a basis for administrative action unless the incident or defect continues or is not corrected.

investigators may issue a notice of violation when an inspection report or other credible information shows a marijuana establishment is in violation of AS 17.38, Chapter 306, or other law relating to marijuana. The notice of violation must be delivered to the marijuana establishment at its licensed premises, and to the board. The notice must describe any violation, and cite the applicable statute, regulation, or order of the board.

A marijuana establishment that receives a notice of violation may respond to the notice orally or in writing, and may, within ten days after receiving the notice, request an opportunity to appear before the board. A notice of violation may be the basis of a proceeding to suspend or revoke a marijuana establishment's license.

Suspension or revocation of license

The board will suspend or revoke a marijuana establishment license if any licensee is convicted of a felony, has been found guilty of selling alcohol without a license, selling alcohol to a minor, a misdemeanor crime involving a controlled substance, violence against a person, use of a weapon, or dishonesty, a class A misdemeanor relating to selling, furnishing, or distributing marijuana or operating an establishment where marijuana is consumed contrary to state law.

The board will suspend or revoke a marijuana establishment license if if the board becomes aware that a licensee did not disclose a previous felony conviction or a conviction of a crime.

The board may suspend or revoke a license, refuse to renew a license, or impose a civil fine if the board finds that a licensee for any marijuana establishment misrepresented a material fact on an application for a marijuana establishment license.

The board may also take action to protect the best interest of the public in response to:

- Using any process not approved by the board for extracting or manufacturing marijuana concentrate or products
- Selling or distributing any marijuana concentrate or product that has not been approved by the board
- Failing to correct any defect that is the subject of a notice of violation
- Knowingly allowing an employee or agent to violate Alaska marijuana laws and regulations
- Failing to comply with any applicable public health, fire, safety, or tax law or regulation in the state
- Using the licensed premises for any illegal purpose including gambling, possession or use illegal narcotics, prostitution, or sex trafficking

If AMCO finds that a person holding a marijuana establishment license has acted and appears to be continuing to act in a way that constitutes an immediate threat to the public health, safety or welfare, AMCO may issue an order immediately suspending the license of that person, and ordering an immediate stop to the activity that constitutes the threat to the public health, safety, or welfare.

When AMCO issues a summary suspension AMCO must immediately give the marijuana establishment notice of the reasons for the summary suspension, and of the time and place for an expedited hearing before the board. Unless the marijuana establishment requests a delay, the hearing will be held within five days after AMCO gives notice of the reasons for the summary suspension and the scheduled hearing.

A local government may notify AMCO if it obtains evidence that a marijuana establishment has violated a provision of AS 17.38, Chapter 306, or a condition the board has imposed on the marijuana establishment. Unless the board finds that the local government's notice is arbitrary, capricious, and unreasonable, AMCO will prepare the notice and supporting evidence as an accusation against the marijuana establishment and conduct proceedings to resolve the matter.

A proceeding to suspend or revoke a license must be initiated by service of an accusation on the marijuana establishment. The accusation must be served at the address of the licensed premises, or at the address of the licensee who is responsible for management and compliance with laws as listed in the marijuana establishment license application. The marijuana establishment is entitled to a hearing.

Suspension or revocation based on act of employee

If evidence shows that an employee or agent of a licensed marijuana establishment was responsible for an act that would justify suspension or revocation of the marijuana establishment's license if committed by a licensee, the board may find that licensee knowingly allowed the act. The board may find the licensee responsible for the violation if the licensee was physically present when the violation occurred and knew or should have known the violation was occurring and took no action to stop it. If the licensee was reckless or careless in hiring the agent or employee, or failed to adequately supervise or train the employee, the licensee may be held responsible.

Seizure of marijuana or marijuana product

investigators may seize marijuana or any marijuana product from a licensed or previously licensed marijuana establishment if the marijuana establishment has:

- any marijuana or marijuana product not properly logged into the marijuana establishment's marijuana inventory tracking system
- any forbidden adulterated marijuana food or drink product
- any marijuana or marijuana product that is not properly packaged and labeled
- not renewed its license as required

If an investigator seizes marijuana or a marijuana product, AMCO must update the marijuana inventory control tracking system to reflect the seizure and ensure that the seized items are stored in a reasonable manner. AMCO must immediately give the marijuana establishment from which the marijuana or marijuana product was seized notice of the reasons for the seizure and the time and place of a hearing before the board. Unless the marijuana establishment requests a delay, the hearing will be held within ten days after AMCO gives notice of the reasons for seizure and the scheduled hearing. If the seizure occurs in connection with a

summary suspension, the hearing will be combined with a hearing on the summary.

If the marijuana establishment does not request or participate in a hearing, or if after a hearing the board finds that seizure of the marijuana or marijuana product was justified, the marijuana or marijuana product will be destroyed by burning, crushing, or mixing with other material to make the marijuana or marijuana product unusable.

If a seizure of marijuana plants takes place in a licensed standard or limited marijuana cultivation facility, the seizure order may direct the cultivation facility to continue care of the plants until the hearing, but prohibit any transfer, sale, or other commercial activity related to the plants.

Hearings and Appeals

Any person aggrieved by an action of AMCO, the director, an enforcement agent, or an employee of the board, may request a hearing filing a notice of defense within 15 days after receiving a written accusation. Failure to file a notice of defense constitutes a waiver of the right to a hearing. An aggrieved party may appeal to the board regarding any action of AMCO, an enforcement agent, or an employee of the board charged with enforcing AS 17.38 or this chapter, including suspending or revoking a license, seizing marijuana or a marijuana product, or imposing a civil fine.

A person aggrieved by a final decision of the board suspending or revoking a license or imposing a civil fine may appeal to the Superior Court.

Civil fines

The board may, in addition to any other penalties, impose a civil fine on a marijuana establishment, licensee, or person that the board determines has violated a provision of AS 17.38 or Chapter 306.

The board may impose a civil fine not to exceed the greater of:

- an amount that is three times the monetary gain realized by the marijuana establishment, licensee, or person as a result of the violation, as determined by the board
- \$10,000 for the first violation
- \$30,000 for the second violation
- \$50,000 for the third or subsequent violation

Surrender or destruction of license

A license must be surrendered to AMCO, an enforcement agent, or an employee of the board on demand if AMCO or board so orders. The license must be surrendered within 10 days after the marijuana establishment loses or vacates the licensed premises. If a license is destroyed, the marijuana establishment must promptly notify the board.

Section 7.

Self Assessment

Self assessment is something that every marijuana handler should be doing throughout their career. Take an honest look at yourself and evaluate how your skills are progressing. Are you actively practicing good judgement and risk minimization?

Good judgement includes incorporating informed opinions based on past experience into the decision making process. Is safety the primary concern when dealing with customers and visitors? Making safety a top priority helps form the foundation on which to make good choices. A marijuana handler must keep safety and risk minimization at the forefront of their focus in order to maintain a safe and comfortable environment. Continuous self-assessment of your skills, knowledge, and actions will improve all three.

Knowledge Test

Still need to write Knowledge test...

Glossary

"Marijuana" means all parts of the plant of the genus *cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "Marijuana" does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

"Marijuana product" means concentrated marijuana products 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 concentrate" means resin, oil, wax, or any other substance produced by extracting or isolating cannabinoids, THC, or other components from a marijuana plant or from materials harvested from a marijuana plant.

"Marijuana establishment" means a state licensed marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

"Marijuana cultivation facility" means an entity registered to cultivate, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

"Marijuana testing facility" means an entity registered to analyze and certify the safety and potency of marijuana.

"Marijuana manufacturing facility" means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana

products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers. There are two types of manufacturing facility licenses: extract-only and standard.

"Marijuana retail facility" means an entity registered to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers.

"AMCO" means the Alcoholic Beverage Control Board established by AS 04.06, renamed Alcohol & Marijuana Control Office.

"Marijuana control board" or *"the board"* is a regulatory and quasi-judicial agency established in the Department of Commerce, Community, and Economic Development and controls the cultivation, manufacture, and sale of marijuana in the State of Alaska.

"Investigator" means the director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity to inspect or investigate marijuana establishments.

"Licensee" means each individual identified in 3 AAC 306.020 who must be listed in an application for a marijuana establishment license

"License" means a site specific state issued document awarded to an applicant which allows them to do legal business in the Alaska marijuana industry

"Consumer" means a person 21 years of age or older who purchases marijuana or marijuana products for personal use, but not for resale to others. This does not include any marijuana establishment that re-sells marijuana or incorporates marijuana into a manufactured product

"*THC*" means tetrahydrocannabinol, the main psychoactive substance found in marijuana

"*Direct or indirect financial interest*" means a legal or equitable interest in the operation of a business licensed under Chapter 306

"*Child-resistant*" means that packaging must be designed or constructed to be significantly difficult for children under five years of age to open, but not normally difficult for adults to use properly.

"*Child-centered facility*" means any facility frequented by children, including a school, a child care facility or other facility providing services to children, a playground or recreation center, a public park, a library, or a game arcade that is open to persons under 21 years of age

"*Improper storage*" means being exposed to extremes in temperature, humidity, smoke, fumes, pressure, or radiation due to a natural disaster, fire, accident, or equipment failure.

"*Closely resemble*" or "*looks like*" in reference to a marijuana product means that the product or its packaging has a shape, color, markings, or decorative patterns that are familiar to the public from a widely distributed branded food product, so that a marijuana product could reasonably be mistaken for that branded product, especially by children.

"*Sensitive receptor*" mean a school ground, recreation or youth center, building in which religious services are regularly conducted, or a correctional facility.

"*Buffer distance*" means the minimum distance a marijuana establishment is able to be from a sensitive receptor, 500 feet for all state required buffers.

"Site specific" means all marijuana licenses are awarded for a specific geographic location named on the license as the licensed premises.

"Licensed premises" means any or all designated portions of a building or structure, or rooms or enclosures in the building or structure, at the specific address for which a marijuana establishment license is issued, and used, controlled, or operated by the marijuana establishment to carry out the business for which it is licensed.

"Production lot" means a group of marijuana products that were prepared at the same time from the same batch of marijuana, using the same recipe or process

"Homogenous" means a component or quality, such as THC, is spread evenly throughout the product, or can be found in equal amounts in each part of a multi-serving unit

"Adulterated food or drink product" means a product that is intended to be consumed orally and that existed without marijuana in a form ready for consumption before marijuana was added by any process

"Batch" or "harvest batch" means a specifically identified quantity of plant trim, leaf, and other usable product from marijuana plants that are uniform in strain, cultivated in one place and under the same conditions, using the same medium and agricultural chemicals including pesticides and fungicides, and harvested at the same time

"Bud and flower" means the hairy, sticky, or crystal-covered parts of mature female marijuana plants generally harvested for their high THC potency

"CBD" means cannabidiol

"CBDA" means CBD Acid

"CBN" means cannabinal

"THCA" means THC Acid

"Clones" or "cuttings" means small starter plants used to propagate marijuana plants that are shorter than eight inches tall

"Contaminant" means one or more of the following: harmful microbials, including Escherichia coli (E. coli). or Salmonella species, residual solvents, poisons or toxins, harmful chemicals, including pesticides, dangerous molds, mildew, or filth;

Knowledge Test

Read all questions and answers carefully. Some questions may have multiple correct answers. Provide the best possible response for each question.

- 1) Anyone with financial interest in a marijuana establishment must be an Alaska resident. True / False

- 2) In the State of Alaska commercial marijuana will be tracked using which tracking software:
 - a) BioTrackTHC
 - b) METRC
 - c) MJ Freeway
 - d) All of the above
 - e) None of the above

- 3) A marijuana delivery service is permitted in Alaska with a license. True / False

- 4) Public places include:
 - a) Residences
 - b) Parks
 - c) Hotel Rooms
 - d) Restaurants
 - e) a & c
 - f) b & d

- 5) Public consumption of marijuana is legal in Alaska by persons over 21 years old. True / False

- 6) Cultivation facilities may sell marijuana:
 - a) To anyone 21 years of age or over
 - b) To family regardless of age
 - c) To private clubs and grow co-ops
 - d) To licensed cultivation, manufacturing, or retail establishments
 - e) All of the above
 - f) None of the above

7)Only retail establishments may sell marijuana to consumers.
True / False

8)The annual fee for a Standard Cultivation license is:

- a) \$600
- b) \$1000
- c) \$2000
- d) \$5000
- e) None of the above

9)In order to obtain a Marijuana Handler Permit from AMCO you must first pass a written test such as this one. True / False

10)When marijuana plant waste needs to be destroyed it can be:

- a)Treated as typical household waste
- b)Incinerated
- c)Made unusable by grinding and mixing with other waste
- d)Treated as hazardous material
- e)None of the above

11)In order for a customer to be able to purchase marijuana in a retail establishment they must:

- a) Be 21 years of age or older
- b) Be physically present at the time of sale
- c) Present valid ID
- d) Not be under the influence of drugs or alcohol
- e) All of the above
- f) None of the above

12)A minor child may enter a licensed marijuana establishment if accompanied at all times by a parent or legal guardian.

True / False

13)The main psychoactive substance in marijuana is:

- a) BDP
- b) CBD
- c) CBN

- d) THC
- e) None of the above

14) Which of the following statements are not required labeling of all retail marijuana packaging:

- a) Quitting marijuana now significantly reduces serious risks to your health
- b) For use only by adults twenty-one and older. Keep out of the reach of children
- c) Marijuana should not be used by women who are pregnant or breastfeeding
- d) a & c
- e) None of the above

15) Retail marijuana stores may not place advertising within how many feet of a public park?

- a) 250'
- b) 500'
- c) 750'
- d) 1000'
- e) There is no restriction on advertisement placement in regard to parks.
- f) None of the above

16) Marijuana handler permits are valid for how long after their effective date:

- a) 1 year
- b) 2 years
- c) 3 years
- d) 5 years
- e) No expiry date
- f) None of the above

16) If cultivation has been conducted in accordance with organic growing standards, and organic records maintained, then marijuana may be labeled as organic. True / False

17) Marijuana is another word for:

- a) Cannabis
- b) Coca
- c) Poppy
- d) Tobacco
- e) None of the above

18) Marijuana is not addictive in any way. True / False

19) CBD is short for:

- a) Cannabidiol
- b) Cannabadoreum
- c) Cannabadeum
- d) Cannabinoid
- e) None of the above

20) Dabbing is:

- a) a method of curing plant matter
- b) a method of extracting concentrate
- c) a method of combusting plant matter
- d) a method of vaporizing concentrate
- e) None of the above

21) How much useable marijuana can an individual purchase in a single transaction:

- a) 1 gram
- b) $\frac{1}{8}$ ounce
- c) 7 grams
- d) 1 ounce
- e) None of the above

22) How much concentrate for inhalation can an individual can purchase in a single transaction:

- a) 1 gram

- b) $\frac{1}{8}$ ounce
- c) 7 grams
- d) 1 ounce
- e) None of the above

23) What is the maximum THC content of a marijuana product that an individual can purchase in a single transaction:

- a) 5.6mg
- b) 56mg
- c) 560mg
- d) 5600mg
- e) None of the above

24) What is a term for a marijuana water pipe?

- a) Blunt
- b) Bong
- c) Crutch
- d) Joint
- e) All of the above
- e) None of the above

25) A marijuana establishment must maintain, in a reasonably prudent manner:

- a) all books and records necessary to fully account for each business transaction current year and three preceding calendar years
- b) Accurate and comprehensive inventory tracking records that account for all marijuana inventory activity
- c) A current diagram of the licensed premises including each restricted access area
- d) All of the above
- e) None of the above

26) If a sample of marijuana fails a required test:

- a) The entire harvest lot from which that sample was taken must be destroyed

- b) The rest of the harvest batch or production lot may be given away to employees of the marijuana establishment, but may not be sold to customers.
- c) The board may approve a request to use the failed batch in a carbon dioxide or solvent-based extract, if it passes all required tests after extraction.
- d) A and C

27) A marijuana retail establishment:

- a) May not sell any product without properly verifying the customer's legal age requirement:
- b) May allow a person under 21 years of age to enter a retail marijuana store just to browse.
- c) May sell marijuana products to persons under 21 years of age who are active in the Armed Forces.

29) What is the THC limit per serving of an edible marijuana product, and how many servings are allowed in one packaged unit?

_____mg THC per serving, _____ servings per unit

30) A retail marijuana store may not accept marijuana or a marijuana product that does not have a valid transport manifest generated from the inventory tracking system of the marijuana establishment that originated the delivery.

True / False

31) All marijuana packaging must contain each of the following statements:

1. "Marijuana has intoxicating effects and may be habit forming and addictive."
2. "Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence."

3. "There are health risks associated with consumption of Marijuana."
4. "For use only by adults twenty-one and older. Keep out of the reach of children."
5. "Marijuana should not be used by women who are pregnant or breastfeeding."

- A) All of the above
- B) Indicate which are false ____ ____ ____
- C) None of the above

32) When a cultivator sells marijuana to a retailer which party is responsible for paying the state excise tax?

(Select one or both)

- ☐ Cultivator
- ☐ Retailer

33) How much is the state excise tax on marijuana?

\$ ____ per ____ ounce(s)

34) Local governments such as cities or boroughs have:

- a) No limit on their authority to prohibit marijuana use and possession
- b) No authority to prohibit any marijuana use or possession
- c) No authority to prohibit commercial marijuana activity
- d) No authority to prohibit private marijuana activity

35) A minor who fraudulently attempts to enter a marijuana establishment or to purchase marijuana maybe be fined up to:

- a) \$150
- b) \$200
- c) \$400
- d) \$500
- e) None of the above

36) Name three of the eight areas of particular concern to the federal government as outlined in 2013 in the "Cole Memo"

- 1) _____
- 2) _____
- 3) _____

37) Which is not a valid form of ID for purchasing marijuana or entering a marijuana establishment:

- a) Passport
- b) Alaska Driver's License
- c) Temporary Alaska Driver's License
- d) ID Card from another state

38) Valid IDs must:

- a) have an expiration date
- b) have a photo of the individual
- c) contain the words "Valid, Genuine, or Official"
- d) a & b

39) The tested THC content of a marijuana product must be how close to the manufacturer's target THC content?

- a) Within 2%
- b) Within 5%
- c) Within 10%
- d) Within 20%

40) Which of the following play a role in the duration of marijuana efficacy?

- a) dosage
- b) consumption method
- c) tolerance
- d) all of the above

41) Some characteristics indicative of impairment include:

- a) Inability to accurately measure the passage of time
- b) Significantly increased aggression
- c) Inability to remain still, or calm
- d) Significantly increased compulsion to talk or to remain silent
- e) Inability to contain laughter or giggles

42) When an impaired individual is identified:

- a) Ask them sit down and rest until they feel better
- b) Physically restrain the person with the help of the other customers
- c) Ask them to leave and offer to help them find a ride
- d) Sell marijuana to them, and then ask them to leave

43) An individual 21 years or older may give up to one ounce of marijuana to another individual 21 years or older in exchange for:

- a) Cash money
- b) Cultivation supplies and equipment
- c) Goods or labor, so long as they are not real properties or professional services
- d) All of the above
- e) None of the above

44) As a result of the legalization of recreational marijuana in Alaska the following is legal:

- a) Cultivation of industrial hemp
- b) Manufacture of THC infused alcoholic beverages

- c) Sale of CBD only topical salves
- d) Dispensation marijuana for therapeutic purposes
- e) All of the above
- f) None of the above

45) Which of the following is an allowable method by which to promote a marijuana establishment or sale of marijuana.

- a) Conduct games and contests
- b) Display signage on the building that is 6' by 6'
- c) Include cartoon characters on packaging
- d) Advertise your business on television or radio
- e) All of the above
- f) None of the above

46) A marijuana retail establishment may sell or transfer marijuana to:

- a) A cultivation facility, a manufacturing facility, or another retail facility, or a consumer 21 years or older.
- b) A manufacturing facility, or another retail facility, or a consumer 21 years or older.
- c) Another retail facility, or a consumer 21 years or older.
- d) Consumers 21 years or older, and no one else.

47) Which of the following license type combinations can be held by the same entity:

- a) Cultivation and Testing
- b) Manufacturing and Testing
- c) Retail and Testing
- d) All of the above
- e) None of the above

48) A public notice of a marijuana establishment application must be posted at the location of the proposed premises for:

- a) 7 days
- b) 10 days
- c) 30 days
- d) 60 days
- e) None of the above

49) A legal notice of a marijuana establishment application must be printed in a newspaper of general circulation in the area of the proposed premises:

- a) For 2 consecutive weeks
- b) For 3 consecutive weeks
- c) For 4 consecutive week
- d) Only for one day, provided that day is a Wednesday or a Sunday
- e) None of the above

50) Since marijuana is considered by many to be a 'natural' drug it must therefore be safe to use. True / False

51) Security camera video footage must be kept for a minimum of:

- a) 30 days
- b) 40 days
- c) 120 days
- d) 1 year
- e) None of the above

52) The size of mandated sign at a marijuana retail store that says "No one under 21 years of age allowed." Must be at least:

- a) 12"x12"
- b) 24"x12"
- c) 24"x24"
- d) 36"x12"
- e) None of the above

53) Commercial marijuana is required to be tested for:

- a) Cannabinoid potency and harmful chemicals
- b) Microbes and solvents
- c) Molds and filth
- d) Pesticides and herbicides
- e) All of the above
- f) None of the above

54) The acronym 'AMCO' stands for:

- a) Alaska Marijuana Control Office
- b) Alaska Medical Cannabis Office
- c) Alcohol and Marijuana Control Office
- d) Alcohol, Marijuana and Cannabis Office
- e) None of the above

55) AS 17.37 is a statute regarding:

- a) Recreational Marijuana
- b) Commercial Marijuana
- c) Medical Marijuana
- d) Industrial Hemp
- e) All of the above
- f) None of the above

56) A licensed marijuana establishment will not be located within how many feet of a school?

- a) 200
- b) 500
- c) 1000

- d) 5280
- e) None of the above

57) A licensed marijuana establishment will not be located within how many feet of a church?

- a) 200
- b) 500
- c) 1000
- d) 5280
- e) None of the above

58) A licensed marijuana establishment will not be located within how many feet of a correctional facility?

- a) 200
- b) 500
- c) 1000
- d) 5280
- e) None of the above

59) The maximum civil fine a licensee may receive from AMCO may be in excess of \$50,000. True / False

60) Which of the following are permissible in a marijuana establishment?

- a) Illegal drugs
- b) Alcohol
- c) Firearms
- d) All of the above
- e) None of the above

Definition Questions:

Match the term on the left to its appropriate definition on the right

A.	"Marijuana establishment"		being exposed to extremes in temperature, humidity, smoke, fumes, pressure, or radiation
B.	"Production lot"		hairy, sticky, or crystal-covered parts of mature female marijuana plants generally harvested for their high THC potency
C.	"Improper storage"		a school ground, recreation or youth center, building in which religious services are regularly conducted, or a correctional facility
D.	"Homogenous"		each individual listed in an application for a marijuana establishment license
E.	"Adulterated food or drink product"		tetrahydrocannabinol, the main psychoactive substance found in marijuana
F.	"Licensee"		a component or quality is spread evenly throughout the product, or can be found in equal amounts in each part of a multi-serving unit
G.	"Contaminate"		a state licensed marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store
H.	"THC"		means a product that is intended to be consumed orally and that existed without marijuana in a form ready for consumption before marijuana was added by any process
I.	"Sensitive receptor"		a group of marijuana products that were prepared at the same time from the same batch of marijuana, using the same recipe or process
J.	"Bud and flower"		harmful microbes including E. coli or Salmonella species, residual solvents, poisons or toxins, harmful chemicals, including pesticides, dangerous molds, mildew, or filth