



**Alaska Marijuana Control Board  
 Marijuana Handler Permit  
 Form MJ-10: Education Course Provider Application**

**Alcohol and Marijuana Control Office**  
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 Anchorage, AK 99501  
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<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

**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.

<b>Applicant:</b>	Pacific Sun West, LLC (dba Alaska Cannabis Institute)				
<b>Course Name:</b>	Marijuana Handlers Permit				
<b>Mailing Address:</b>	805 Maple Lane SW				
<b>City:</b>	Orting	<b>State:</b>	WA	<b>ZIP:</b>	98360
<b>Email Address:</b>	cory.wray@hotmail.com	<b>Phone:</b>	253-495-5323		

In-person  Online

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

Cory Wray  
Digitally signed by Cory Wray  
 Date: 2016.04.10 14:39:01 -0700

4-8-2016  
 Date

OFFICE USE ONLY			
<b>Board Meeting Date:</b>		<b>Approved Y/N?:</b>	<b>Course #:</b>

## MHP Curriculum

- (1) AS 17.37, AS 17.38
- (2) the effects of consumption of marijuana and marijuana products
- (3) how to identify a person impaired by marijuana consumption
- (4) how to determine valid IDs
- (5) how to intervene to prevent unlawful marijuana consumption
- (6) the penalty for an unlawful act by a licensee, an employee, or an agent of a marijuana establishment

Medical marijuana was first approved in Alaska by Measure 8 (1998), which created a legal defense to non-registered patients and those who can demonstrate adequate need to possess large quantities of medical marijuana. In June 1999, Alaska Senate Bill 94 was passed, which modified the law created by Measure 8, and removed protections for medical marijuana patients who refuse to register with the state health department, or who possess greater amounts of marijuana than authorized by state law. Codified under Alaska Statute Title 17, Chapter 37: "Medical Uses of Marijuana," the law is officially known as the Medical Uses of Marijuana for Persons Suffering from Debilitating Medical Conditions Act.

### **AS 17.37**

The regulations contained on medical marijuana in the Alaska Administrative Code are found in Chapter 17.37. "MEDICAL USES OF MARIJUANA." These rules are essentially a restatement of the state's medical marijuana statute and leaves discretionary authority on patient application and card fees up to the Department of Health and Social Services.

### **Registry of Patients and Listing of Caregivers**

The department keeps a confidential registry of patients who have applied for and are entitled to receive a registry identification card. The registry also contains the name of the primary caregiver and the name of the alternative caregiver of the patient. Only one primary caregiver and one alternative caregiver may be listed in the registry for a patient.

In order to be placed on the department's confidential registry for the medical use of marijuana, an adult patient or a parent or guardian of a minor patient shall provide the department:

1. a statement signed by the patient's physician **stating** that the physician personally examined the patient and that examination took place in the context of a bona fide physician-patient relationship and setting out the date the examination occurred;
2. stating that the patient has been diagnosed with a debilitating medical condition; and

3. stating that the physician has considered other approved medications and treatments that might provide relief, that are reasonably available to the patient, and that can be tolerated by the patient, and that the physician has concluded that the patient might benefit from the medical use of marijuana

The patient must also include a sworn application containing their name, address, birthdate, and Alaska driver's license or identification card number of the patient.

The application must also include the name, address, and telephone number of the patient's physician; as well as the name, address, birthdate, and Alaska driver's license or identification card number of the patient's primary caregiver and alternative caregiver.

A primary caregiver and alternative caregiver for a patient must be at least 21-years-old, has never been convicted of a felony, and is not currently on probation or parole.

A person may be a primary caregiver or alternative caregiver for only one person at a time unless the primary caregiver or alternative caregiver is simultaneously caring for two or more patients who are related to the caregiver or alternative caregiver by at least the fourth degree of kinship by blood or marriage.

The state will issue a registry identification card to the patient, and to the patient's primary caregiver.

A patient who no longer has a debilitating medical condition and the patient's primary caregiver must return all registry identification cards to the state within 24 hours of receiving the diagnosis by the patient's physician.

### **Privileged Medical Use of Marijuana**

A patient, primary caregiver, or alternate caregiver registered with the Department of Health and Social Services has an affirmative defense to a criminal prosecution related to marijuana.

A person is not subject to arrest, prosecution, or penalty in any manner for applying to have a person's name placed on the confidential registry.

It's also important to note that a patient, primary caregiver, or alternative caregiver may not engage in the medical use of marijuana in a way that endangers the health and well-being of any person; or engage in the medical use of marijuana in plain view.

If a patient, primary caregiver, or alternate caregiver is carrying marijuana in public, the marijuana or marijuana product must be in a closed container carried on the person with one ounce or less of marijuana in usable form.

Patients, primary caregiver, and alternative caregivers may not sell or distribute marijuana to any person; and they may not possess in the aggregate more than:

- (1) one ounce of marijuana in usable form; and
- (2) six marijuana plants, with no more than three mature and flowering plants producing usable marijuana at any one time

Usable marijuana means the seeds, leaves, buds, and flowers of the plant cannabis, but does not include the stalks or roots.

### **Ballot Measure 2**

In 2014, Alaskans supported Ballot Measure 2, an act to tax and regulate the production, sale, and use of marijuana in Alaska. The initiative accomplished two objectives. First, the act legalized marijuana use for people 21 years of age and older; and second, the initiative declared that the production and sale of marijuana will be regulated so that:

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

Nothing in this Act are intended to diminish the right to privacy as interpreted by the Alaska Supreme Court in *Ravin v. State of Alaska*

### **Personal use of marijuana**

The following acts, by persons 21-years-old and older, are lawfully and shall not be a criminal or civil offense under Alaska law:

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

## **Restrictions on personal cultivation, penalty**

Personal cultivation of marijuana is subject to the following terms:

- (1) marijuana plants will be cultivated out-of-sight of public view;
- (2) the cultivator must take reasonable precautions to ensure the plants are secure from unauthorized access;
- (3) the cultivator must have consent from the person in lawful possession of the property.

Violating these terms is punishable with a fine up to \$750

## **Reasons why you should not see marijuana to minors or visibly intoxicated persons**

- selling marijuana is a serious responsibility
- your employer, friends, family and community expect you to help control how marijuana is sold
- You could be convicted of a Misdemeanor for selling marijuana to a minor or to a visibly intoxicated person
- If you are cited for selling marijuana to a minor or visibly intoxicated person, you may have to appear before a judge in court
- You may end up with a criminal record that could affect your future
- If you sell marijuana to a minor or fail to check ID, you may be required to receive additional training before you may continue your current job

## **5 Main Reason to Refuse a Sale**

- When the customer is under 21-years-old
- When the customer doesn't have valid ID to prove their age, when prompted by the clerk
- During hours when selling marijuana is not allowed, as mandated by law
- When the clerk suspects that the marijuana, once purchased, will be passed on to minors
- When the customer is visibly intoxicated under the influence of marijuana or alcohol

Marijuana rules and regulations differ from state to state. In Alaska, licensees and their agents and employees must take a marijuana handler's permit course within 30 days of being licensed or employed by a marijuana establishment.

The Alcohol and Marijuana Control Office will not approve a course unless it covers specific areas of Alaska law, which this course does!

A marijuana handler's permit is mandatory in Alaska for all persons involved in cultivating, processing, selling, handling, and serving marijuana or marijuana products. Licensees and employees must take a marijuana handler's permit education course within 30 days of being licensed or employees. Proof of responsible alcohol server education, for all employees, must be kept on-site at the licensed establishment.

In Alaska, a licensee, agent or employee is required to complete an approved marijuana handler's permit course and pass a written test demonstrating an understanding of the course.

The course provider is required to issue a certification card to individuals who complete the course and pass the written test.

Following completion of this training, you will be required to take the \_\_\_ question multiple choice test. You must receive a passing score of 86% or better to receive certification.

- The marijuana handler's permit is valid for three years from the date of issue
- Copy of card must be on-site at the licensed establishment. You will also need to carry your card on you anytime you perform job functions that include selling, serving or handling marijuana or marijuana products
- An employee must also have their valid ID on premise while working at a licensed establishment.

## **LIABILITY AND RESPONSIBILITY**

Providing marijuana services bears a certain level of responsibility and adherence to the law. It is vitally important to understand your liability, both civil and criminal, with regard to cultivating, processing, and selling marijuana.

Marijuana rules and regulations are made at three different levels of government:

- State
- Borough
- Municipal

It is your responsibility to familiarize yourself with these laws. You must also be familiar with any local ordinance requirements for your business.

NOTE: Local law enforcement can enforce state laws!

Breaking or ignoring marijuana rules and regulations can lead to consequences such as; fines, lawsuits, imprisonment, and even termination of your marijuana establishment license. Such a loss could force an establishment to close. Anyone who cultivates, processes, or retails marijuana must always balance the needs of their customers with their own legal responsibilities.

### **Criminal Liability**

Criminal Liability results when you break or ignore one of the laws governing the sale of marijuana and marijuana products.

Criminal negligence could be determined when the perception of risk surrounding the sale of marijuana is a “gross deviation from the standard of care that a reasonable person would observe in the situation.”

Penalties for licensees, agents and employees may include suspension or revocation of license, fines, community service and/or jail time.

### **The Role of Government and Types of Marijuana Establishment Licenses**

Alaska is currently one of four states to have legal adult-use marijuana. In Alaska, the governing marijuana authority is the State of Alaska, Alcohol and Marijuana Control Office in the Department of Commerce, Community, and Economic Development. According to AS 17.38, the AMCO reviews all applications for licenses and may issue, renew, transfer or suspend licenses.

The AMCO and its officers are engaged in licensing and enforcement activities. AMCO officers, who are sworn peace officers, may work sole or with local law enforcement and you should always cooperate with AMCO officers and other federal, state or local law enforcement.

The AMCO issues several different kinds of licenses that come with different privileges. All applications must be reviewed and investigated before a marijuana establishment license can be issued. The main criteria looked at is the location of the proposed establishment.

Examples of Licenses Issued:

- Marijuana Retail Establishment
- Marijuana Standard Cultivation
- Marijuana Limited Cultivation
- Marijuana Product Manufacturing
- Marijuana Product Manufacturing (extractions only)
- Marijuana Testing Facility

## **AMCO Enforcement**

Enforcement is handled by AMCO officers who may inspect and licensed establishment during normal business hours without a search warrant. AMCO officers must provide proper identification such as badge and ID card. It is important that you allow the officers access and cooperate fully.

AMCO officers may check for compliance by a licensee and the employees on any of the marijuana rules and regulations including:

- Laws on sale, barter, manufacture, distribution and possession of marijuana and marijuana products.
- Rules and regulations over businesses licensed to sell marijuana or marijuana products.
- Minor in possession

In general, an AMCO investigator may inspect a licensed premise during all regular business hours and check the placement of the license and required signage. They may also check for marijuana handler permit cards and for underage persons on premise.

AMCO Investigators Will:

- Inspect a premise during regular business hours.
- Check the posting of license and required restrict access area signage.
- Check for marijuana handlers permit education course cards.
- Check for underage persons on the premise.

## **Programs AMCO May Use**

Some programs that the AMCO may use in its sting operations include underage decoy and shoulder tap programs. These programs have been found to be legal and are not considered to be entrapment.

An underage decoy program uses a person who is under 21 years old to try and buy marijuana or marijuana products from a license establishment. If the decoy is successful in obtaining marijuana or marijuana products, then that seller or agent will be issued a citation by an officer and the owner will be notified of the violation.

Many underage users obtain their marijuana or marijuana products from adults who make the purchase for them. A should tap program uses a minor to ask adults to purchase marijuana or marijuana products for them. If the adult purchases the marijuana or marijuana products on behalf of the minor, they may be arrested.



## **AMCO Citations**

Citations or administrative action may be taken against the licensees for the following actions:

- Selling marijuana or marijuana products to an underage person.
- Allowing consumption of marijuana or marijuana products on premises without the proper permits.
- Selling marijuana or marijuana products during hours when it is not permitted.

Such violations can result in criminal or civil liability as well as administrative liability for the licensee. Consequences for such violations can include fines against the agent of the establishment, suspension of the marijuana establishment license or even the revoking of the license.

## **Acts Prohibited at a Retail Marijuana Store**

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

- (1) to a person under 21 years of age;
- (2) to a person that is under the influence of an alcoholic beverage, inhalant, or controlled substance;
- (3) that is not labeled and packaged
- (4) Over the Internet
- (5) After the expiration date shown on the label of the marijuana or marijuana product

## **Restrictions on Marijuana Retail Stores and Marijuana Product Sales**

A license marijuana retail 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.

A license marijuana retail store may not allow a person to consume marijuana or a marijuana product on the retail marijuana store's licensed premises, unless permitted to do so.

A license marijuana retail store may not offer or deliver marijuana or marijuana product to a consumer, as a marketing promotion or for any other reasons, including free samples.

## **Restrictions on Advertising of Marijuana and Marijuana Products**

A retail marijuana store may have only 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 marijuana retail 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

- (1) is false or misleading;
- (2) promotes excessive consumption;
- (3) represents that the use of marijuana has curative or therapeutic effects;
- (4) depicts a person under 21 years of age consuming marijuana; or
- (5) includes an object or character, including a toy, a cartoon character, or any depiction designed to appeal to a person under 21 years of age, that promotes consumption or marijuana.

A retail marijuana store may not place an advertisement for marijuana or a marijuana product

- (1) within 1,000 feet of any child-centered facility;
- (2) on or in public transit vehicles or public transit shelters;
- (3) on or in a publicly owned or operated property;
- (4) within 1,000 feet of a substance abuse facility;
- (5) on a campus for post secondary education.

### **Marijuana and Marijuana Product Labeling and Packaging Requirements**

All retail marijuana stores are required to have the following statements on their labeling and packaging:

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

### **Marijuana Cultivation Facility Privileges and Prohibited Acts**

A licensed marijuana cultivation facility is authorized to:

- (1) propagate, cultivate, harvest, prepare, cure, package, store, and label marijuana;
- (2) sell marijuana only to a licensed marijuana retail store, to another licensed marijuana cultivation facility, or to a licensed marijuana product manufacturing facility;
- (3) provide samples to a licensed marijuana testing facility for testing;
- (4) store inventory on the licensed premise;
- (5) transport marijuana in compliance with State marijuana rules and regulations;

- (6) provide marijuana samples to licensed retail marijuana stores or marijuana product manufacturing facility to negotiate a sale.

### **Limited Marijuana Cultivation Facilities**

A limited marijuana cultivation license carries with it the same privileges as a standard cultivation license, except that it must have fewer than 500 square feet under cultivation.

### **Required Laboratory Testing**

Marijuana cultivation facilities are required to have their product laboratory tested for potency, moisture, foreign matter, pesticides, chemical residue, and residual solvents.

A marijuana cultivation facility must complete the laboratory testing process before selling or transporting any marijuana or marijuana product to another licensed marijuana establishment.

### **Marijuana Excise Tax**

Marijuana cultivators must submit monthly reports to the Department of Revenue and pay excise tax of \$50 per ounce on all marijuana sold or provided as sample to a marijuana establishment.

### **Marijuana Product Manufacturing Facility Privileges**

A licensed marijuana product manufacturing facility, including a marijuana concentrate manufacturing facility, is authorized to:

- (1) purchase marijuana from a marijuana cultivation facility or from another marijuana products manufacturing facility;
- (2) extract marijuana concentrates;
- (3) manufacture, refine, process, cook, package, label, and store marijuana products;
- (4) sell, distribute, or deliver marijuana extract or any approved marijuana product to a licensed retail marijuana store or to another licensed marijuana product manufacturing facility;
- (5) provide and transport samples of marijuana concentrate or other approved marijuana product to a licensed marijuana testing facility;
- (6) store inventory in a restricted-access area

### **Acts Prohibited at a Marijuana Product Manufacturing Facility**

- (a) sell concentrates or marijuana products directly to consumers;
- (b) sell concentrates or marijuana products that are not properly packaged and labeled;
- (c) allow marijuana or marijuana product consumption on the licensed premises;
- (d) manufacture or sell any product that
  - (a) is an adulterated food or drink;

- (b) closely resembles a familiar food or drink item including candy;
- (c) or is packed to look like candy, or in bright colors or with cartoon characters or other images that would appeal to children.

### **Required Laboratory Testing**

Marijuana product manufacturing facilities are required to have their product laboratory tested for potency, moisture, foreign matter, pesticides, chemical residue, and residual solvents.

A marijuana product manufacturing facility must complete the laboratory testing process before selling or transporting any marijuana or marijuana product to another licensed marijuana establishment.

For a single serving of a marijuana product, potency levels cannot exceed five milligrams of active THC or Delta-9. The entire package cannot exceed 50 milligrams.

### **Local Option Provisions**

Alaska “local option” provisions allow communities to decide by vote whether they would like to restrict commercial marijuana activities.

Marijuana entrepreneurs need to be aware of any local restrictions or requirements as there may be significant legal ramifications for non compliance.

A marijuana retail store may not sell marijuana or marijuana products in a quantity exceeding:

- twenty-eight (28) grams of marijuana in flower form
- seven grams of marijuana concentrates
- edibles exceeding 5600 milligrams in aggregate

### **Identifying Intoxication & Preventing Over Consumption**

When smoked or ingested, THC and other cannabinoids in marijuana attach to two types of receptors on cells in your body - like keys in a lock - affecting the cells, once attached.

CB1 is one such receptor. CB1 receptors are found mainly in your brain, especially in areas that control body movement, memory and vomiting. This helps explain why marijuana use affects balance and coordination and impairs short-term memory and learning.

The other type of receptor, CB2, is found in small numbers elsewhere in your body, mainly in tissue of the immune system, such as your spleen and lymph nodes.

After you smoke marijuana, its ingredients reach their peak levels in your body within minutes, and effects can last up to an hour and a half. When eaten the ingredients can take several hours to reach their peak levels in your body, and their effects may last for hours.

When marijuana is smoked, its effects begin immediately after the drug enters the brain and can last from one to three hours.

Within a few minutes after inhaling marijuana smoke, an individual's heart begins beating more rapidly, the bronchial passages relax and become enlarged, and blood vessels in the eyes expand, making the eyes look red.

As THC enters the brain, it causes a user to feel euphoric - or "high" - by acting in the brain's reward system, areas of the brain that respond to stimuli. THC activates the reward system in the same way that nearly all drugs of abuse do, by stimulating brain cells to release the chemical dopamine.

A marijuana user may experience pleasant sensations, colors and sounds may seem more intense, and time appears to pass very slowly. The user's mouth feels dry, and he or she may suddenly become very hungry and thirsty. His or her hands may tremble and grow cold. The euphoria passes after a while, and then the user may feel sleepy or depressed. Occasionally, marijuana use produces anxiety, fear, distrust, or panic.

When marijuana is smoked, it travels down the windpipe and into the lungs. Once in the lungs, the smoke passes through the bronchi and into the alveoli (air sacs) where the THC passes into the bloodstream. THC is then absorbed by most tissues and organs in the body, especially fat cells and organs such as the brain.

### **Factors Affecting "high"**

A person's reaction to marijuana is influenced by several factors, such as:

**Marijuana Potency:** Typical THC levels, which determine marijuana potency, range from 10 to 15 percent. However, some specially grown plants can contain THC levels as high as 25 percent.

Several factors are involved in determining the potency of a marijuana plant, including growing climate and conditions, plant genetics, and harvesting and processing.

### **IDENTIFICATION**

## **Introduction**

It is important to learn about the proper forms of identification and how to verify their authenticity. The legal marijuana consumption age in Alaska is 21 years of age and it is becoming increasingly difficult to determine a person's actual age. Therefore, it is a mistake to assume a person's age based only on their appearance.

Remember, as a marijuana retailer or marijuana sales associate, the responsibility for making sure that your customers are of legal marijuana consumption age falls to you. You can be held criminally liable for serving an underage person and the establishment could lose their marijuana establishment license.

As a Seller you need to learn:

- When to ask for ID
- Proper forms of identification
- How to check authenticity of identification
- How to handle fake IDs

## **Underage Purchase Attempts**

Before asking for identification, it is important to be aware of signs that the person attempting to purchase marijuana or marijuana products may be under 21-years-old.

Remember that as a marijuana retailer or marijuana retail associate, the responsibility for making sure that your customers are of legal marijuana consumption age falls to you and you can be held criminally or civilly liable for making an underage sale. It is important to learn about the proper forms of identification and how to verify their authenticity. You have the right to refuse service to anyone who appears to be underage and who cannot furnish a valid ID.

## **When to Ask for Identification**

Licensee/employee must verify age if you suspect a person is underage or is entering premises illegally.

## **Verifying if a person is of legal age**

Most states have taken the guesswork out of the equation by printing on the ID the date that an underage person will be 21. If that date is not on a customer's ID – remember

that a person is legal to purchase or consume marijuana on or after their 21st birthday. The best technique to use for remembering what year someone must be "born by" is - once a year, do the math and then remember.

Alaska Cannabis Institute provides FREE "Born by Today" posters and stickers to provide you with a visual reference of the correct year. Other point of sale materials designed to deter underage purchase attempts are also available.

### **Verifying Legal Age - Doing the Math**

If you need to calculate the math for yourself quickly, a good trick is to take the birth date, add twenty to it and then add one more.

First: Add 20 to the birth year  $1990 + 20 = 2010$

Second: Add 1 to the total above  $2010 + 1 = 2011$

- Finally: Compare the total to the current calendar year  
Over 21 - if answer is BEFORE the current year

Under 21 - if answer is AFTER the current year

If years are same – look to see if birthday has passed

### **Correct Procedure for Checking IDs**

Selling marijuana or marijuana products to an underage person can be a very costly mistake. Be sure to ID the customer before making the sale. Even when hurried, it is important to properly and thoroughly check the ID of each person that you card.

The following procedures should help with this process:

1. Greet the Customer: The greeting is used to identify possible physical or behavioral indicators the guest may be underage. A guest that avoids eye contact or acts nervous may be using a fake ID.
2. Ask for the ID: This step is important because it allows you to hold the ID in your hand to detect if the card may have been altered in any way. Look and feel for any bubbles, areas of thickness and ink signatures. Additionally, you may want to use the customer's name in conversation. Using the customer's name may discourage the person from giving the card to someone else to use later and it may also help you remember that you have already checked this ID.

3. **Verify:** After looking at the ID and holding it in your hands, does it appear to be valid? Does it belong to the person presenting it? Does it indicate that it belongs to an underage person?

If during this process you are still unsure as to whether or not to allow the individual into the establishment and to sell them marijuana or marijuana products, you may decide to press further.

### **Correct Procedure for Checking IDs**

Here are options for you to use in making your decision:

**Ask for Back-Up ID.** Does the person have an additional form of identification with them? This can be anything the person can produce that will help you verify that person in front of you is the correct person and/or is of legal marijuana consumption age.

**Ask them to complete a “ statement of Proof of Age and May Legally Obtain Marijuana or Marijuana Products“ Form.** In Alaska, if a licensee, agent or employee of a licensed establishment questions the identification provided, he or she can require the person to sign a statement that the person is over the age of 21 and/or not restricted from purchasing marijuana or marijuana products. You must retain completed form for 90 days.

If you still have reason to question the validity of the identification presented, this Statement reduces the liability of the server or seller. These forms are a good resource especially when checking ID that you are not familiar with. You may obtain these free forms from Alaska Cannabis Institute

**Ask for Signature to Compare with ID.** If you don't have a Proof of Age form, you may ask the customer to sign their name and compare that signature with the signature on the ID.

**Refuse the Sale.** You may also simply refuse the sale. Remember that you have the legal right to refuse service to anyone that you believe to be underage. When you do decide not to serve someone, it is best to remain polite and courteous when asking that individual to leave. You should also inform management and other employees in the establishment.



## **Misrepresentation of Age**

In Alaska, it is illegal for persons under the age of 21 to provide false evidence of age, to misrepresent their age or to provide false witness as to receiving parental or guardian consent in order to receive marijuana or marijuana products.

Under Alaska law, it is illegal to influence the sale, gift, or service of marijuana to an underage person by misrepresenting that person's age and to receive from a licensee or employee for the purpose of providing that marijuana or marijuana product to an underage person.

Additionally, Alaska law requires that a licensee, agent or employee must verify age if they suspect a person is an underage person or is entering the premises illegally.

Clearly, confirming the age of a person attempting to enter a licensed establishment, purchase marijuana or marijuana products or influence another to purchase for them is extremely important.

## **Valid Forms of ID**

- State Driver's License
- State ID Card
- Military ID
- Passport
- Other Federal/State Issued ID
- Tribal and/or Corp. ID

## **Unacceptable**

- birth certificates
- school IDs
- voter's registration cards
- social security cards
- membership cards
- credit cards

## **ID Checking Guide**

Recently, states have become more successful in developing IDs that are harder to duplicate or alter. That doesn't mean counterfeiters have given up. They have just had to become more sophisticated in their efforts to produce IDs that look genuine. Spotting these fakes is becoming harder, but there are several tools to assist you.

The ID Checking Guide and the Alaska Identification Samples Reference Guide are inexpensive and available from the Alaska Cannabis Institute.

ID Checking Guide- Displays full-size samples and gives descriptions of all valid IDs from each state, Underage IDs are also included for easy reference.

Alaska Identification Samples Reference Guide- Displays various formats for Alaskan and Military ID.

### **Verifying that an ID is Valid**

In order to accept an ID, you must confirm that the ID is an accepted form, is genuine, has not been issued to an underage person and actually belongs to the customer.

Valid IDs must display the following:

1. Birth Date: This is used to determine the age of the person.
2. Current Expiration Date: If the ID has already expired, it is not valid. Sometimes underage persons try to use an expired ID of a friend or relative.
3. Photo: The photo helps to verify that its rightful owner is using the ID.
4. Issued by a Government Agency: Federal or State.
5. Condition of ID: If the lamination is split, thin or has bubbles, it may have been tampered with. Severely damaged IDs should not be accepted and need to be replaced.
6. Proper Text: The ID will display the correct font and word spacing and should never have words on them such as, official, authentic, genuine, valid, etc. To avoid criminal liability, counterfeiters sometimes use the incorrect text or icons.
7. Proper Images: Some states place holographic images on the IDs. These images are three-dimensional and can change color or shape when viewed from different angles. Other images could include such graphics as the state's name, seal or motto. Additionally, some states place objects on the ID that can only be seen with ultraviolet light. Becoming familiar with these images is the best way to make sure that the ID is genuine.
8. License Numbers: Every state issues a license number on the ID. These numbers may be the person's social security number, random numbers, a combination of random numbers and letters or digits coded to the individual's personal information. What is important to check is that the correct number of digits is in place for that particular ID.
9. Back of the ID Card: The back of the ID card may have information such as, driving restrictions, organ donor information or even bar codes or magnetic strips. It is important to become familiar with the format a particular state uses when

identifying the cards. Many times the back of a fake ID will be blank or have wording similar to, “for entertainment only”.

10. Signature: The signature can be useful in identifying the owner.
11. Physical Description: Compare features listed on the ID with the person in front of you to ensure the ID does not belong to a friend or relative. Compare the general characteristics and make sure that the following match:
  - Gender
  - Height
  - Weight
  - Eye Color

### **Alaska ID Security Features - Persons Over 21**

The State of Alaska issues Drivers Licenses and Identification Cards to person over the age of 21 years in a horizontal format and with a wide variety of security features.

Security elements to look for include:

1. Ghost image of photograph is in lower left corner
2. Issue date is printed at the top of the ghost photo located at the bottom left corner of the license.
3. Driver’s license ID number is printed on the top center of the license, as well as on the top right side of the photograph.
4. Date of birth is printed in the Date of Birth block, in the top right corner of license, and, again on the top left of the photograph.
5. Date of Birth Block is background printed in a tamper resistant “rainbow printing” -a purple color changing to a blue color with the letters “DOB” repeating across background.
6. Optical Variable Image (OVI) of the word “ALASKA”, followed by the outline of the Alaska Flag, is alternating in two rows across the horizontal face of the license.
7. The word “ALASKA” appears on the left and right side of the license face when viewed under U/V lighting.
8. Encrypted 2D Bar code appears on the reverse of the license.
9. Micro text is repeated across the top and bottom of the license
10. Laminate stops 1/8th inch short of all edges on the face of the license. Plastic card - laminated both front and back.

## Identifying If an ID Belongs To an Underage Person

States use various formatting techniques to assist you in identifying whether or not an ID belongs to a person under 21. You are legally allowed to accept ID with underage formatting as long as the person has turned 21 and the ID presented has not expired.

Some of the most common methods are:

1. **Color Designations:** Title bars, bands and headers may be highlighted in a bold color such as red. The photo may be given a specific color backdrop, outline or border to indicate that it belongs to an underage person. Also, the printed birth date may be highlighted.
2. **Message in the Text:** Many states include the actual phrase “under 21” or “under 21 until 2\_\_\_” on the front of the ID.
3. **Special Layout Features:** The photo may be placed on the opposite side of the ID card. The format of the card may be printed vertically for an underage person, rather than the standard horizontal format. Finally, some states only include a ghost photo or faint copy of the photo printed on the card if the ID belongs to an underage person.

## Alaska ID Security Features - Persons Under 21

The State of Alaska issues Drivers Licenses and Identification Cards to persons under the age of 21 years in a vertical format and with a wide variety of security features.

Security elements to look for include:

1. Vertical format is used only for those under the age of 21 years.
2. Ghost image of photograph is located on right center of card face.
3. Issue date is printed at the top of ghost photo located at the center, along the right side, of license.
4. Drivers license ID number is printed on the top right of license and, again, on the right upper side of photograph.
5. Date of birth is in the Date of Birth block, located above photograph, and, again, on the top left of photograph.
6. Date of Birth Block background is printed in tamper resistant “rainbow printing”; it is a purple color changing to a blue color with the letters “DOB” repeating across background.
7. “UNDER 21 UNTIL \_\_/\_\_/\_\_\_\_” block, in red background with white lettering, is located above the Date of Birth Block.
8. Optical Variable Image (OVI) of word “ALASKA”, followed by outline of the Alaska Flag, is alternating in two rows from the bottom, of vertical face of the license, to the top.

9. The word "ALASKA" appears at the top and the bottom of the license face when viewed under U/V lighting.
10. Encrypted 2D bar code is on the reverse of the license.
11. Laminate stops 1/8th inch short of all edges of the face of the license. Plastic card- laminated both front and back.

### **How to Identify Fake IDs**

At some point in time, you are likely to have someone try to give you a fake ID. A valid identification should not contain the following words or symbols:

- Genuine
- Souvenir
- Official
- Novelty
- Valid
- Image of a Lock
- Secure
- Image of a Key
- Authentic

### **How to Handle Fake, Underage of Alcohol Restricted ID**

Once you have identified a fake ID, it should be confiscated. Every establishment should have a specific house policy in place for handling this type of situation. If one is not, then it is a good idea to discuss this with management so that you know what your options are.

In Alaska, licensees and their employees may confiscate IDs they believe to be altered, false or counterfeit; however, they must be turned over to law enforcement as soon as possible.

If you are presented with a fake ID for the purchase of marijuana, the incident should be documented and you may consider taking the following steps:

Step 1: Take the fake ID (as evidence of a crime)

Step 2: Ask for their real ID

Step 3: Refuse service

Step 4: Call police and detain if possible

Step 5: Send Civil Penalty Letter

## Step 6: Collect penalty through small claims process

### Summary

One of your primary responsibilities as a server or seller of marijuana is to ensure that your customers are of legal age to consume or buy marijuana. Failing to do so could result in criminal liability. Always remember that you have the right to refuse to serve someone who you believe to be underage.

Preventing an underage person from illegally entering a licensed premise is imperative. Therefore, you will need to use the techniques you have learned for checking identification, identifying valid identification and obtaining statement of proof of age.

So, it is extremely important to become as familiar as possible with the various IDs that are commonly presented in your establishment. If you are not familiar with one, there are tools to assist you such as the ID Checking Guide. Always follow the proper procedures for checking an ID to ensure that you have made a “good faith effort” in not serving an underage person.

### Multiple Choice Questions

A medical marijuana patient or caregiver must register with the:

1. Alcohol and Marijuana Control Office
- 2. Department of Health and Social Services**
3. Department of Commerce, Community, and Economic Development
4. Department of Transportation

In order to be placed on the state’s confidential registry for medical marijuana, an adult patient must provide the department:

1. proof that patient has completed a marijuana handler’s permit education course
2. cell phone number and email address
- 3. signed statement by patient’s physician stating the patient has been diagnosed with a debilitating medical condition**
4. All of the above

Patients and caregivers may not

1. grow and cultivate marijuana
- 2. sell or distribute marijuana**
3. possess less than an ounce of marijuana
4. All of the above

Ballot Measure 2 declared that the production and sale of marijuana will be regulated so that:

1. individuals will have to show proof of age before purchasing marijuana
2. legitimate, taxpaying business people will conduct sales of marijuana
3. marijuana sold to consumers will be labeled and packaged for consumer protection
4. **All of the above**

For people 21-years-old and older, which of the following is lawful and is not a criminal or civil offense:

1. **consuming marijuana**
2. growing 24 marijuana plants
3. selling marijuana
4. transferring a pound of marijuana

Personal cultivation of marijuana is subject to the following terms:

1. marijuana must be cultivated out-of-sight of the general public
2. the cultivator must take precautions to ensure the plants are secure from unauthorized access
3. the cultivator must have consent from the person in lawful possession of the property
4. **All of the above**

For persons involved in cultivating, processing, selling, handling, and serving marijuana or marijuana products, a marijuana handler's permit is required within how many days of employment?

1. 10-days
2. 20-days
3. **30-days**
4. 40-days

A marijuana limited cultivation license is restricted to how many square feet of cultivation?

1. **500**
2. 1,000
3. 5,000
4. 10,000

The consequences of criminal and civil liability could result in:

1. Fines, lawsuits, imprisonment
2. Loss of the liquor license, community service
3. Monetary damages
4. **All of the above**

Civil liability can occur when you are held accountable for injuries:

1. That are cause by your manager
2. **That are cause by your customer**
3. That are cause by a co-worker
4. All of the above

Criminal liability results when you

1. **Sell marijuana to a minor**
2. Refuse to sell marijuana to someone who is intoxicated
3. Refuse to sell marijuana to someone who is using a fake ID
4. All of the above

An officer of the Alcohol and Marijuana Control Office might use the following program in a sting operation:

1. The substitute marijuana program
2. the minor entrapment program
3. **the minor decoy program**
4. the major decoy program

The primary focus of the governing marijuana authority are:

1. Licensing and community development
2. **Licensing and enforcement**
3. Licensing and neighborhood watch
4. Licensing and traffic control

Citations from the Alcohol and Marijuana Control Office can be issued for the following violations:

1. providing marijuana to a minor
2. selling marijuana to someone who is obviously intoxicated
3. allowing a minor to use a fake ID
4. **all of the above**



A licensed marijuana retail store may not conduct business or allow a consumer to access the store between the hours of:

1. 1 a.m. to 4 a.m.
- 2. 5 a.m. to 8 a.m.**
3. 9 a.m. to 12 p.m.
4. 1 p.m. to 4 p.m.

An advertisement for marijuana or marijuana products may not contain a statement or illustration that:

1. is false or misleading
2. represents that the use of marijuana has curative or therapeutic effects
3. depicts a cartoon character
- 4. all of the above**

Which of the following statements is false?

1. Businesses that sell marijuana have the right to refuse service to anyone who looks underage and cannot offer a valid ID
- 2. A business will always be held liable for underage drinking even if they made a good faith effort to validate ID and the customer presented a legally acceptable ID**
3. Serving alcohol to a minor can result in the loss of the business' liquor license
4. Acceptable forms of ID can vary state to state

Which of the following is not required on a valid ID?

1. Photo
2. Physical Description
3. Birth Date
- 4. Current occupation**

Which of the following would not be an indication of a fake ID?

1. Only a few numbers in the ID license number
2. A blurry photo
- 3. A smaller, fainter image of the photo**
4. The back of the ID is blank

Which of the following questions is/are suggested for verifying an ID?

1. What is your full name?
2. What is your astrological sign?
3. What year did you graduate high school?
- 4. All of the above are suggested questions**

Which of the following IDs would not be an acceptable proof of age?

1. **International Driver's License**
2. State Driver's License
3. Passport
4. Military ID

Which of the following are mistakes made by staff when checking ID?

1. Incorrectly assuming that a person is over 21-years-old
2. Forgetting to actually look at the person and comparing them to the photo on the ID
3. Not noticing that an ID has expired
4. **All of the above are mistakes made by staff**

A customer pressures or rushes a staff member who is trying to check their ID. How should the staff member respond?

1. Take a quick look at the customer and make an educated guess as to whether they are 21-years-old or older
2. Insist they leave the premises immediately
3. **Continue with the normal ID verifying procedure unless the customer leaves voluntarily**
4. All the customer to enter if they have been diligent about checking the IDs of all other customers that evening.