

PROPOSED REGULATIONS - MARIJUANA HANDLERS PERMIT
Comments Received During Public Comment Period
June 29, 2016 through August 8, 2016

Date Received	Comment Submitted By	Organization	Section Addressed	Comment to be Considered	Changes Made Based on Comment (change made / no change)
6/30/2016	Carol V. Brown	n/a	700(2)(C)	where the misdemeanor crime is discussed, I believe it would be most helpful to define just what a "weapon" is. Is it a gun, a knife, a BB gun, a taser, a sling-shot, a rock, a cross-bow or what? Weapons are many things to many people. A proper definition would seem reasonable.	
6/30/2016	Carol V. Brown	n/a	700(3)	In 3AAC 306.700 (3) where there is discussion about a previous conviction of a class A misdemeanor... are you talking about in the State of Alaska only or other places in the country where marijuana has not previously been legal? I believe that needs clarification.	
6/30/2016	Carol V. Brown	n/a		Similarly, the word "dishonesty" most assuredly means different things to different people. Will you choose a Merian-Webster, an ethical, a psychological or other definition? That needs to be very clear - lest courts, people, and lawyers slide around on it fall down and miss the mark.	
7/27/2016	Mayor Karl Kassel	Fairbanks North Star Borough		Please accept this letter as the Fairbanks North Star Borough (FNSB) administrator's public comments in response to the Marijuana Control Board's (MCB) Notice of Proposed Requirements Regarding Marijuana Handler Permits. The FNSB appreciates the work and effort involved in drafting these regulations and further appreciates the opportunity to comment on these proposed requirements.	
7/27/2016	Mayor Karl Kassel	Fairbanks North Star Borough		Overall, the FNSB urges the MCB to align the marijuana regulations more closely with the alcoholic beverages regulations. Although the FNSB recognizes that marijuana and alcohol are substances with distinct differences that may require different regulation, the FNSB also notes that the voters approved what was marketed as the campaign to "regulate marijuana like alcohol". The FNSB would like to see the voters' intent and expectations honored to the fullest extent possible. That said, the FNSB recognizes that the Cole Memo 1 may be a reasonable justification for regulating marijuana more stringently than alcohol. However, to the extent that is so, the FNSB encourages the MCB to ensure that the stricter marijuana regulations truly do serve the purposes of and address Cole Memo concerns and goals.	
7/27/2016	Mayor Karl Kassel	Fairbanks North Star Borough		The draft regulations currently treat marijuana handler permits much differently than any similar provision regulating alcohol. With respect to alcohol, an applicant for a liquor license must submit fingerprints and the fee for criminal justice information with their license application. AS 04.11.025. The same must be submitted for affiliates of the applicant. Id. When determining the liquor license applicant's qualifications to obtain the license, the Alcoholic Beverage Control ("ABC") Board is required by statute to consider the criminal justice information. Id. The regulations then give the ABC Board discretion to consider that criminal history information to determine whether granting a license is in the public interest. 3 AAC 304.180. In making this discretionary public-interest determination, the ABC Board may consider: the commission of an act constituting a crime of moral turpitude, a violation of Title 04 Alaska Statutes or the regulations adopted thereunder, a violation of the alcoholic beverages laws of another state as a licensee of that state, or a felony within the last 10 years; whether the applicant and affiliates are untrustworthy, unfit, or a potential source of public harm; whether the applicant or affiliates have allowed sexual contact on licensed premises; any other factors the board deems relevant to the public interest. Id.	
7/27/2016	Mayor Karl Kassel	Fairbanks North Star Borough		Importantly, this criminal justice information does not have to be submitted for liquorlicensee employees in order for the employee to work at the liquor establishment. Alcoholrelated employees must merely take an alcohol education class and pass a test in order to work in the industry. AS 04.21.025; 3 AAC 304.465.	
7/27/2016	Mayor Karl Kassel	Fairbanks North Star Borough		In contrast, every licensee, agent, and employee of a marijuana establishment is required to obtain a marijuana handler permit. 3 AAC 306.700(a). Thus, by these draft regulations, each licensee, agent, and employee will be subject to the criminal background investigations and will face a potential bar on employment based on their criminal history.	
7/27/2016	Mayor Karl Kassel	Fairbanks North Star Borough		The FNSB urges the MCB to modify the proposed marijuana provisions to more closely echo the alcohol regulations. At a minimum, the regulations should allow the MCB to use discretion when considering a marijuana handler permit applicant's history and convictions and whether that history should be a bar to obtaining the handler permit, similar to that discretion when considering an alcohol license application.	
7/27/2016	Mayor Karl Kassel	Fairbanks North Star Borough		Allowing the MCB discretion to examine and consider criminal background information as well as the facts surrounding the criminal history in light of the marijuana-handler-card applicant's potential role in the industry makes sense when considering practical realities, and further allows the MCB to consider those practical realities. For example, a licensee/affiliate may be a silent partner providing only financial investment but may have a conviction for serving alcohol to a minor resulting from being handed a false identification twenty years ago. Under the current draft regulations, that affiliate would not be eligible for a marijuana handler card. Additionally, "violence against a person" and "use of a weapon" are rather broad categories of crimes, which could encompass behavior that has little to no bearing on the person's fitness to be employed in the marijuana industry, again, the assessment should depend on the acts forming the basis of the conviction and the applicant's proposed role in the industry. For these reasons, the FNSB believes that the MCB should have discretion similar to that found in the alcohol regulations.	
7/27/2016	Mayor Karl Kassel	Fairbanks North Star Borough		Finally, because the proposed marijuana provisions apply to not only the applicant but all business affiliates and employees, the FNSB feels that the draft regulations create a much higher standard for marijuana businesses than for liquor establishments. In considering these draft regulations, the FNSB would caution the MCB to consider AS 17.38.190(a), which states that the "regulations shall not prohibit the operation of marijuana establishments, either expressly or through regulations that make their operation unreasonably impracticable." The FNSB has concerns that the draft regulations may approach the line of prohibiting marijuana establishments by making operations unreasonably impracticable. The FNSB also notes that regulations that are overly restrictive and exclude otherwise qualified and responsible participants in the legal market based on past criminal history may serve to encourage a thriving black market. Again, to the extent barriers to entry are truly necessary, the FNSB believes that those barriers should be closely related to the goals and objectives stated in the Cole Memo.	
7/27/2016	Mayor Karl Kassel	Fairbanks North Star Borough		The FNSB hopes that the foregoing comments are helpful to the MCB as it moves forward to promulgate well-considered marijuana handler requirements. Thank you for considering the FNSB's input on this matter.	
7/30/2016	Glenda Smith		700	In establishing our Alaska regulations, I think providing employment opportunities should be the first priority and whether or not to hire someone should be left more to the discretion of an employer. A marijuana handler at a cultivation site, it would seem, would be in a supervised situation in many instances and if a person is on supervised probation or parole they report routinely to a probation officer and are required to comply with drug and alcohol testing. Persons convicted of a felony who are not in prison have served their time and I think discrimination simply on the basis of a felony should stop. Recidivism cannot be overcome unless there are opportunities for employment so a person can provide their basic needs for shelter, food, etc., in a lawful manner and that must be able to occur on release from a correctional facility not five years later. 3 AAC 306.700. Marijuana handler permit (a) A marijuana establishment and each licensee, employee, or agent of the marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or a marijuana product, or who checks the identification of a consumer or visitor, must obtain a marijuana handler permit from the board before being licensed or beginning employment at a marijuana establishment. Above seems to imply ANYONE involved in the marijuana industry at any level is required to have a marijuana handler permit. To me, this seems over-reaching regulation and more of an attempt to provide income as fees. If the product is packaged why is a transporter required to have a facility handler permit? Why would anyone in the cultivation industry be required to have a marijuana handler permit? Why would a testing facility employee be required to have a marijuana handler permit? Why is it not the same as alcohol? Training for Alcohol Professionals: Who is required to take the class? Anyone involved in the sale of alcohol in any way, including servers, bartenders, security, managers, owners and retail clerks. I think the permit should mirror alcohol and involve persons involved in sales. If you think it imperative to permit, I think you should at consider different "levels" of handler permits: Growers (cultivating), packagers, cooks for consumables, etc., should fall under less restrictive requirements considering they will be in a position not involved with direct distribution; and I think they should be able to obtain a permit if not incarcerated - no 5 year restriction; and if the position does not include sales, I think 2 should be removed in its entirety; and I think 2C is way too broad and should be removed; and I think 3 should be removed completely - we are starting over here with a legalized product. Thank you for your consideration.	
8/2/2016	Kristine Harder		700	I would like to point out a discrepancy in the proposed regulations for the Marijuana Handler Permits. While a felon is able to apply for a permit after five years have passed, there is no such provision for an individual who may have made a mistake earlier in their life regarding selling alcohol to an underage individual. It would appear that if there is a time imposed forgiveness clause for someone who might have robbed a liquor store, there should also be a time imposed forgiveness clause for someone who might have sold alcohol five years earlier without checking the ID of an older appearing individual.	
8/4/2016	Justin Roland			I believe with a public consumption model we will be the most responsible state yet to implement legal cannabis this model completes the industry and allows locals and tourists to be safe and not in the view of the public. I have been outta state several times to Colorado, Washington and Oregon, people are smoking in their rental cars, hotel rooms and in the streets all places where you get charged a fee or fine for doing so. They basically legalized it and told people they cannot smoke so it might as well still be illegal, if we are truly making a legit legal cannabis market this model is a must have for a successful and safe cannabis industry. Thanks Justin R.	
8/7/2016	Jason Leach		700	To whom it may concern, the people of the State of Alaska, and the Alcohol and Marijuana Control Board. This letter serves as a counter to the proposed 3AAC 306.700 which states that applicants will be denied their marijuana handlers permit due to previous criminal history. Including all members of society is part of the way we will reduce the black market. There are many members of society that want nothing more than to work in this new opportunity, in complete compliance with our new laws. Should we exclude these people based on their past, possibly because of a single isolated event they would change if they could do over? Just because an individual has a criminal history, it does not mean that they are a criminal. Many of these individuals will continue to pay for their mistake in some way for the rest of their lives, though they have supposedly already paid their debt to society. The State has an opportunity to change that by discontinuing this cycle and rejecting the proposal to remove potential candidates for the marijuana handlers permit due to criminal history. In marijuana facilities there will be many ways to closely monitor employees. Owners have a vested interest in their employees conduct and should monitor all of them, criminal history or not. If an employee were to choose to break protocol these facilities have methods available to catch those who would do so red handed and have strong evidence to use for prosecution without having to sap law enforcement resources in a timely and expensive investigation. Cameras and closed loop footage that can be reviewed at any time are in the facility and METRC will keep inventory of all products to expose theft. We are much safer having people where we can monitor their day to day actions than to have them out of work. Is it our best interest to have individuals hiding in the shadows stealing tax revenue from the people of the state of Alaska, by means of illegal operations? Or do we let all who want to participate do so and weed out a few bad seeds if they were to be caught committing a crime. Provisions should be instituted to increase the severity of the sentence because as licensed professionals we can hold them more responsible for violations. For example, "selling a gram of marijuana on the street may be a misdemeanor but a licensed professional could face felony charges for any illegal distribution." The responsibility that comes with the privilege of possessing a M.H.P. is in itself incentive for people to stay out of trouble. (Just as a doctor wants to "keep his nose clean" to protect his license and avoid legal complications). There should be regulations in place to revoke a permit for industry related violations. What is the reason this regulation was proposed, what are we attempting to accomplish by implementing these rules? There was a lot of talk about regulating marijuana like alcohol, part of what we voted for when ballot measure two passed. But when you look at the criteria for a handlers permit and rules for a bar tender or brewery employee there are major discrepancies between the two. 3AAC 306.700 is the proposed set of regulations for issuing or denying an applicant a marijuana handlers permit, it is a broad list that discriminates against many Alaskan residents and is absolutely unfounded if you compare it to the alcohol regulations it was purported to mimic. Stated below are some of the discrepancies between the alcohol statutes and the proposed regulations for marijuana handling permits. Per Alaska state law a criminal conviction does not automatically disqualify you from obtaining a liquor license. (04.11.320) A liquor license applicant is allowed to have a case by case review by the state alcohol board and can be allowed to work even if they have had a felony in the last 10 years. (04.11.510) Alcohol permit(TAPS) have no regulations regarding criminal history what so ever. An individual could be a convicted murderer, off parole/probation yesterday and still be eligible to apply for and possess a TAPS card, as well as work in an establishment serving or brewing alcohol with no laws or restrictions preventing this. Why should the eligibility for working in the marijuana industry at basically the same position be stricter? Considering that marijuana is debated to be a less harmful, dangerous and intoxicating substance than alcohol, it is interesting that this proposal has chosen to treat it as a more dangerous industry. If this proposition is adopted it will mean that the requirements for obtaining a permit to work in the marijuana industry, even at the lowest level, will be more stringent than getting an alcohol/bar owner/distillery license. To remove the opportunity from the citizens of this state to be involved in a growing new industry, based upon criminal history that may not even involve drug charges, seems to me unfounded. Especially when the Alcohol industry is not held to the same standards. Not all people with a criminal history are career criminals. By allowing everyone interested in this industry to apply and be considered for their permits we can insure more jobs and more tax revenue for the state, reduce the black market sales and distribution of marijuana, and maybe even make a positive change in the second class citizenship that is a reality for people with criminal backgrounds. I urge you to consider this information. I appreciate the opportunity to comment on this matter, Jason Leach	
8/7/2016	Becca Baker			My name is Rebecca Baker and unfortunately a few years ago I lost a best friend of 22 years and was in Alaska unable to attend services in Florida on the day I intentionally sold alcohol to an undercover minor. I had called into work that day but unfortunately no one had cover my shift. I cried all day on camera. This unfortunate incident apparently now means I can not be a Marijuana Handler in the state of Alaska? Somehow a felon, a person who may have murdered or raped someone is allowed to have a license but I'm not??? How exactly is this fair or make any sense? I understand maybe having a 3 to 5 year waiting period before being able to apply. But not allowing it at all seems harsh and ridiculous really. I did make a mistake that day which believe me I've paid for. Thanks for letting me express my opinion.	

8/8/2016	Terreisa Lane	700	<p>In response to the proposed change for the MHP, I would like to voice my concern that if you exclude some people because of a felony conviction, you will be limiting the hiring pool for qualified applicants. Just because at one time someone made a bad choice or decision, does not mean that they are forever lost or should be excluded from participating in the legal cannabis market.</p> <p>As a retail business owner and operator in Fairbanks, I have had much experience in dealing with persons making a comeback from mistakes. Once someone's time has been done, we should encourage them to place themselves in employment that is meaningful to them. With the security procedures that the MCB has set forth with cameras and tracking software, that should be adequate to monitor employees.</p> <p>If we don't allow these people to be integrated into this legitimate business, we are going to set ourselves up for allowing the black market to continue.</p> <p>Let's grow some plants and collect some taxes.</p>
8/8/2016	Terreisa Lane	831	<p>In response to the proposed change for the MHP, I would like to voice my concern that if you exclude some people because of a felony conviction, you will be limiting the hiring pool for qualified applicants. Just because at one time someone made a bad choice or decision, does not mean that they are forever lost or should be excluded from participating in the legal cannabis market.</p> <p>As a retail business owner and operator in Fairbanks, I have had much experience in dealing with persons making a comeback from mistakes. Once someone's time has been done, we should encourage them to place themselves in employment that is meaningful to them. With the security procedures that the MCB has set forth with cameras and tracking software, that should be adequate to monitor employees.</p> <p>If we don't allow these people to be integrated into this legitimate business, we are going to set ourselves up for allowing the black market to continue.</p> <p>Let's grow some plants and collect some taxes.</p>
8/8/2016	Dolynda Phelps		<p>Please find my comments below...</p> <p>I find the restrictions of a marijuana handler permit holder to be more stringent than that of an owner of a marijuana establishment. Section (2)(c) should be removed as well as section (3). The felony guidelines should remain, however, a person who commits a misdemeanor crime should not be prohibited from employment, even at a marijuana facility. This does not provide any additional safety to the public, nor does it promote the job growth we could experience. Owners of an establishment should have the ability to hire who they wish and conduct their business how they see fit.</p> <p>Section (g) also creates an additional expense for the recipient of a marijuana handler permit and should be removed. The cost incurred is already \$100+ when considering the cost of an approved course and the cost of the card itself. Again, a business owner should have the ability to hire whomever they wish so long as they are not a felon or on probation. This also prevents those who may have a misdemeanor offense from seeking employment that could be available to them, which does not help close the unemployment rate.</p>