

3 AAC 306.365. Onsite consumption endorsement for retail marijuana stores. (a)

An applicant for an onsite consumption endorsement must file an application on a form the board prescribes, including the documents and endorsement fee set out in this section.

(b) An application for an onsite consumption endorsement must include

(1) the name of the applicant and name of the retail marijuana store requesting the endorsement, along with the applicant’s state business license number issued under AS 43.70;

(2) the applicant’s operating plan, in a format the board prescribes, describing to the board’s satisfaction the marijuana retail store’s plans for

(1) security;

(2) ventilation;

(3) isolation of the consumption area from other areas of the retail marijuana store;

(4) disposal of unconsumed marijuana; and

(5) preventing introduction of marijuana or marijuana products not sold by the retail marijuana store and tracked in the marijuana inventory tracking system by patrons.

(3) a detailed premises diagram showing the location of

(1) serving area or areas;

(2) ventilation exhaust points if applicable;

(3) doors, windows or other exits;

(4) access control points; and

(5) adequate separation from non-consumption area(s) of the marijuana retail store.

(c) The non-refundable fee for an onsite consumption endorsement is \$1000.

(d) Local governments retain a right of protest to the issuance of individual retail marijuana store onsite consumption endorsements separate from the right of protest to the underlying retail marijuana store license. Not later than 60 days after the director sends notice of an application for a new onsite consumption endorsement, a local government may protest the application by sending the director and the applicant a written protest and the reasons for the protest. If a local government protests an application for a new onsite consumption endorsement, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

(e) A local government may recommend that the board approve an application for a new onsite consumption endorsement. The board will impose a condition a local government recommends unless the board finds the recommended condition is arbitrary, capricious, and unreasonable. If the board imposes a condition a local government recommends, the local government shall assume responsibility for monitoring compliance with the condition unless the board provides otherwise.

(f) A retail marijuana store that is issued an onsite consumption endorsement under this chapter is authorized to sell marijuana and marijuana product to consumers only for immediate consumption on the licensed premises and in an area separated from the remainder of the premises by a secure door and containing a separate HVAC system. The holder of a marijuana retail store onsite consumption endorsement may

(1) sell marijuana bud or flower in quantities not to exceed one gram in a single transaction;

(2) sell edible marijuana products in quantities not to exceed 10 mg to in a single transaction;

Comment [DU1]: Notwithstanding the provisions laid out in 3 AAC 306.365(f)(6)

(3) sell marijuana concentrates intended for inhalation in quantities not exceeding to exceed .25 grams in a single transaction;

(4) allow tobacco to be mixed with marijuana or consumed on its own;

(5) sell food or beverages not containing marijuana only for onsite consumption;

and

(g) The retail marijuana store holding an onsite consumption endorsement under this chapter shall

(1) destroy all unconsumed marijuana found in the onsite consumption area in accordance with their operating plan and 3 AAC 306.740;

(2) employ a ventilation system that prevents air in the onsite consumption area from reaching the non-consumption area of the retail marijuana store and directs air from the onsite consumption area to the outside of the building through a filtration system adequate to reduce odor.;

(3) restrict access to the onsite consumption area to persons not less than 21 years of age;

(4) monitor patrons for overconsumption; and

(5) provide free of charge, written materials to customers containing marijuana dosage and safety information for each type of marijuana or marijuana product sold in the onsite consumption area.

(h) The holder of a marijuana retail store onsite consumption endorsement, its employee or agent may not

- (1) allow any employee or agent to consume marijuana or marijuana product during the course of a work shift;
- (2) allow intoxicated or drunken persons to enter or to remain on premises;
- (3) sell, give or barter marijuana or marijuana product to an intoxicated person;
- (4) allow a person to bring marijuana or marijuana product into the premises for use or consumption;
- (5) offer or deliver, as a marketing device to the general public, free marijuana or marijuana product to a patron;
- (6) deliver marijuana or marijuana product to a person already possessing marijuana or marijuana product or who has purchased their transaction limit;
- (7) sell, offer to sell, or deliver marijuana or marijuana product to a person or group of persons at a price less than the price regularly charged for the marijuana or marijuana product during the same calendar week;
- (8) sell, offer to sell, or deliver an unlimited amount of marijuana or marijuana product to a person or group of persons during a set period of time for a fixed price;
- (9) sell, offer to sell, or deliver marijuana or marijuana product to a person or group of persons on any one day at prices less than those charged the general public on that day;
- (10) encourage or permit an organized game or contest on the licensed premises that involves consuming marijuana or marijuana product or the awarding of marijuana or marijuana product as prizes; and
- (11) advertise or promote in any way, either on or off the premises, a practice prohibited under 3 AAC 306.365(h)(5) – 3 AAC 306.365(h)(10) of this section.

(i) A person may not remove from the onsite consumption premises marijuana or marijuana product that has been sold for consumption on the premises.

(j) A person may not introduce marijuana or marijuana product into a marijuana retail store licensed premises for use or consumption by oneself or another person on the onsite consumption premises unless that person is a licensee, an agent, or employee in the regular course of employment and the marijuana or marijuana product is tracked in the marijuana inventory tracking system.

Alaska Marijuana Regulations

Onsite Consumption Endorsement – Draft parameters

Description: The following represents proposed language defining the operating parameters / requirements for a retail marijuana store seeking an onsite consumption endorsement.

This draft language is for review and discussion by the MCB to determine if it should be posted for public comment and further development.

3 AAC 306.360. Onsite consumption endorsement. (a) A licensed retail marijuana store seeking an endorsement to allow onsite consumption must meet the following additional criteria:

- 1) Designate a separate consumption area not co-located with a non-consumption retail sales area.
- 2) The designated consumption area may not be directly viewable from the public right-of-way.
- 3) Provide a separate serving counter or station not co-located with a non-consumption sales counter.
- 4) For indoor consumption areas, provide positive environmental controls to limit the migration of smoke into a non-consumption retail area or adjacent spaces.
- 5) Outdoor consumption areas must be located so that smoke or odor may not directly impinge on adjacent properties
- 6) Consumption area may not be co-located with an establishment licensed to serve or sell alcohol

(b) Products sold for onsite consumption are limited to:

- 1) Bud, flower, or leaf in loose form or pre-packaged for consumption
- 2) Hash
- 3) Hashoil
- 4) Tinctures
- 5) Infused beverages
- 6) Infused edible products, including baked goods and candies
- 7) Vape pens
- 8) Non-infused edible products

(c)

- 1) Marijuana products not purchased in the onsite consumption area may not be consumed onsite
- 2) Products not entirely consumed onsite may be taken away from the premises in packaging per AAC 306.345

(d) Marijuana products served for onsite consumption:

- 1) Must be labelled with total THC content per AAC 306.345
- 2) May have a total, cumulative THC content no greater than 150mg per consumer
- 3) May have a THC concentration no greater than 50% by weight