

Onsite Consumption at a Retail Marijuana Establishment

3 AAC 306.990 (b) (27) “marijuana consumption area”

(A) means an area within a retail marijuana store premises, where marijuana and marijuana products may be consumed.

(37) “retail marijuana store premises”

(A) means an area encompassing both the retail marijuana store and the marijuana consumption area.

3 AAC 306.XXX. Marijuana consumption area endorsement required. (a) A person may not operate a marijuana consumption area unless the person:

- (1) meets the requirements of 3 AAC 306.300; and
- (2) receives an endorsement from the board

(b) A licensee will use form MJ-03 when seeking a marijuana on-site consumption endorsement.

3 AAC 306.XXX. Marijuana consumption area requirements. (a) A marijuana consumption area shall be separated from the area of the retail marijuana store by a securable door.

(b) The marijuana consumption area shall be in a room separate from the retail marijuana store that is ventilated with negative air pressure so that the odor and smoke, created by the act of consuming marijuana or a marijuana product, is not evident in any other part of the retail store or outside the retail marijuana store premises.

(c) The marijuana consumption area will be configured such that an employee, customer, or vendor will not have to pass through the marijuana consumption area in order to access the retail store, restrooms, break areas or any other portion of the business.

(d) The marijuana consumption area will have a sales area where marijuana or marijuana products may be purchased and must comply with 3 AAC 306.XXX (c) (access restricted in a marijuana consumption area)

(e) A marijuana consumption area must be occupied by an employee of the retail marijuana store anytime any customer is occupying the marijuana consumption area. The marijuana consumption area will be secured so as not to allow access by the public anytime a retail marijuana store employee is not present in the marijuana consumption area.

(f) All marijuana or marijuana products purchased in the marijuana consumption area must be obtained from the retail marijuana store that holds the on-site consumption endorsement and be in the marijuana tracking system.

(g) Marijuana or marijuana products purchased in the marijuana consumption area must be tracked using the marijuana tracking system.

(h) Marijuana and marijuana products available in the marijuana consumption area must have met the testing requirements in 3 AAC 306.340.

3 AAC 306.XXX. Acts prohibited at marijuana consumption area. (a) An employee in a marijuana consumption area may not sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver, marijuana or any marijuana product

(1) to any person under the age of 21;

(2) to any person that is under the influence of marijuana or marijuana product, an alcoholic beverage, inhalant, or a controlled substance;

(3) in a quantity exceeding .5 grams of useable marijuana, .125 grams of marijuana concentrate for inhalation, or marijuana edible products containing more than .01 grams of THC.

(4) after the expiration date of the marijuana or marijuana product.

(b) A marijuana consumption area may not

(1) conduct any business on, or allow any consumer to access, the consumption area between the hours of 5:00 a.m. and 8:00 a.m. each day;

(2) offer or deliver to a consumer, as a marketing promotion or for any other reason:

(A) free marijuana or marijuana product, including a sample; or

(B) alcoholic beverages, free or for compensation.

(c) No person, other than employees of the retail store, may bring any quantity marijuana or marijuana product into the consumption area from an area outside of the consumption area

(d) An employee of a retail marijuana store may not allow a person that is under the influence of marijuana, an alcoholic beverage, inhalant, or a controlled substance to enter or remain in a marijuana consumption area.

(e) Employees of the retail marijuana store are prohibited from consuming any marijuana or marijuana product on the retail s marijuana store premises.

(d) Marijuana purchased in the consumption area cannot be removed from the consumption area except by an employee of the retail store and in no case will the marijuana leave the retail store premises.

3 AAC 306.XXX. Pricing and marketing of marijuana and marijuana products. (a) In a marijuana consumption area where marijuana and marijuana products are sold, a licensee or a licensee's agent or employee may not

(1) offer or deliver, as a marketing device to the general public, free marijuana or marijuana products to a consumer;

(2) deliver marijuana or marijuana product to a person already possessing the maximum quantity of marijuana or marijuana product as defined by 3 AAC 306.XXX (a) (3) ; (acts prohibited by a marijuana consumption area)

(3) 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 products.

(4) sell, offer to sell, or deliver an unlimited number of marijuana or marijuana products to a person or group of persons during a set period of time for a fixed price;

(5) 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.

(6) encourage or permit an organized game or contest on the licensed premises that involves consuming marijuana or marijuana products or the awarding of marijuana or marijuana products as prizes.

(b) A licensee or a licensee's agent or employee may not advertise or promote in any way, either on or off the premises, a practice prohibited under (a) of this section

3 AAC 306.XXX. Marijuana handler permit required. A retail marijuana store shall ensure that employees working in a marijuana consumption area have a marijuana handler permit as required by 3 AAC 306.320.

3 AAC 306.XXX. Access restricted in a marijuana consumption area. (a) A person under the age of 21 may not enter a marijuana consumption area.

(b) Each entry to a marijuana consumption area 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.

(c) An area of a marijuana consumption area 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 in compliance with 3 AAC 306.710.

(d) A retail marijuana store shall assure that marijuana consumption cannot be observed by the public from outside of retail marijuana store premises.

3 AAC 306.XXX. Labeling. (a) A retail marijuana store shall assure that a consumer purchasing any marijuana or marijuana product sold in the marijuana consumption area has access to the label for that marijuana or marijuana product as required in 3 AAC 306.345.

3 AAC 306.XXX. Identification requirement to prevent sale to person under 21. (a) A marijuana consumption area shall refuse to sell marijuana or a marijuana product to any person who does not produce a form of valid photo identification showing that person is 21 years of age or older.

(b) A valid form of identification includes:

(1) an unexpired, unaltered passport;

(2) an unexpired, unaltered driver's license; instruction permit, or identification card of any state or territory of the United States, the District of Columbia, or a province of Canada;

(3) an identification card issued by a federal or state agency authorized to issue a driver's license or identification card.

3 AAC 306.XXX. Disposal of unused marijuana or marijuana product. (a) Any marijuana or marijuana product that is purchased by a consumer, in the marijuana consumption area, but is not consumed by the consumer shall be disposed of as required by 3 AAC 306.740.