



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

Alcohol and Marijuana Control Office

550 W 7th Avenue, Suite 1600

Anchorage, AK 99501

marijuana.licensing@alaska.gov

<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.


Applicant:	Edward McLean				
Course Name:	Alaska Marijuana Handlers Certification				
Mailing Address:	3840 W Hillsboro Blvd., Suite 112				
City:	Deerfield Beach	State:	FL	ZIP:	33442
Email Address:	contact@liquorexam.com	Phone:	888-344-5554		

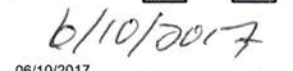
In-person ☐ Online ☒

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

☐ ☒


Signature of Applicant


Edward McLean
Printed Name


06/10/2017
Date

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

Course word count: **42,796**
Average adult reads: **200 wpm**
Total course time: **3.56 hours**

Provider: **BudtenderExam.com**
Website: **<http://www.BudtenderExam.com>**
Course Name: **Alaska Marijuana Handlers Certification**
Length of training (hours): **3½ hours**
Final Exam: **30 questions**
Passing Score: **84%**
Final Exam Attempts: **2**

Technical and operational features:

- ✓ Timed slides to ensure minimum training time limits are achieved
- ✓ System allows user to log out and resume training where he/she left off
- ✓ Randomized personalized security questions to ensure user integrity
- ✓ Randomized final exam questions
- ✓ Limits user to (2) attempts to pass final exam
 - If failed 2x, must re-take training in its entirety
- ✓ Course documents available for download by user (*located on user account profile page*)
 - Copy of **AS 17.37 PDF** available for download
 - Copy of **AS 17.38 PDF** available for download
 - Copy of **3 AAC 306 PDF** available for download
 - **Marijuana Handler Permit Application Instructions** PDF available for download
 - **Marijuana Handler Permit Replacement Form** PDF available for download
- ✓ Auto generated certificate PDF provided to user upon passing final exam
- ✓ Seamless user account creation and payment processing system
- ✓ 24 Hour technical support
- ✓ Secure interface with extended validated (EV) SSL SHA-2 and 2048-bit encryption
- ✓ Course player compatible with all devices, browser programs and operating systems

Course overview:

In the state of Alaska, every licensee, employee, or agent of a marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or marijuana product, or who checks the identification of a consumer or visitor, **must** complete a state approved Alaska Marijuana Handlers Certification course and obtain a marijuana handler permit card from AMCO (Alcohol & Marijuana Control Office) before being licensed or beginning employment at a marijuana establishment, per 3 AAC 306.700. Marijuana handler permits are valid for three years from the date of issue.

This course includes the following topics:

- The Medical Marijuana voter incentive, AS 17.37
- The Recreational Marijuana voter incentive, AS 17.38
- The Recreational Marijuana Regulations, 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

Course Lesson Plan:

Lesson 1: Marijuana Consumption, Impairment & Prevention

- | | |
|--|---|
| 1. Alaska Marijuana Handler Course | 20. Impairment |
| 2. What is Marijuana? | 21. Increased Potency |
| 3. Video: Weed: 12 Interesting Facts You Should Know | 22. Video: Physical Effects of Marijuana |
| 4. How Marijuana is Consumed | 23. Signs of Marijuana Use |
| 5. Video: Cannabis 101: Consumption - Delivery Methods | 24. Signs of Marijuana Use: Physical Change |
| 6. How Marijuana is Consumed: Inhalation | 25. Symptoms of Using Too Much Marijuana |
| 7. How Marijuana is Consumed: Oral | 26. Health Hazards of Marijuana |
| 8. How Marijuana is Consumed: Sublingual | 27. Effects of Marijuana on the Brain |
| 9. How Marijuana is Consumed: Topical | 28. Effects of Marijuana on the Lungs |
| 10. Factors that Determine Marijuana's Potency and Effects | 29. Effects on Heart Rate and Blood Pressure |
| 11. Types of Medical Marijuana Strains | 30. Effects of Marijuana on Pregnancy |
| 12. What is Hybrid Marijuana? | 31. Video: Psychological Effects of Marijuana |
| 13. What is Hash and How Does It Relate to Cannabis? | 32. Addictive Potential of Marijuana |
| 14. What is Keif? | 33. The Role of a Marijuana Handler |
| 15. What is a Cannabis Tincture? | 34. Safe Handling of Marijuana Items |
| 16. Short-term Effects of Marijuana | 35. Intervene to Prevent Unlawful Marijuana Consumption |
| 17. Long-term Effects of Marijuana | 36. Video: Cannabis 101: 5 Basic Cannabis Questions Answered |
| 18. Medical Benefits of Marijuana | 37. Video: Cannabis 101: 5 Basic Cannabis Questions Answered - Part 2 |
| 19. The Effects of Marijuana Use | 38. Penalties for Unlawful Acts |

Lesson 2: Medical Marijuana Voter Incentive AS 17.37

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|---|--|
| 1. Alaska Medical Marijuana Laws and Regulations | 4. Restrictions On Medical Use of Marijuana |
| 2. Registry of Patients and Listing of Caregivers | 5. Addition of Debilitating Medical Conditions |
| 3. Privileged Medical Use of Marijuana | 6. AS 17.37.070. Definitions |

Lesson 3: Recreational Marijuana Voter Incentive AS 17.38

1. Legalized Marijuana in Alaska
2. Sec. 17.38.010 Purpose and Findings
3. Sec. 17.38.020 Personal Use of Marijuana
4. Sec. 17.38.030 Restrictions on Personal Cultivation
5. Sec. 17.38.040 Public Consumption Banned
6. Sec. 17.38.050 False Identification
7. Sec. 17.38.060 Marijuana Accessories Authorized
8. Sec. 17.38.070 Lawful Operation of Marijuana-Related Facilities
9. Sec. 17.38.080 Marijuana Control Board
10. Sec. 17.38.090 Rulemaking
11. Sec. 17.38.100 Marijuana Establishment Registrations
12. Sec. 17.38.110 Local Control
13. Sec. 17.38.120 Employers, Driving, Minors, and Control of Property
14. Sec. 17.38.130 Impact on Medical Marijuana Law
15. Sec. 17.38.900 Definitions

Lesson 4: Recreational Marijuana Regulations 3AAC 306

1. 3 AAC 306 Regulations of Marijuana Industry intro
2. Chapter 306: Regulation of the Marijuana Industry
3. Article 1: Licensing; Fees
4. License required
5. License restrictions
6. License conditions
7. Application for new license
8. Application procedure
9. Petition for license in area with no local government
10. Application for renewal of license
11. Ownership change to be reported
12. Application for transfer of a license to another person
13. Relocation of licensed premises not allowed
14. Criminal justice information and records
15. Protest by local government
16. Public participation
17. Hearing on public protest
18. Procedure for action on license application
19. Denial of license application
20. Informal conference
21. Formal hearing
22. Appeals
23. Fees; refund
24. Article 2: Local Options
25. Local options
26. Change of local option
27. Removal of local option
28. Procedure for local option election
29. Prohibition of importation or purchase after election
30. Effect on licenses of restriction on sale
31. Notice of the results of a local option election
32. Article 3: Retail Marijuana Stores
33. Retail marijuana store license required
34. Retail marijuana store privileges
35. Application for retail marijuana store license
36. Marijuana handler permit required
37. Access restricted at retail marijuana store
38. Acts prohibited at retail marijuana store
39. Marijuana inventory tracking system
40. Health and safety requirements
41. Testing required for marijuana and marijuana products

42. Packaging and labeling
43. Identification requirement to prevent sale to person under 21
44. Limit on quantity sold
45. Restriction on advertising of marijuana and marijuana products
46. Article 4: Marijuana Cultivation Facilities
47. Marijuana cultivation facility license required
48. Standard marijuana cultivation facility: privileges and prohibited acts
49. Limited marijuana cultivation facility: privileges and prohibited acts
50. Application for marijuana cultivation facility license
51. Marijuana handler permit required
52. Restricted access area: Cultivation Facility
53. Marijuana inventory tracking system
54. Health and safety requirements
55. Standards for cultivation and preparation
56. Production of marijuana concentrate prohibited
57. Required laboratory testing
58. Samples
59. Random sampling
60. Packaging of marijuana
61. Labeling of marijuana
62. Marijuana tax to be paid
63. Article 5: Marijuana Product Manufacturing Facilities
64. Marijuana product manufacturing facility license required
65. Marijuana product manufacturing facility privileges
66. Acts prohibited at marijuana product manufacturing facility
67. Marijuana concentrate manufacturing facility license
68. Application for marijuana product manufacturing facility license
69. Approval of concentrates and marijuana products
70. Marijuana handler permit and food safety worker training
71. Restricted access and storage areas
72. Marijuana inventory tracking system
73. Health and safety standards
74. Required laboratory testing
75. Production of marijuana concentrate
76. Potency limits per serving and transaction for edible marijuana products
77. Packaging of marijuana products
78. 3 AAC 306.570. Labeling of marijuana products
79. Article 6: Marijuana Testing Facilities
80. Applicability
81. Marijuana testing facility license required.
82. Marijuana testing facilities: privileges and prohibitions
83. Application for marijuana testing facility license
84. Approval of testing facility
85. Proficiency testing program
86. Scientific Director
87. Testing methodologies
88. Standard operating procedure manual
89. Laboratory testing of marijuana and marijuana products
90. Chain of custody
91. Marijuana inventory tracking system
92. Failed materials; retests
93. Supplemental marijuana quality testing
94. Reporting; verification
95. Records retention
96. Article 7: Operating Requirements for All Marijuana Establishments
97. Marijuana handler permit
98. Licensed premise; alteration
99. Restricted access areas
100. Security alarm systems and lock standards
101. Video surveillance
102. Inspection of licensed premises

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| 103. Marijuana inventory tracking system | 115. Summary suspension to protect public health, safety, or welfare |
| 104. Health and safety standards | 116. Seizure of marijuana or marijuana product |
| 105. Waste disposal | 117. Hearing |
| 106. Transportation | 118. Civil fines |
| 107. Business records | 119. Appeal |
| 108. Standardized scales | 120. Surrender or destruction of license |
| 109. Article 8: Enforcement; Civil Penalties | 121. Article 9: General Provisions |
| 110. Inspection and investigation | 122. Public records |
| 111. Report or notice of violation | 123. Exercise of authority |
| 112. Suspension or revocation of license | 124. Death of licensee |
| 113. Suspension or revocation based on act of employee | 125. Definitions |
| 114. Procedure for action on license suspension or revocation | |

Lesson 5: How to Determine Valid Identification

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| 1. Identification | 15. The Steps for Checking IDs |
| 2. Introduction to Identification | 16. The Steps for Checking IDs Cont. |
| 3. Valid Forms of Identification | 17. What to Look Out For on a Possible Fake ID |
| 4. Is the ID Valid? | 18. Mistakes Made When Checking Identification |
| 5. Is the ID Valid? Cont | 19. ID Checking Guide |
| 6. Distinguishing the ID of a Minor | 20. Denying Service or Entry for Underage Persons |
| 7. Behaviors that a Minor May Display (Marijuana Handler) | 21. Intervention Techniques |
| 8. Verifying Genuine IDs | 22. Professional Intervention Attitudes |
| 9. Characteristics of Genuine IDs | 23. Alaska Drivers License Sample |
| 10. Characteristics of Genuine IDs Cont | 24. Summary: Identification - Marijuana Handler Training |
| 11. Verifying Who the ID Belongs To | 25. Alaska Marijuana Handlers Course Conclusion |
| 12. Handling Fake IDs | |
| 13. Counterfeit ID's - Where People Get Them | |
| 14. Unacceptable IDs | |

Lesson 1: Marijuana Consumption, Impairment & Prevention

Alaska Marijuana Handler Course

In the state of Alaska, every licensee, employee, or agent of a marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or marijuana product, or who checks the identification of a consumer or visitor, **must** complete a state approved Alaska Marijuana Handlers Certification course and obtain a marijuana handler permit card from AMCO (Alcohol & Marijuana Control Office) before being licensed or beginning employment at a marijuana establishment, per 3 AAC 306.700. Marijuana handler permits are valid for three years from the date of issue.

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Following the training, there is a 30-question test. A passing score of 84% or better must be received in order to receive your 3-year certification. Failing to pass the final exam on (2) attempts will result in having to re-purchase and re-take the training in its' entirety.

IMPORTANT - the following MUST be performed (after taking this course and passing the final exam) in order to receive your Marijuana Handler Permit card from the Alaska Marijuana Control Office:

To learn more about obtaining your Marijuana Handler Permit card visit the Alaska Alcohol & Marijuana Control Office website **HERE**.

In order to receive a marijuana handler permit, you will need to complete the following steps:

1. **Complete an Alaska Marijuana Control Board approved Marijuana Handler Permit Education Course**
2. Complete the marijuana handler permit Online Application **HERE**
3. Submit your \$50 payment via check, money orders or cashier checks payable to "State of Alaska"
4. For applicants who live near Anchorage or Fairbanks: Bring a copy of your Standard Cover Page, your original Marijuana Handler Education Course Completion Certificate, an original passport photo (Fairbanks office only), and a valid form of photo identification to your local AMCO office (see below for office hours).

Your card will be issued and provided to you by AMCO staff.

Anchorage: 550 West 7th Ave, Suite 1610,
Ring the doorbell for Handler Permits
Wednesday: 9:00am – 12:00pm Alaska Time

Fairbanks: 1648 Cushman St, Suite 203
Wednesday: 9:00am – 12:00pm Alaska Time

For applicants who are unable to visit the Anchorage or Fairbanks office: Mail a copy of your Standard Cover Page, your original Marijuana Handler Education Course Completion Certificate, an original passport photo, and a clear and readable color copy of a valid form of photo identification to the Anchorage AMCO office at the address below:

Mail your application documents to:

AMCO
Attn: Enforcement
550 West 7th Ave Suite 1610
Anchorage, AK 99501

Applicants should complete the following before proceeding with a new marijuana handler permit application:

- Read the Frequently Asked Questions (FAQs) provided at <http://www.commerce.alaska.gov/web/amco>
- Complete a Marijuana Control Board approved Marijuana Handler Permit Education Course

Once you have completed the above bulleted requirements and still have a marijuana handler permit question, you may send your question using our Contact Us page.

This Marijuana Education Course focuses on understanding the laws and rules regarding recreational and medical marijuana, basic safe handling of marijuana items, checking identification and recognizing the signs of impairment. This Marijuana Education Course is intended to provide the basic knowledge for applicants to receive a Marijuana Handlers Permit card, and is not intended to cover all possible information necessary to safely participate in all aspects of the recreational marijuana market. For example, the Course does not cover specific information on marijuana extract or concentrate processing procedures, proper handling of compounds or other materials used in many marijuana businesses, or appropriate application of agricultural chemicals for growing plants; and training and information on those business-specific practices, as well as many other things, are the responsibility of individual licensed employers.

This course is not intended to provide legal advice and is for educational purposes only. Consult a licensed attorney in your state for legal advice where appropriate.

What is Marijuana?

Marijuana is a mind-altering (psychoactive) drug. Similar to hemp, it comes from the cannabis plant. The plant's primary drug effects come from the chemical delta-9-tetrahydrocannabinol, or "THC." Marijuana is smoked, "vaped" (inhaling the vapor), or ingested in foods or teas. Over the last few decades, the concentration of THC in the cannabis plant has been increasing. In addition, the plant extracts are more potent. Marijuana is widely used, especially in adolescents and young adults. In the US, there are about 20 million users (about 7.5% of people aged 12 or older).

Video: Weed: 12 Interesting Facts You Should Know

How Marijuana is Consumed

There are four main methods of ingesting marijuana: inhalation, oral, sublingual, and topical. Each method has unique characteristics. The following slides provide an overview of the various methods of ingestion and their risks and benefits.

Video: Cannabis 101: Consumption - Delivery Methods

How Marijuana is Consumed: Inhalation

Inhalation is the fastest method of delivery to the consumer. Most consumers prefer using marijuana this way. When a consumer inhales marijuana, the majority of cannabinoids enter the body through the lungs where they are passed along directly into the consumer's blood stream. The effect is almost instantaneous. For some people who use marijuana medicinally, inhalation is very effective--similar to the use of an inhaler for an asthma attack. In a 2007 study in the Journal of Chemistry and Biodiversity, subjects who consumed cannabis via inhalation reported feeling the effects of the medication within minutes, with peak effects around the hour mark and total duration of effects around two hours. Another benefit to inhalation is the ability to easily titrate one's dose, making overconsumption less likely. However, it is important to note that there can be significant variation in these times due to factors, such as cannabinoid content, depth and length of inhalation (a.k.a. smoking style), and previous marijuana exposure (tolerance).

How Marijuana is Consumed: Oral

Marijuana can also be ingested orally. This can be in the form of edibles, tinctures, capsules or oils. The onset for oral ingestion is slower and the effects are stronger and last longer than with inhalation. People who consume marijuana orally usually report feeling the effects within thirty minutes to one hour or longer, with peak effects around the two hour mark and total duration of effects

ranging as long as six hours. This is because, during the process of digestion, the cannabinoids undergo a chemical transformation that makes them stronger. Also, when ingesting orally, none of the product is lost by sticking to the pipe or rolling paper. People using marijuana medicinally for long lasting chronic pain often prefer oral ingestion because it lasts longer and they don't have to consume as often. However, marijuana ingested orally is difficult to properly titrate dosage due to the increased time of effect onset.

How Marijuana is Consumed: Sublingual

Marijuana can also enter the blood stream when placed under the tongue and held in the mouth; within the mouth there are a large number of blood vessels which can absorb cannabinoids. Common examples of these type of products include dissolvable strips, sublingual sprays, or medicated lozenges or tinctures. Sativex, the one clinically approved, cannabinoid medication that includes the entire spectrum of natural cannabinoids, is delivered as a sublingual spray. The time of onset for this method of consumption is similar to those seen in general oral consumption, however, some studies have reported an earlier onset.

How Marijuana is Consumed: Topical

A final way to consume marijuana is through topical applications. These come in the form of lotions, salves, bath salts and oils that are applied to the skin. The skin has a relatively complex absorption process that is based on a chemical's ability to dissolve in H₂O. The cannabinoids penetrate the skin and work to reduce pain and inflammation. This method is very popular with older consumers because it works well on localized pain (like from arthritis) and is non-psychoactive. While not widely studied, there is research that shows that topical application of cannabinoids has an onset of action within minutes locally (i.e. creams and balms applied to a joint), with duration of these effects lasting one to two hours. Individuals who used patches reported onset of action within two hours and duration of effect lasting upwards of two days due to the time released nature of this method of administration. Additionally, the topical application of marijuana does not allow a significant amount of cannabinoids to reach the brain and therefore is unlikely to cause any intoxication.

Factors that Determine Marijuana's Potency and Effects

Marijuana contains more than 60 related psychoactive chemicals, called cannabinoids; however, the most abundant of these is delta-9-tetrahydrocannabinol (THC). **The amount of THC ingested when using marijuana determines the intensity of the high**, and the potency of different strains of marijuana is a result of the level of THC they contain—varying from 3% to 20%, on average. Industrial varieties of hemp, used to make textiles and rope, contain little to no THC and do not produce a demonstrable high at all.

Dried marijuana is most often smoked, but can also be used to infuse various foods and eaten. THC-rich marijuana extracts are also increasing in popularity, including hash oil and a hard, brittle preparation called "shatter." Such extracts are particularly dangerous because extremely large amounts of THC can be ingested by users very quickly.

The precise effects an individual will experience depend on:

- The quantity of marijuana consumed
- The potency of the marijuana
- The method used to ingest the marijuana

Smoking produces intoxication quickly, within minutes, and its effects are fairly predictable from one time to another.

Eating marijuana-infused food causes the THC to be absorbed more slowly, with intoxication beginning between 30 minutes to 2 hours after ingestion, and the effects can be difficult for the user to predict.

Types of Medical Marijuana Strains

Indica and Sativa Medical Marijuana Strains

Medical marijuana is based on two different species of marijuana, Indica and Sativa (as well as hybrids that mix the two). Medical marijuana strains come from breeding and cross-breeding these plants for different qualities, including the strength of the "high" that

gives pain relief, the yield of the plant, and the plant's tolerance to different environments. Marijuana handlers should always tell the customer what strain they are buying.

In general, **Indica** medical marijuana strains will provide strong “*body effects*” which are good for pain relief.

It is important to keep in mind that a very strong or “*heavy*” high is sometimes called a “*body stone*” meaning that patients should not plan on being active on the day they use it.

Sativa strains will provide strong “*mind effects*” that are good for relaxation and conditions that affect the mind. Hybrids try to capture the best of both these strains.

What is Hybrid Marijuana?

Choosing the right marijuana strain is important to have the best experience possible. There are more than 1000 different strains that range from pure sativas to pure indicas and in between. A hybrid strain is exactly what it sounds like—it's a combination of sativa and indica plants and can be bred to provide specific qualities giving consumers the best of both worlds.

Hybrid strains fall in to one of three categories:

Sativa dominant Hybrids These hybrids typically provide a heady high that pairs well with a relaxing body feeling. Sativa dominant hybrids are typically used to relax and unwind both physically and mentally.

Balanced Hybrids (50/50) These are typically a true balance of indica and sativa plants. These strains are ideal for those looking to balance mind and body highs.

Indica dominant Hybrids Indica dominant hybrids generally provide a strong body high which makes them ideal for moderate pain relief or relaxation and sleep in the evening.

Short-term Effects of Marijuana

Marijuana is often used for its “high,” and can make people feel more relaxed, alter the senses, and cause time distortion. It can also impair thinking, judgment, coordination, and memory. In some people, it may lead to paranoia or anxiety. Physical effects may include bloodshot eyes, dry mouth, slurred speech, and increased heart rate.

These sensations may last up to four hours after inhaling marijuana smoke, or up to 12 hours if consumed, though performance impairments may last for much longer.

Long-term Effects of Marijuana

Smoking marijuana can irritate the lungs and lead to breathing problems like cough, excess mucus, bronchitis, and worsening of conditions like asthma and cystic fibrosis. It is not clear if smoking marijuana is linked to lung cancer. Marijuana use during pregnancy can also harm a baby's brain development.

We are learning more about the long-term effects of marijuana, and this leads to even more questions as we realize there is a lot we *don't* know. What is clear is that some of the long-term effects correspond to heavy use. However, heavy use is difficult to define given the nature and limitations of past studies, the different ways marijuana and its extracts are used, and the shifts in THC concentration in cannabis.

The biggest health risks appear to be in those who start using as teenagers or young adults when their brains are still developing. In youths who use heavily, studies have shown deterioration in their learning and cognitive thinking that persists into adulthood, even after they have stopped using marijuana. There also appears to be a link between marijuana use and certain mental illnesses. Though most marijuana users will not develop dependence and addiction, it is more common in teenage users.

The Effects of Marijuana Use

The effects of marijuana use can be different for everyone. Common effects may include:

- A happy, relaxed or “high” feeling
- Slower reactions and hand/eye coordination
- Dizziness
- Distorted perceptions of time and distance
- Trouble thinking, learning and remembering
- Confusion, anxiety, panic or paranoia
- Faster heart rate by 20 to 100 percent
- Increased blood pressure
- Less interest in normal activities
- Increased appetite
- Dry mouth
- Red eyes
- Psychosis — seeing or hearing things that aren't real (more common with higher doses of THC)

These effects typically last two to four hours after marijuana is smoked or inhaled. When marijuana is eaten, the effects take longer to start and may last four to 12 hours. Marijuana can vary in its potency, or strength, depending on the plant and extraction process.

Impairment

For occasional users, using 10 mg or more of THC is likely to cause impairment. This impacts your ability to drive, bike or perform other safety-sensitive activities.

People may think that they're “safer” drivers while under the influence of marijuana since they drive more slowly. However, research shows that driving while high may double a person's risk of an automobile accident. Any person under the influence of marijuana should not drive, bike or operate machinery.

Smoking: Wait at least six hours after smoking up to 35 mg of THC before driving or biking. If a person has smoked more than 35 mg, wait longer.

Eating or drinking: Wait at least eight hours after eating or drinking up to 18 mg of THC before driving or biking.

Marijuana affects individuals differently. These times are estimates based on research findings.

Multiple substances: Using alcohol and marijuana at the same time is likely to result in greater impairment than either one alone.

Increased Potency

Marijuana is not only a popular drug; it is an evolving one. The National Institute on Drug Abuse warns that the potency of marijuana has been on the rise for the last few decades. The increased potency mainly stems from the ability of marijuana cultivators to continually create new, more powerful strains.

The increased THC may result in uncommon and easily observable side effects. As *CNN* reports, Dr. Stuart Gitlow of the American Society for Addiction Medicine has found that approximately one in every 100 people who uses highly potent marijuana will manifest psychotic symptoms. Further, as *Fox News* reports, one study found that smoking marijuana with high THC content can lead to the onset of psychiatric disorders.

These observations about super potent marijuana translate into guidance for concerned individuals. Sudden or uncharacteristic psychotic symptoms (e.g., a disconnection from reality) can be evidence of marijuana use (although it may separately be a sign of a mental health disorder). Psychiatric side effects may be more acute in a person who has an existing mental health disorder, but individuals without a diagnosis are not immune from severe reactions. It is important to note that super potent marijuana is not the

same as “synthetic marijuana”(marijuana-like chemicals created in foreign laboratories or domestic illegal ones). According to reports on synthetic marijuana side effects, some users have experienced extreme aggression, the inability to speak, hallucinations, and/or general unresponsiveness.

It is important to understand that marijuana use can lead to addiction. There are two main components of physical dependence on marijuana.

First, regular users will develop a tolerance, which means that over time, they will require a higher volume of marijuana to experience the desired familiar effects. Second, if regular users stop or significantly reduce use, they may experience withdrawal symptoms.

Although marijuana withdrawal is generally considered to be mild, effects can include irritability or anxiety. In heavy users, marijuana withdrawal symptoms can include cravings for marijuana, trouble sleeping, irritability, anxiety, and boredom.

Video: Physical Effects of Marijuana

Signs of Marijuana Use

The following are signs of marijuana use:

- Loss of train of thought during conversation
 - Trying to hold a normal conversation with an individual who is high on marijuana can be a challenge
 - While intoxicated the individual will lack the ability to stay focused on the topic of conversation, and may drift into other, unrelated subject matters
- Increased appetite
 - One of the effects of marijuana use is binge eating
- Lack of energy, loss of motivation
 - Marijuana causes a distinct lack of motivation in the user
 - Look for a loss of interest in activities that were once a prominent part of the individual’s life
- Poor sleep habits
- Possession of drug paraphernalia related to smoking marijuana
- Inappropriate laughter
 - When an individual is intoxicated from smoking marijuana, they will sometimes laugh uncontrollably, even at highly inappropriate moments
- Observable Paranoia
 - Watch for behavior that includes suspicious thoughts and feelings that “everyone is out to get” the individual in question

Signs of Marijuana Use: Physical Change:

- | | |
|---------------------|--------------------------------|
| • Bloodshot eyes | • Lack of coordination |
| • Fast heart rate | • Increase cravings for snacks |
| • Sleepy, lethargic | |

Symptoms of Using Too Much Marijuana

The symptoms of using too much marijuana are similar to the typical effects of using marijuana, but more severe. These symptoms may include:

- Extreme confusion, anxiety, panic or paranoia
- Fast heart rate
- Hallucinations or delusions
- Increased blood pressure
- Severe nausea and vomiting

Health Hazards of Marijuana

Marijuana contains known toxins and cancer-causing chemicals which are stored in fat cells for as long as several months. Marijuana users experience some of the same health problems as tobacco smokers, such as bronchitis, emphysema and bronchial asthma. Some of the effects of marijuana use also include: an increased heart rate, dryness of the mouth, reddening of the eyes, impaired motor skills and concentration, and frequent hunger and an increased desire for sweets. Extended use increases risk to the lungs and reproductive system, as well as suppression of the immune system.

Effects of Marijuana on the Brain

Researchers have found that THC changes the way in which sensory information gets into and is acted on by the hippocampus. This is a component of the brain's limbic system that is crucial for learning, memory, and the integration of sensory experiences with emotions and motivations. Investigations have shown that neurons in the information processing system of the hippocampus and the activity of the nerve fibers are suppressed by THC. In addition, researchers have discovered that learned behaviors, which depend on the hippocampus, also deteriorate.

Recent research findings also indicate that long-term use of marijuana produces changes in the brain similar to those seen after long-term use of other major drugs of abuse.

Effects of Marijuana on the Lungs

Someone who smokes marijuana regularly may have many of the same respiratory problems that tobacco smokers have. These individuals may have daily cough and phlegm, symptoms of chronic bronchitis, and more frequent chest colds. Continuing to smoke marijuana can lead to abnormal functioning of lung tissue injured or destroyed by marijuana smoke.

Regardless of the THC content, the amount of tar inhaled by marijuana smokers and the level of carbon monoxide absorbed are three to five times greater than among tobacco smokers. This may be due to the marijuana users inhaling more deeply and holding the smoke in the lungs.

Effects on Heart Rate and Blood Pressure

Recent findings indicate that smoking marijuana while using cocaine has the potential to cause severe increases in heart rate and blood pressure. In one study, experienced marijuana and cocaine users were given marijuana alone, cocaine alone, and then a combination of both. Each drug alone produced cardiovascular effects; when they were combined, the effects were greater and lasted longer. **The heart rate of the subjects in the study increased 29 beats per minute with marijuana alone** and 32 beats per minute with cocaine alone. When the drugs were given together, the heart rate increased by 49 beats per minute, and the increased rate persisted for a longer time. The drugs were given with the subjects sitting quietly. In normal circumstances, an individual may smoke marijuana and use cocaine and then do something physically stressful that may significantly increase risks of overload on the cardiovascular system.

Effects of Marijuana on Pregnancy

Any drug of abuse can affect a mother's health during pregnancy, and this is a time when she should take special care of herself. Drugs of abuse may interfere with proper nutrition and rest, which can affect good functioning of the immune system. Some studies have found that babies born to mothers who used marijuana during pregnancy were smaller than those born to mothers who did not use the drug. In general, smaller babies are more likely to develop health problems.

A nursing mother who uses marijuana passes some of the THC to the baby in her breast milk. Research indicates that the use of marijuana by a mother during the first month of breast-feeding can impair the infant's motor development (control of muscle movement).

Video: Psychological Effects of Marijuana

Addictive Potential of Marijuana

A drug is addicting if it causes compulsive, often uncontrollable drug craving, seeking, and use, even in the face of negative health and social consequences. Marijuana meets this criterion. More than 120,000 people seek treatment per year for their primary marijuana addiction. In addition, animal studies suggest marijuana causes physical dependence, and some people report withdrawal symptoms.

The Role of a Marijuana Handler

- Have a strong understanding of, and abide by, all laws, rules and regulations relating to the marijuana industry in your state
- Have strong customer service skills: you should be positive and welcoming
- Should be well educated with all medicinal products offered
- Strain knowledge is required, both in the effects and strain genetics
- Must be familiar with various methods of consumption
- Educate customers on the different marijuana products available
- Understand that no medical advice should be given unless you are properly licensed to do so
- Understand how to identify intoxication or impairment
- Refuse sales to intoxicated or impaired individuals
- Know the different/types of valid IDs accepted in your state and how to spot a fake ID
- Understand all health and safety requirements for the business

Safe Handling of Marijuana Items

Recreational marijuana businesses are in many ways just like any other business, where workplace safety should be a top priority. As an owner, manager or employee it is important that you be aware of workplace rules and regulations, and before you begin work you should familiarize yourself with your workplace safety protocols and procedures.

Below are some general pointers:

- Make sure before you start work you are aware of the rules and operating procedures that apply to your business
- Always maintain adequate personal cleanliness, such as washing your hands before starting work and frequently throughout the day, and anytime they are contaminated
- Make sure you have sufficiently clean restrooms, handwashing stations, and other sanitation equipment necessary for the type of work being performed and number of employees
- Use gloves (protective hand coverings) when handling marijuana products
- If you have questions regarding the operation of the business, raise it with your employer, or contact the local Bureau of Labor, Occupational Health and Safety Association (OSHA) or the Alaska Alcohol and Marijuana Control Office
- If you are sick, have a communicable disease, or have an open wound or sore, do not handle marijuana items
- Make sure your working area is clean, safe and suitable for the type of work you will be performing.

Intervene to Prevent Unlawful Marijuana Consumption

By working in the marijuana industry, it is your responsibility to prevent unlawful sales, use or consumption of marijuana or marijuana products in an unlawful manner on any licensed premises. It is important to not allow anyone to enter the premises without checking their identification and ensuring it is valid. You must ensure that consumers are at least 21 years of age and that there is no use or consumption on the premises (unless licensed to do so in a separate room). Should an individual attempt to use marijuana in a location where it is not allowed, you must inform the individual that he/she must immediately cease the illegal use and, if necessary, ask the person to leave the establishment.

Should the individual refuse your demands, inform them that you will have to call the police. If they continue to disregard your request that they cease to use marijuana in an unauthorized place or manner, you must call the police and provide details on the individual(s). Never use violence or attempt to remove the individual by force yourself. Wait for the police as they are trained on how to handle situations such as this.

Video: Cannabis 101: 5 Basic Cannabis Questions Answered

Video: Cannabis 101: 5 Basic Cannabis Questions Answered - Part 2

Penalties for Unlawful Acts

Any facility or individual that violates or does not comply with rules and regulations is subject to suspension or revocation of an establishment license or criminal charges. In addition to have a license revoked for violations, owners could also have products seized, fined up to \$50,000, or receive a summary judgment where a business license could be suspended.

Violation of AS 17.38 may result in the following penalties:

- *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*

A person who uses marijuana in public can be fined up to \$100. In addition, any local government (city, county, etc.) can establish their own ordinances and regulations that govern the time, place, and manner of a marijuana establishment.

- Minor under 21 gaining access to marijuana establishment: fine up to \$400
- Minor under 21 attempting to purchase marijuana or marijuana products: fine up to \$400
- Use of marijuana in public: fine up to \$100

Other fines/penalties:

- Cultivating marijuana in a location that is in public view: fine up to \$750*
- Not securing an area where marijuana is cultivated: fine up to \$750*
- Cultivating marijuana in/on a property without the consent of the property owner: fine up to \$750*

**The above apply as long as the following rules are observed:*

- *possessing, using, displaying, purchasing, or transporting marijuana accessories or one ounce or less of marijuana;*
- *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 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 that nothing in this chapter shall permit the consumption of marijuana in public; and*
- *assisting another person who is 21 years of age or older in any of the acts described above*

Lesson 2: Medical Marijuana Voter Incentive AS 17.37

Alaska Medical Marijuana Laws & Regulations

2014 Alaska Statutes
Title 17 - FOOD AND DRUGS
Chapter 17.37 - MEDICAL USES OF MARIJUANA

Safe access to medical cannabis was first approved in Alaska by Measure 8 (1998), an initiative that was supported by 58 percent of voters. Measure 8 created a legal defense to non-registered patients and those who can demonstrate adequate need to possess large quantities of medical marijuana. Alaska Senate Bill 94 was passed in June 1999, modified the law created by Measure 8, removing legal 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.

Laws:

[Measure 8](#)

The voter initiative, approved in 1998 by 58 percent of voters, created Alaska's medical marijuana law, which affords a legal defense to non-registered patients and those who can demonstrate adequate need to possess large quantities of medical marijuana.

[Alaska Senate Bill 94](#)

This bill, passed in June 1999, modifies the law created by Measure 8, removing legal 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.

The current, enforced version of the law:

[Alaska Statute Title 17, Chapter 37: "Medical Uses of Marijuana"](#)

Regulations: Alaska Statutes Title 17. Food and Drugs Chapter 37. Medical Uses of Marijuana (also referred to as 'Chapter 17.37' or '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. The following slides in this Lesson outline this regulation.

Registry of Patients and Listing of Caregivers

AS 17.37.010. Registry of Patients and Listing of Caregivers.

The department shall create and maintain a confidential registry of patients who have applied for and are entitled to receive a registry identification card according to the criteria set out in this chapter. The registry must also contain the name of the primary caregiver and the name of the alternate caregiver of a patient, if either is designated by the patient. Only one primary caregiver and one alternate caregiver may be listed in the registry for a patient. The registry and the information contained within it are not a public record under AS 40.25.100 - 40.25.220. Peace officers and authorized employees of state or municipal law enforcement agencies shall be granted access to the information contained within the department's confidential registry only

- for the purpose of verifying that an individual who has presented a registry identification card to a state or municipal law enforcement official is lawfully in possession of such card; or
- for the purpose of determining that an individual who claims to be lawfully engaged in the medical use of marijuana is registered or listed with the department or is considered to be registered or listed under (g) of this section.

Except as provided in (a) of this section, a person, other than authorized employees of the department in the course of their official duties, may not be permitted to gain access to names of patients, physicians, primary or alternate caregivers, or any information related to such persons maintained in connection with the department's confidential registry.

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

- a statement signed by the patient's physician
 - stating that the physician personally examined the patient and that the examination took place in the context of a bona fide physician-patient relationship and setting out the date the examination occurred;
 - stating that the patient has been diagnosed with a debilitating medical condition; and
 - 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;
- a sworn application on a form provided by the department containing the following information:
 - the name, address, date of birth, and Alaska driver's license or identification card number of the patient;
 - the name, address, and telephone number of the patient's physician; and
 - the name, address, date of birth, and Alaska driver's license or identification card number of the patient's primary caregiver and alternate caregiver if either is designated at the time of application, along with the statements required under (d) of this section; and
- if the patient is a minor, a statement by the minor's parent or guardian that the patient's physician has explained the possible risks and benefits of medical use of marijuana and that the parent or guardian consents to serve as the primary caregiver for the patient and to control the acquisition, possession, dosage, and frequency of use of marijuana by the patient.

A person may be listed under this section as the primary caregiver or alternate caregiver for a patient if the person submits a sworn statement on a form provided by the department that the person:

- is at least 21 years of age;
- has never been convicted of a felony offense under AS 11.71 or AS 11.73 or a law or ordinance of another jurisdiction with elements similar to an offense under AS 11.71 or AS 11.73; and
- is not currently on probation or parole from this or another jurisdiction.

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

The department shall review the application and all information submitted within 30 days of receiving it. The department shall notify the patient that the patient's application for a registry identification card has been denied if the department's review of the information that the patient has provided discloses that the information required has not been provided or has been falsified or that the patient is not otherwise qualified to be registered.

If the department determines that the primary caregiver or alternate caregiver is not qualified under this section to be a primary caregiver or alternate caregiver, or if the information required under this section has not been provided or has been falsified, the department shall notify the patient of that determination and shall proceed to review the patient's application as if a primary caregiver or alternate caregiver was not designated.

The patient may amend the application and designate a new primary caregiver or alternate caregiver at any time. The department may not list a newly designated primary caregiver or alternate caregiver until it determines that the newly designated primary caregiver or alternate caregiver is qualified under this section and that the information required under this section has been provided.

Otherwise, not more than five days after verifying the information, the department shall issue a registry identification card to the patient, and, if a primary caregiver for a patient has been listed in the registry, the department shall issue to the patient a duplicate of the patient's card clearly identified as the caregiver registry identification card, stating

- the patient's name, address, date of birth, and Alaska driver's license or identification card number;
- that the patient is registered with the department as a person who has a debilitating medical condition that the patient may address with the medical use of marijuana;
- the dates of issuance and expiration of the registry identification card; and

- the name, address, date of birth, and Alaska driver's license or identification card number of the patient's primary caregiver and alternate caregiver, if either is designated.

If the department fails to deny the application and issue a registry identification card within 35 days of receipt of an application, the patient's application for the card is considered to have been approved. Receipt of an application shall be considered to have occurred upon delivery to the department. Notwithstanding this subsection, an application may not be considered to have been received before June 1, 1999. If the department subsequently registers a patient or lists a primary caregiver or alternate caregiver, if either is designated, or denies the application or listing, that registration or listing or denial revokes the approval that is considered to have occurred under this subsection.

A patient or a primary caregiver who is questioned by a state or municipal law enforcement official about the patient's or primary caregiver's medical use of marijuana shall immediately show proper identification to the official and inform the official that the person is a registered patient or listed primary caregiver for a registered patient and either show the official (1) the person's registry identification card, or (2) a copy of an application that has been pending without registration or denial for over 35 days since received by the department and proof of the date of delivery to the department, which shall be accorded the same legal effect as a registry identification card until the patient receives actual notice that the application has been denied.

A person may not apply for a registry identification card more than once every six months.

The denial or revocation of a registry identification card or the removal of a patient from the registry or the listing of a caregiver shall be considered a final agency action subject to judicial review. Only the patient, or the parent or guardian of a patient who is a minor, has standing to contest the final agency action.

When there has been a change in the name, address, or physician of a patient who has qualified for a registry identification card, or a change in the name or address of the patient's primary caregiver or alternate caregiver, that patient must notify the department of the change within 10 days. To maintain an effective registry identification card, a patient must annually resubmit updated written documentation, including a statement signed by the patient's physician containing the information required to be submitted under (c)(1) of this section, to the department, as well as the name and address of the patient's primary caregiver or alternate caregiver, if any.

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

A copy of a registry identification card is not valid. A registry identification card is not valid if the card has been altered, mutilated in a way that impairs its legibility, or laminated.

The department may revoke a patient's registration if the department determines that the patient has violated a provision of this chapter or AS 11.71.

The department may remove a primary caregiver or alternate caregiver from the registry if the department determines that the primary caregiver or alternate caregiver is not qualified to be listed or has violated a provision of this chapter or AS 11.71.

The department may determine and levy reasonable fees to pay for any administrative costs associated with its role in administering this chapter.

A primary caregiver may only act as the primary caregiver for the patient when the primary caregiver is in physical possession of the caregiver registry identification card. An alternate caregiver may only act as the primary caregiver for the patient when the alternate caregiver is in physical possession of the caregiver registry identification card.

The department may not register a patient under this section unless the statement of the patient's physician discloses that the patient was personally examined by the physician within the 16-month period immediately preceding the patient's application. The department shall cancel, suspend, revoke, or not renew the registration of a patient whose annual resubmission of updated written documentation to the department under (k) of this section does not disclose that the patient was personally examined by the patient's physician within the 16-month period immediately preceding the date by which the patient is required to annually resubmit written documentation.

Privileged Medical Use of Marijuana

AS 17.37.030. Privileged Medical Use of Marijuana.

A patient, primary caregiver, or alternate caregiver registered with the department under this chapter has an affirmative defense to a criminal prosecution related to marijuana to the extent provided in AS 11.71.090.

Except as otherwise provided by law, a person is not subject to arrest, prosecution, or penalty in any manner for applying to have the person's name placed on the confidential registry maintained by the department under AS 17.37.010.

A physician is not subject to any penalty, including arrest, prosecution, or disciplinary proceeding, or denial of any right or privilege, for:

- advising a patient whom the physician has diagnosed as having a debilitating medical condition about the risks and benefits of medical use of marijuana or that the patient might benefit from the medical use of marijuana, provided that the advice is based upon the physician's contemporaneous assessment in the context of a bona fide physician-patient relationship of
 - the patient's medical history and current medical condition; and
 - other approved medications and treatments that might provide relief and that are reasonably available to the patient and that can be tolerated by the patient; or
- providing a patient with a written statement in an application for registration under AS 17.37.010.

Notwithstanding the provisions of this section, a person, including a patient, primary caregiver, or alternate caregiver, is not entitled to the protection of this chapter for the person's acquisition, possession, cultivation, use, sale, distribution, or transportation of marijuana for nonmedical use.

Restrictions On Medical Use of Marijuana

AS 17.37.040. Restrictions On Medical Use of Marijuana.

A patient, primary caregiver, or alternate caregiver may not:

- engage in the medical use of marijuana in a way that endangers the health or well-being of any person;
- engage in the medical use of marijuana in plain view of, or in a place open to, the general public; this paragraph does not prohibit a patient or primary caregiver from possessing marijuana in a place open to the general public if:
 - the person possesses, in a closed container carried on the person, one ounce or less of marijuana in usable form;
 - the marijuana is not visible to anyone other than the patient or primary caregiver; and
 - the possession is limited to that necessary to transport the marijuana directly to the patient or primary caregiver or directly to a place where the patient or primary caregiver may lawfully possess or use the marijuana;
- sell or distribute marijuana to any person, except that a patient may deliver marijuana to the patient's primary caregiver and a primary caregiver may deliver marijuana to the patient for whom the caregiver is listed; or
- possess in the aggregate more than
 - one ounce of marijuana in usable form; and
 - six marijuana plants, with no more than three mature and flowering plants producing usable marijuana at any one time.

Any patient found by a preponderance of the evidence to have knowingly violated the provisions of this chapter shall be precluded from obtaining or using a registry identification card for the medical use of marijuana for a period of one year. In this subsection, "knowingly" has the meaning given in AS 11.81.900.

A governmental, private, or other health insurance provider is not liable for any claim for reimbursement for expenses associated with medical use of marijuana.

Nothing in this chapter requires any accommodation of any medical use of marijuana

- (1) in any place of employment;
- (2) in any correctional facility, medical facility, or facility monitored by the department or the Department of Administration;

- (3) on or within 500 feet of school grounds;
- (4) at or within 500 feet of a recreation or youth center; or
- (5) on a school bus

Addition of Debilitating Medical Conditions

AS 17.37.060. Addition of Debilitating Medical Conditions.

Not later than August 31, 1999, the department shall adopt regulations under AS 44.62 (Administrative Procedure Act) governing the manner in which it may consider adding debilitating medical conditions to the list provided in AS 17.37.070. After the adoption of the regulations, the department shall also accept for consideration physician or patient initiated petitions to add debilitating medical conditions to the list provided in AS 17.37.070 and, after hearing, shall approve or deny the petitions within 180 days of submission. The denial of a petition shall be considered a final agency action subject to judicial review.

AS 17.37.070. Definitions.

In this chapter, unless the context clearly requires otherwise,

(1) "alternate caregiver" means a person who is listed as an alternate caregiver under AS 17.37.010 ;

(2) "bona fide physician-patient relationship" means that the physician obtained a patient history, performed an in-person physical examination of the patient, and documented written findings, diagnoses, recommendations, and prescriptions in written patient medical records maintained by the physician;

(3) "correctional facility" has the meaning given in AS 33.30.901 ;

(4) "debilitating medical condition" means

(A) cancer, glaucoma, positive status for human immunodeficiency virus, or acquired immune deficiency syndrome, or treatment for any of these conditions;

(B) any chronic or debilitating disease or treatment for such diseases, which produces, for a specific patient, one or more of the following, and for which, in the professional opinion of the patient's physician, such condition or conditions reasonably may be alleviated by the medical use of marijuana: cachexia; severe pain; severe nausea; seizures, including those that are characteristic of epilepsy; or persistent muscle spasms, including those that are characteristic of multiple sclerosis; or

(C) any other medical condition, or treatment for such condition, approved by the department, under regulations adopted under AS 17.37.060 or approval of a petition submitted under AS 17.37.060 ;

(5) "department" means the Department of Health and Social Services;

(6) "facility monitored by the department or the Department of Administration" means an institution, building, office, or home operated by the department or the Department of Administration, funded by the department or the Department of Administration, under contract with the department or the Department of Administration, inspected by the department or the Department of Administration, designated by the department or the Department of Administration, or licensed by the department or the Department of Administration, for the care of

(A) juveniles; for the purposes of this subparagraph, "institution" includes a foster home and a group home, and a juvenile detention facility, a juvenile detention home, a juvenile work camp, and a treatment facility, as those terms are defined in AS 47.14.990 ;

(B) the elderly; for the purposes of this subparagraph, "institution" includes

(i) an assisted living home as defined in AS 47.33.990 ; and

(ii) the Alaska Pioneers' Home or the Alaska Veterans' Home, operated under AS 47.55;

(C) the mentally ill; for the purposes of this subparagraph, "institution" includes a designated treatment facility and an evaluation facility, as those terms are defined in AS 47.30.915 ;

(7) "medical facility" means an institution, building, office, or home providing medical services, and includes a hospital, clinic, physician's office, or health facility as defined in AS 47.07.900 , and a facility providing hospice care or rehabilitative services, as those terms are defined in AS 47.07.900 ;

(8) "medical use" means the acquisition, possession, cultivation, use or transportation of marijuana or paraphernalia related to the administration of marijuana to alleviate a debilitating medical condition under the provisions of this chapter and AS 11.71.090 ;

(9) "patient" means a person who has a debilitating medical condition;

(10) "physician" means a person licensed to practice medicine in this state or an officer in the regular medical service of the armed forces of the United States or the United States Public Health Service while in the discharge of their official duties, or while volunteering services without pay or other remuneration to a hospital, clinic, medical office, or other medical facility in this state;

(11) "primary caregiver " means a person listed as a primary caregiver under AS 17.37.010 and in physical possession of a caregiver registry identification card; "primary caregiver" also includes an alternate caregiver when the alternate caregiver is in physical possession of the caregiver registry identification card;

(12) "usable form" and "usable marijuana" means the seeds, leaves, buds, and flowers of the plant (genus) cannabis, but does not include the stalks or roots.

Lesson 3: Recreational Marijuana Voter Incentive AS 17.38

Legalized Marijuana in Alaska

2014 Alaska Statutes
Title 17 - FOOD AND DRUGS
Chapter 17.38 - THE REGULATION OF MARIJUANA

On November 4, 2014, the citizens of the State of Alaska passed AS 17.38, a law decriminalizing the possession, transport and gifting of less than one ounce of marijuana by adults aged 21 and older and creating a commercialized marijuana industry.

The law is eight pages long and provides that the Alcoholic Beverage Control Board or a Marijuana Control Board created by the legislature has the responsibility for writing regulations enacting the general concepts outlined in the bill.

AS 17.38 became effective on February 24, 2015. The effective date triggered the personal possession rights in the law. The bill contains timelines for the setup of the commercial aspects of the law. The Alaska legislature met in regular session from January 20- April 19, 2015. Although many marijuana bills were introduced, only one bill was passed. That bill created a five member volunteer Marijuana Control Board served by the state agency that serves the identically structured Alcoholic Beverage Control Board.

The following slides in this Lesson outline this regulation.

Sec. 17.38.010 Purpose and Findings

Universal Citation: AK Stat § 17.38.010

In the interest of allowing law enforcement to focus on violent and property crimes, and to enhance individual freedom, the people of the state of Alaska find and declare that the use of marijuana should be legal for persons 21 years of age or older.

In the interest of the health and public safety of our citizenry, the people of the state of Alaska further find and declare 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; and
- marijuana sold by regulated businesses will be labeled and subject to additional regulations to ensure that consumers are informed and protected.

The people of the state of Alaska further declare that the provisions of this Act are not intended to diminish the right to privacy as interpreted by the Alaska Supreme Court in *Ravin v. State of Alaska*.

Nothing in this Act proposes or intends to require any individual or entity to engage in any conduct that violates federal law, or exempt any individual or entity from any requirement of federal law, or pose any obstacle to federal enforcement of federal law.

Sec. 17.38.020 Personal Use of Marijuana

Notwithstanding any other provision of law, except as otherwise provided in this chapter, **the following acts, by persons 21 years of age or older, are lawful and shall not be a criminal or civil offense under Alaska law** or the law of any political subdivision of Alaska or be a basis for seizure or forfeiture of assets under Alaska law:

- possessing, using, displaying, purchasing, or transporting marijuana accessories or one ounce or less of marijuana;
- 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 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 that nothing in this chapter shall permit the consumption of marijuana in public; and
- assisting another person who is 21 years of age or older in any of the acts described above

Sec. 17.38.030 Restrictions on Personal Cultivation

The personal cultivation of marijuana described in AS 17.38.020(2), *listed on the previous slide*, is subject to the following terms:

- (1) marijuana plants shall be cultivated in a location where the plants are not subject to public view without the use of binoculars, aircraft, or other optical aids;
- (2) a person who cultivates marijuana must take reasonable precautions to ensure the plants are secure from unauthorized access;
- (3) marijuana cultivation may only occur on property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property.

A person who violates this section while otherwise acting in compliance with AS 17.38.020 (2), *listed on the previous slide*, is guilty of a violation punishable by a fine of up to \$750.

Sec. 17.38.040 Public Consumption Banned

It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to \$100.

Sec. 17.38.050 False Identification

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.

A person who violates this section is guilty of a violation punishable by a fine of up to \$400.

Sec. 17.38.060 Marijuana Accessories Authorized

Notwithstanding any other provision of law, **it is lawful** and shall not be an offense under Alaska law or the law of any political subdivision of Alaska or be a basis for seizure or forfeiture of assets under Alaska law **for persons 21 years of age or older to manufacture, possess, or purchase marijuana accessories, or to distribute or sell marijuana accessories to a person who is 21 years of age or older.**

Sec. 17.38.070 Lawful Operation of Marijuana-Related Facilities

Notwithstanding any other provision of law, the following acts, when performed by a **retail marijuana store** with a current, valid registration, or a person 21 years of age or older who is acting in the person's capacity as an owner, employee, or agent of a retail marijuana store, **are lawful and shall not be an offense** under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

- (1) possessing, displaying, storing, or transporting marijuana or marijuana products, except that marijuana and marijuana products may not be displayed in a manner that is visible to the general public from a public right-of-way;
- (2) delivering or transferring marijuana or marijuana products to a marijuana testing facility;
- (3) receiving marijuana or marijuana products from a marijuana testing facility;
- (4) purchasing marijuana from a marijuana cultivation facility;
- (5) purchasing marijuana or marijuana products from a marijuana product manufacturing facility; and
- (6) delivering, distributing, or selling marijuana or marijuana products to consumers.

Notwithstanding any other provision of law, the following acts, when performed by a **marijuana cultivation facility** with a current, valid registration, or a person 21 years of age or older who is acting in the person's capacity as an owner, employee, or agent of a marijuana cultivation facility, **are lawful and shall not be an offense** under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

- (1) cultivating, manufacturing, harvesting, processing, packaging, transporting, displaying, storing, or possessing marijuana;
- (2) delivering or transferring marijuana to a marijuana testing facility;
- (3) receiving marijuana from a marijuana testing facility;
- (4) delivering, distributing, or selling marijuana to a marijuana cultivation facility, a marijuana product manufacturing facility, or a retail marijuana store;
- (5) receiving or purchasing marijuana from a marijuana cultivation facility; and
- (6) receiving marijuana seeds or immature marijuana plants from a person 21 years of age or older.

Notwithstanding any other provision of law, the following acts, when performed by a **marijuana product manufacturing facility** with a current, valid registration, or a person 21 years of age or older who is acting in the person's capacity as an owner, employee, or agent of a marijuana product manufacturing facility, **are lawful and shall not be an offense** under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

- (1) packaging, processing, transporting, manufacturing, displaying, or possessing marijuana or marijuana products;
- (2) delivering or transferring marijuana or marijuana products to a marijuana testing facility;
- (3) receiving marijuana or marijuana products from a marijuana testing facility;
- (4) delivering or selling marijuana or marijuana products to a retail marijuana store or a marijuana product manufacturing facility;
- (5) purchasing marijuana from a marijuana cultivation facility; and
- (6) purchasing of marijuana or marijuana products from a marijuana product manufacturing facility.

Notwithstanding any other provision of law, the following acts, when performed by a **marijuana testing facility** with a current, valid registration, or a person 21 years of age or older who is acting in the person's capacity as an owner, employee, or agent of a marijuana testing facility, **are lawful and shall not be an offense** under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

- (1) possessing, cultivating, processing, repackaging, storing, transporting, displaying, transferring, or delivering marijuana;
- (2) receiving marijuana or marijuana products from a marijuana cultivation facility, a marijuana retail store, a marijuana products manufacturer, or a person 21 years of age or older; and
- (3) returning marijuana or marijuana products to a marijuana cultivation facility, marijuana retail store, marijuana products manufacturer, or a person 21 years of age or older.

Notwithstanding any other provision of law, **it is lawful and shall not be an offense** under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law to lease or otherwise allow the use of property owned, occupied, or controlled by any person, corporation, or other entity for any of the activities conducted lawfully in accordance with (a) - (d) of this section.

Nothing in this section prevents the imposition of penalties upon marijuana establishments for violating this chapter or rules adopted by the board or local governments pursuant to this chapter.

The provisions of AS 17.30.020 do not apply to marijuana establishments.

Sec. 17.38.080 Marijuana Control Board

At any time, the legislature may create a Marijuana Control Board in the Department of Commerce, Community, and Economic Development or its successor agency to assume the power, duties, and responsibilities delegated to the Alcoholic Beverage Control Board under this chapter.

Sec. 17.38.090 Rulemaking

Not later than nine months after February 24, 2015, the board shall adopt regulations necessary for implementation of this chapter. Such regulations shall not prohibit the operation of marijuana establishments, either expressly or through regulations that make their operation unreasonably impracticable. Such regulations shall include

- (1) procedures for the issuance, renewal, suspension, and revocation of a registration to operate a marijuana establishment, with such procedures subject to all requirements of AS 44.62 (Administrative Procedure Act);
- (2) a schedule of application, registration, and renewal fees, provided, application fees shall not exceed \$5,000, with this upper limit adjusted annually for inflation, unless the board determines a greater fee is necessary to carry out its responsibilities under this chapter;
- (3) qualifications for registration that are directly and demonstrably related to the operation of a marijuana establishment;
- (4) security requirements for marijuana establishments, including for the transportation of marijuana by marijuana establishments;
- (5) requirements to prevent the sale or diversion of marijuana and marijuana products to persons under the age of 21;
- (6) labeling requirements for marijuana and marijuana products sold or distributed by a marijuana establishment;
- (7) health and safety regulations and standards for the manufacture of marijuana products and the cultivation of marijuana;
- (8) reasonable restrictions on the advertising and display of marijuana and marijuana products; and
- (9) civil penalties for the failure to comply with regulations made pursuant to this chapter.

In order to ensure that individual privacy is protected, the board shall not require a consumer to provide a retail marijuana store with personal information other than government-issued identification to determine the consumer's age, and a retail marijuana store shall not be required to acquire and record personal information about consumers.

Sec. 17.38.100 Marijuana Establishment Registrations

Each application or renewal application for a registration to operate a marijuana establishment shall be submitted to the board. A renewal application may be submitted up to 90 days prior to the expiration of the marijuana establishment's registration.

The board shall begin accepting and processing applications to operate marijuana establishments one year after February 24, 2015.

Upon receiving an application or renewal application for a marijuana establishment, the board shall immediately forward a copy of each application and half of the registration application fee to the local regulatory authority for the local government in which the applicant desires to operate the marijuana establishment, unless the local government has not designated a local regulatory authority pursuant to AS 17.38.110 (c).

Within 45 to 90 days after receiving an application or renewal application, the board shall issue an annual registration to the applicant unless the board finds the applicant is not in compliance with regulations enacted pursuant to AS 17.38.090 or the board is notified by the relevant local government that the applicant is not in compliance with ordinances and regulations made pursuant to AS 17.38.110 and in effect at the time of application.

If a local government has enacted a numerical limit on the number of marijuana establishments and a greater number of applicants seek registrations, the board shall solicit and consider input from the local regulatory authority as to the local government's preference or preferences for registration.

Upon denial of an application, the board shall notify the applicant in writing of the specific reason for its denial.

Every marijuana establishment registration shall specify the location where the marijuana establishment will operate. A separate registration shall be required for each location at which a marijuana establishment operates.

Marijuana establishments and the books and records maintained and created by marijuana establishments are subject to inspection by the board.

Sec. 17.38.110 Local Control

- (a) A local government may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or by a voter initiative.
- (b) A local government may enact ordinances or regulations not in conflict with this chapter or with regulations enacted pursuant to this chapter, governing 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.
- (c) A local government may designate a local regulatory authority that is responsible for processing applications submitted for a registration to operate a marijuana establishment within the boundaries of the local government. The local government may provide that the local regulatory authority may issue such registrations should the issuance by the local government become necessary because of a failure by the board to adopt regulations pursuant to AS 17.38.090 or to accept or process applications in accordance with AS 17.38.100 .
- (d) A local government may establish procedures for the issuance, suspension, and revocation of a registration issued by the local government in accordance with (f) of this section or (g) of this section. These procedures shall be subject to all requirements of AS 44.62 (Administrative Procedure Act).
- (e) A local government may establish a schedule of annual operating, registration, and application fees for marijuana establishments, provided, the application fee shall only be due if an application is submitted to a local government in accordance with (f) of this section and a registration fee shall only be due if a registration is issued by a local government in accordance with (f) of this section or (g) of this section.
- (f) If the board does not issue a registration to an applicant within 90 days of receipt of the application filed in accordance with AS 17.38.100 and does not notify the applicant of the specific, permissible reason for its denial, in writing and within such time period, or if the board has adopted regulations pursuant to AS 17.38.090 and has accepted applications pursuant to AS 17.38.100 but has not issued any registrations by 15 months after the effective date of this Act, the applicant may resubmit its application directly to the local regulatory authority, pursuant to (c) of this section, and the local regulatory authority may issue an annual registration to the applicant. If an application is submitted to a local regulatory authority under this subsection, the board shall forward to the local regulatory authority the application fee paid by the applicant to the board upon request by the local regulatory authority.
- (g) If the board does not adopt regulations required by AS 17.38.090, an applicant may submit an application directly to a local regulatory authority after one year after February 24, 2015 and the local regulatory authority may issue an annual registration to the applicant.
- (h) A local regulatory authority issuing a registration to an applicant shall do so within 90 days of receipt of the submitted or resubmitted application unless the local regulatory authority finds and notifies the applicant that the applicant is not in compliance with ordinances and regulations made pursuant to (b) of this section in effect at the time the application is submitted to the local regulatory authority. The local government shall notify the board if an annual registration has been issued to the applicant.
- (i) A registration issued by a local government in accordance with (f) of this section or (g) of this section shall have the same force and effect as a registration issued by the board in accordance with AS 17.38.100 . The holder of such registration shall not be subject to regulation or enforcement by the board during the term of that registration.
- (j) A subsequent or renewed registration may be issued under (f) of this section on an annual basis only upon resubmission to the local government of a new application submitted to the board pursuant to AS 17.38.100.
- (k) A subsequent or renewed registration may be issued under (g) of this section on an annual basis if the board has not adopted regulations required by AS 17.38.090 at least 90 days prior to the date upon which such subsequent or renewed registration would be effective or if the board has adopted regulations pursuant to AS 17.38.090 but has not, at least 90 days after the adoption of such regulations, issued registrations pursuant to AS 17.38.100 .
- (l) Nothing in this section shall limit such relief as may be available to an aggrieved party under AS 44.62 (Administrative Procedure Act).

Sec. 17.38.120 Employers, Driving, Minors, and Control of Property

Nothing in this chapter is intended to require an employer to permit or accommodate the use, consumptions, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace or to affect the ability of employers to have policies restricting the use of marijuana by employees.

Nothing in this chapter is intended to allow driving under the influence of marijuana or to supersede laws related to driving under the influence of marijuana.

Nothing in this chapter is intended to permit the transfer of marijuana, with or without remuneration, to a person under the age of 21.

Nothing in this chapter shall prohibit a person, employer, school, hospital, recreation or youth center, correction facility, corporation, or any other entity who occupies, owns, or controls private property from prohibiting or otherwise regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property.

Sec. 17.38.130 Impact on Medical Marijuana Law

Nothing in this chapter shall be construed to limit any privileges or rights of a medical marijuana patient or medical marijuana caregiver under AS 17.37.

Sec. 17.38.900 Definitions

As used in this chapter, unless the context otherwise requires,

- **"board"** means the Alcoholic Beverage Control Board established by AS 04.06;
- **"consumer"** means a person 21 years of age or older who purchases marijuana or marijuana products for personal use by persons 21 years of age or older, but not for resale to others;
- **"consumption"** means the act of ingesting, inhaling, or otherwise introducing marijuana into the human body;
- **"local government"** means both home rule and general law municipalities, including boroughs and cities of all classes and unified municipalities;
- **"local regulatory authority"** means the office or entity designated to process marijuana establishment applications by a local government;
- **"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, salt, 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 accessories"** means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body;
- **"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 establishment"** means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store;
- **"marijuana product 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;
- **"marijuana products"** 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 testing facility"** means an entity registered to analyze and certify the safety and potency of marijuana;
- **"retail marijuana store"** 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;

- **"unreasonably impracticable"** means that the measures necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or asset that the operation of a marijuana establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.

Lesson 4: Recreational Marijuana Regulations 3 AAC 306

Chapter 306: Regulation of the Marijuana Industry

Alaska Administrative Code - Title 3 - Marijuana Control Board - Omnibus licensure requirements and procedures for marijuana establishments (also referred to as '3 AAC 306' or 'Chapter 306').

The following Lesson covers 3 AAC 306 Regulation of Marijuana Industry. It is highly recommended that you download and print this document to be able to reference as needed.

You may download this document here: [3 AAC 306 - Regulations](#)

Article 1: Licensing; Fees

Article 1 covers the following:

- 3 AAC 306.005. License required
- 3 AAC 306.010. License restrictions
- 3 AAC 306.015. License conditions
- 3 AAC 306.020. Application for new license
- 3 AAC 306.025. Application procedure
- 3 AAC 306.030. Petition for license in area with no local government
- 3 AAC 306.035. Application for renewal of license
- 3 AAC 306.040. Ownership change to be reported
- 3 AAC 306.045. Application for transfer of a license to another person
- 3 AAC 306.050. Relocation of licensed premises not allowed
- 3 AAC 306.055. Criminal justice information and records
- 3 AAC 306.060. Protest by local government
- 3 AAC 306.065. Public participation
- 3 AAC 306.070. Hearing on public protest
- 3 AAC 306.075. Procedure for action on license application
- 3 AAC 306.080. Denial of license application
- 3 AAC 306.085. Informal conference
- 3 AAC 306.090. Formal hearing
- 3 AAC 306.095. Appeals
- 3 AAC 306.100. Fees; refund

License required

3 AAC 306.005. License required

A marijuana establishment may not operate in the state unless it has obtained the applicable marijuana establishment license from the board.

The board will issue the following marijuana establishment licenses under this chapter:

- (1)a retail marijuana store license
- (2)a marijuana cultivation facility license
- (3)a marijuana product manufacturing facility license
- (4)a marijuana testing facility license

License restrictions

3 AAC 306.010. License restrictions

A licensed premises must not 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 distance specified in this subsection must be 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 school ground, the outer boundaries of the recreation or youth center, the main public entrance of the building in which religious services are regularly conducted, or the main public entrance of the correctional facility.

This section does not prohibit the renewal of an existing marijuana establishment license or the transfer of an existing marijuana establishment license to another person if the licensed premises were in use before the school ground, recreation or youth center, the building in which religious services are regularly conducted, or a correctional facility began use of a site within 500 feet.

The board will not issue a marijuana establishment license if the licensed premises will be located in a liquor license premises.

The board will not issue a marijuana establishment license when a local government protests an application under 3 AAC 306.060 on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

The board will not issue a marijuana establishment license to a person that:

- Has been convicted of a felony
- Has been found guilty of selling alcohol without a license or selling alcohol to an individual under 21 years of age
- Has a misdemeanor crime involving a controlled substance, violence against a person, use of a weapon, or dishonesty within the preceding five year
- 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.

License conditions

3 AAC 306.015. License conditions

The board will issue each marijuana establishment license to a:

- Specific individual
- Partnership
- Limited partnership
- Limited liability company
- Corporation
- Local government

A person other than a licensee may not have a direct or indirect financial interest in the business for which a marijuana establishment license is issued.

All those with direct or indirect financial interest (including all shareholders) must be residents of the state of Alaska and must be qualified to do business in Alaska.

The board will not issue a marijuana establishment license to a/an:

- Individual
- Sole proprietorship (unless the individual or proprietor is a resident of the state)
- Partnership (unless each partner is a resident of the state)
- Limited liability company (unless the limited liability company is qualified to do business in the state and each member of the limited liability company is a resident of the state)

The board will issue each license for a specific location identified on the license as the 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, the marijuana establishment must submit a new line drawing showing the proposed changes to the premises, and must obtain the board's written approval.

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

- "Direct or indirect financial interest" means a legal or equitable interest in the operation of a business licensed under this chapter
- "Resident of the state" means a person who meets the residency requirements under AS 43.23

Application for new license

3 AAC 306.020. Application for new license

An applicant for a new marijuana establishment license must:

- file **an application** as provided in 3 AAC 306.025, on a form the board prescribes, with
- the **information and documents** described in this section, along with
- the **application fee** and the **annual license fee** set out in 3 AAC 306.100, and
- the **fingerprint cards and fees** required by 3 AAC 306.055(a)

The application must be **initiated electronically**. The completed application and fees may be filed electronically, or mailed or delivered to the director at the office of the board.

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, along with 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 individual to be identified as a licensee under this section includes:

- If the applicant is an individual or a sole proprietor, the individual or sole proprietor
- If the applicant is a partnership, including a limited partnership, each partner holding any interest in the partnership

- If the applicant is a limited liability company, each member holding any ownership interest
- If the applicant is a corporation, each owner of any of the corporation's stock
- If the applicant is a local government, an authorized official of the local government

For each applicant that is not an individual, the applicable documents and information as follows are required:

- For a partnership, including a limited partnership, the partnership agreement, the name of each general or managing partner, and a list of all partners with the percentage of ownership of each partner
- For a limited liability company, the limited liability company agreement, and a list of all members with the percentage of ownership of each member
- For a corporation, the certificate of incorporation, the name of each corporate officer, and a list of all shareholders with the percentage of ownership of each shareholder
- For a local government, a resolution of the governing body approving the application and designating an official responsible for the proposed marijuana establishment
- For each person listed, a statement of financial interest on a form the board prescribes is required'
- For each applicant that is not an individual, the name of the individual licensee or designated government official listed in the application who is responsible for management of the marijuana establishment; and compliance with state laws
- An electronic mail address at which the applicant agrees to receive any correspondence from the board before and after it receives a license; an applicant and a licensee must ensure that any electronic mail address provided to the board is current so that the board can contact the applicant or licensee at any time
- 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, and a detailed diagram of the proposed licensed premises; the diagram must show 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;
- Affidavit showing where and when the applicant posted notice of the application, and proof of advertising as required in 3 AAC 306.025(b)

Additional information that the board requires as follows:

- for a retail marijuana store, the information required under 3 AAC 306.315;
- for a marijuana cultivation facility, the information required under 3 AAC 306.420;
- for a marijuana product manufacturing facility, the information required under 3 AAC 306.520;
- for a marijuana testing facility, the information required under 3 AAC 306.615.

A marijuana establishment license application must include the applicant's **operating plan**, in a format the board prescribes, 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

An application for a marijuana establishment license must be signed by:

- the applicant, if the applicant is an individual
- an authorized general partner if the applicant is a partnership, including a limited partnership
- a member who owns at least 10 percent of the limited liability company if the applicant is a limited liability company
- the authorized officers of the corporation if the applicant is a corporation
- a designated official if the applicant is a local government

Each person signing an application for a marijuana establishment license must declare under penalty of unsworn falsification that:

- the application is true, correct, and complete
- the applicant has read and is familiar with AS 17.38 and chapter 306
- the applicant will provide all information the board requires in support of the application

Application procedure

3 AAC 306.025. Application procedure

An applicant must initiate a new marijuana establishment license application on a form the board prescribes, using the board's electronic system.

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 for 10 days at:

- the location of the proposed licensed premises; and
- one other conspicuous location in the area of the proposed premises, in addition to
- publishing an announcement once a week for three consecutive weeks in a newspaper of general circulation in the area; 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;

The newspaper or radio notice must state:

- the name of the applicant
- the name and location of the proposed premises
- the type of license applied for along with a citation to a provision of this chapter authorizing that type of license
- a statement that any comment or objection may be submitted to the board; and (3)

Also, submit a copy of the application to:

- the local government
- any community council in the area of the proposed licensed premises

After the applicant completes the notice requirements listed above and submits each remaining application requirement listed in 3 AAC 306.020, the applicant must pay the application and licensing fees set out in 3 AAC 306.100. The applicant must then use the board's electronic system to inform the board that the applicant has submitted a complete application.

When the director receives an application for a marijuana establishment license, the director shall determine if the application is complete. Any application for a marijuana establishment license that the director receives without the application fee is incomplete. If the director determines the application is complete, the director shall 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, and
- any nonprofit community organization that has requested notification in writing

If an application for a marijuana establishment license is incomplete, the director shall notify the applicant by electronic mail at the address provided by the applicant and shall either return an incomplete application in its entirety or request the applicant to provide additional identified items needed to complete the application.

When the director informs an applicant that its application is incomplete, the applicant must complete the application not later than 90 days after the date of the director's notice. If an applicant fails to complete its application during the 90-day period after the director's notice, the applicant must file a new application and pay a new application fee to obtain a marijuana establishment license.

Petition for license in area with no local government

3 AAC 306.030. 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.

The board will not approve a new license in an area that is 50 miles or more from the boundary of a local government unless the board receives 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. This petition must be on a form the board prescribes.

The applicant must obtain the required signatures within the 90-day period immediately before submitting the petition to the board. A signature may not be added to or removed from the petition after the board has approved the application.

In this section, "permanent resident" means a person 21 years of age or older who has established a permanent place of abode. A person may be a permanent resident of only one place.

Application for renewal of license

3 AAC 306.035. Application for renewal of license

On or before May 1 of each year, the director shall send notice that a marijuana establishment must file a renewal application not later than June 30 of the current year. The director shall send the notice to the marijuana establishment's electronic mailing address on file with the board.

In the notice the director shall include a hyperlink for the marijuana establishment to access the electronic renewal application by means of the Internet, along with instructions on using and submitting the form. The marijuana establishment must submit the completed renewal application electronically, along with the license renewal fee, to the director not later than June 30 of each year. If June 30 falls on a Saturday or Sunday, the deadline is extended to 4:30 p.m. on the first business day following June 30.

- A marijuana establishment must maintain a current electronic mailing address on file with the director.
- A marijuana establishment is not excused from filing a renewal application as required in this section even if the marijuana establishment fails to receive a renewal notice from the director.

A marijuana establishment's renewal application must:

- identify the license sought to be renewed by license number, license type, establishment name, and premises address
- provide the information required for a new license application *under 3 AAC 306.020(b)(1) - (9)*
- report any change from the marijuana establishment's new license application or last renewal application

The licensee must also pay the fee *as provided in 3 AAC 306.100* for board review of any change in:

- (A) the name of the marijuana establishment business;
- (B) the licensed premises from the last diagram submitted;
- (C) the marijuana establishment's operating plan; and
- (D) any new product a licensed marijuana product manufacturing facility wishes to produce

It is also required to report, for each licensee, any criminal charge on which that licensee has been convicted in the previous two calendar years and any civil violation of AS 04, AS 17.38, or this chapter in the previous two calendar years.

It is also required to declare under penalty of unsworn falsification that:

- the application is true, correct and complete
- the applicant has read and is familiar with AS 17.38 and this chapter
- the applicant will provide all information the board requires in support of the renewal application

If the director determines that the renewal application is complete, the director shall give written notice of a renewal application to:

- (1) the applicant;
- (2) the local government in the area in which the applicant's proposed licensed premises are located;
- (3) the community council if the proposed licensed premises are located within the boundary of a community council established by municipal charter or ordinance; and
- (4) any nonprofit community organization that has requested notification in writing

The director may require an applicant for renewal of a license under this chapter to submit fingerprints and pay fees as required by 3 AAC 306.055(a).

A licensee that does not deliver a renewal application to the director on or before June 30 of each year is delinquent and must pay the late renewal application fee under 3 AAC 306.100(b) with the renewal application.

On or before August 15 of each year, the director shall deliver a notice of expiration to each marijuana establishment that has not filed a complete application for renewal of a license, along with any applicable affidavit and the required fee, unless the marijuana establishment has notified the director that it does not intend to seek a renewal of its license. The director shall deliver the notice of expiration to the electronic mail address the marijuana establishment has provided to the director. A marijuana establishment is not excused from filing a license renewal application not later than August 31 of each year even if the marijuana establishment does not receive the notice of expiration described in this section.

If a marijuana establishment fails to deliver a complete license renewal application or fails to pay the required renewal fee and the late renewal application fee on or before August 31 of each year, that marijuana establishment license expires at 12:00 midnight on August 31 of that year. A holder of an expired license shall immediately surrender the license to the board. Any holder of an expired license that seeks authority to operate must file a complete new application under 3 AAC 306.020, and 3 AAC 306.025, along with the required fees.

Ownership change to be reported

3 AAC 306.040. Ownership change to be reported

A licensed marijuana establishment shall, not later than 10 days after an ownership change, report the change on a form prescribed by the board.

If any change required to be reported under this section 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 under 3 AAC 306.045.

In this section, "ownership change" means:

- if the licensee is a partnership, including a limited 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; or
- 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

3 AAC 306.045. Application for transfer of a license to another person

A person may not receive or transfer a marijuana establishment license or a controlling interest in a marijuana establishment license issued to a partnership, including a limited partnership, a limited liability company, a corporation, or a local government, 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 issued to a partnership, a limited liability company, a corporation, or a local government, must be filed in writing on a form the board prescribes, in compliance with the application procedure set out in 3 AAC 306.025. The application must name the current holder of the marijuana establishment license and the proposed transferee, including all persons listed in 3 AAC 306.020 if the transferee is a partnership, limited liability company, a corporation, or a local government.

The application must contain the following:

- the same information about each transferee as is required of an applicant for a new license under 3 AAC 306.020;
- a statement, under oath, executed by the current holder of the marijuana establishment license, listing all debts of the business, all taxes the business owes, current contact information for each creditor, and an affirmation that the current holder of the marijuana establishment license has submitted a copy of the transfer application to all creditors; and
- any other information required by the board for the type of marijuana establishment license sought to be transferred.

When the board receives a complete application for transfer of a license to another person, the director shall immediately send written notice of the proposed transfer to the following:

- each listed creditor of the current holder of the marijuana establishment license, along with the amount shown as owed to that creditor;
- the local government in the area in which the licensed premises are located;
- the community council if the licensed premises are located within the boundary of a community council established by municipal charter or ordinance; and
- any nonprofit community organization that has requested notification in writing.

A current holder of a marijuana establishment license must submit a license renewal application before or at the same time as an application for a transfer of a marijuana establishment license that is submitted after April 30 and before July 1.

Relocation of licensed premises not allowed

3 AAC 306.050. Relocation of licensed premises not allowed

A marijuana establishment license may not be relocated to any other premises.

A holder of a marijuana establishment license that wishes to operate a marijuana establishment at a different location must submit a new application for any new premises, and must surrender an existing license for any premises where the marijuana establishment does not intend to continue its operation.

Criminal justice information and records

3 AAC 306.055. Criminal justice information and records

When filing an application for a new marijuana establishment license or transfer of a license, the applicant(s) must submit fingerprints and the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information.

The director shall submit the fingerprints to the Department of Public Safety to obtain a report of criminal justice information. The board will use the information obtained to determine if an applicant is qualified for a marijuana establishment license.

In this section, "criminal justice information" has the meaning given in AS 12.62.900 - *to learn more regarding AS 12.62.900, visit <http://codes.findlaw.com/ak/title-12-code-of-criminal-procedure/ak-st-sect-12-62-160.html>*.

Protest by local government

3 AAC 306.060. Protest by local government

Not later than 60 days after the director sends notice of an application for a new marijuana establishment license, renewal of a marijuana establishment license, or transfer of a marijuana establishment license to another person, a local government may protest the application by sending the director and the applicant a written protest and the reasons for the protest.

The director may not accept a protest received after the 60-day period. If a local government protests an application for a new or renewal license or for a transfer of a license to another person, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

A local government may recommend that the board approve an application for a new license, renewal of a license, or transfer of a license to another person subject to a condition.

The board will impose a condition that a local government recommends unless the board finds the recommended condition is arbitrary, capricious, and unreasonable. If the board imposes a condition that a local government recommends, the local government shall assume responsibility for monitoring compliance with the condition unless the board provides otherwise.

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 the director finds that the local government's notice is arbitrary, capricious, and unreasonable, the director shall prepare the determination as an accusation against the licensee and conduct proceedings to resolve the matter.

Public participation

3 AAC 306.065. Public participation

A 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, but not later than the deadline for objections stated in a posted or published 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 under this section, an interested person may give oral testimony at the public hearing.

Hearing on public protest

3 AAC 306.070. Hearing on public protest

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. The director shall send notice of a hearing under this section as provided in AS 44.62.330 - 44.62.630 (Administrative Procedure Act).

Procedure for action on license application

3 AAC 306.075. Procedure for action on license application

The board will decide whether to 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 under 3 AAC 306.060, unless the local government waives its right to protest; or the time allowed for an objection under 3 AAC 306.065 has elapsed.

Not later than seven (7) 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, the director shall post a meeting agenda 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 (if applies) when it considers the application. The director shall 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

3 AAC 306.080. Denial of license application

After review of the application, 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 or 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 under Chapter 306 as a result of an ordinance or election conducted under AS 17.38.210, 3 AAC 306.200, or 3 AAC 306.230
- the board finds that the operating plan does not adequately demonstrate that the applicant will comply with applicable provisions of Chapter 306 or
- the license would not be in the best interests of the public

After review of the application and all relevant information, the board will deny an application for renewal of a marijuana establishment license if the board finds:

- any cause listed above;
- that the license has been revoked for any cause
- that the license has been operated in violation of a condition or restriction the board previously imposed or
- that the applicant is delinquent in the payment of taxes due in whole or in part from operation of the licensed business

After review of the application and all relevant information, the board will deny an application for transfer of license to another person if the board finds:

- any cause listed above
- that the transferor has not paid all debts or taxes arising from the operation of the business licensed under Chapter 306 unless the transferor gives security for the payment of the debts or taxes satisfactory to the creditor or taxing authority
- that transfer of the license to another person would result in violation of the provisions of this chapter relating to identity of licensees and financing of licensees or
- that the prospective transferee does not have the qualifications of an original applicant required under Chapter 306

If the board denies an application for a new license, renewal of a license, or transfer of a license to another person, the board will, not later than 15 days after the board meeting at which the application was denied, 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

3 AAC 306.085. Informal conference

If an applicant for a new license, renewal of a license, or transfer of a license to another person is aggrieved by an action of the board denying the application, the applicant may, not later than 15 days after the date of the written notice of denial, request an informal conference with the director or the board.

An informal conference requested under this section must be held at a time and place convenient to the applicant and the board, but not later than the next scheduled meeting of the board. An informal conference may be conducted telephonically (by telephone).

If the informal conference does not resolve the matter to the applicant's satisfaction, the applicant may, not later than 15 days after the last day of the informal conference, request a formal hearing by filing a notice of defense in compliance with AS 44.62.390(b).

Formal hearing

3 AAC 306.090. Formal hearing

If an applicant for a new license, renewal of a license, or transfer of a license 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 as provided in 3 AAC 306.085(b)* if the applicant requested and participated in an informal conference.

Failure to file a notice of defense as provided in this section constitutes a waiver of the right to a formal hearing.

When an aggrieved person requests a hearing, the board may request the office of administrative hearings to conduct the hearing in compliance with due process, AS 44.62.330 - AS 44.62.630 (*Administrative Procedure Act*), and 2 AAC 64.100 - 2 AAC 64.990, as applicable.

Appeals

3 AAC 306.095. Appeals

An aggrieved applicant or marijuana establishment license holder may appeal to the board regarding any action of 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*.

Fees; refund

3 AAC 306.100. Fees; refund

The non-refundable application fee for a new marijuana establishment license or an application to transfer a license to another person is \$1,000.

The non-refundable application fee for a license renewal application is \$600. If a renewal application is late *as provided under 3 AAC 306.035*, an additional non-refundable late renewal application fee is \$1,000.

The non-refundable fee to request board approval of a change in a licensed marijuana establishment's business name, licensed premises diagram, operating plan, or proposed new marijuana product is \$250. A change fee does not apply to an application for transfer of a license to another person.

The annual license fee, to be paid with each application for a new marijuana establishment facility license and each license renewal application are as follows:

- for a retail marijuana store license, \$5,000;
- for a limited marijuana cultivation facility license, \$1,000;
- for a marijuana cultivation facility license, \$5,000;
- for a marijuana concentrate manufacturing facility license, \$1,000;
- for a marijuana product manufacturing facility license, \$5,000;
- for a marijuana testing facility license, \$1,000.

The fee for a marijuana handler permit card is \$50.

If the board denies an application for a license or for renewal of a license, the board will refund the annual license fee. The board will not refund a license fee after the license has been issued.

Processing fees for late renewal after failure to pay taxes are as follows:

- if a licensee pays its delinquent tax after a local government protests renewal of the license, but before the board denies license renewal, \$200;
- if a licensee pays its delinquent tax after appealing the board's denial of a license renewal, but before a hearing officer is appointed to hear the applicant's appeal, \$500;
- if a licensee pays its delinquent tax after appealing the board's denial of a license renewal, but before the administrative hearing begins, \$5,000;
- if a licensee pays its delinquent tax after an administrative hearing that results in a hearing officer recommendation to deny the license renewal, \$10,000.

Article 2: Local Options

Article 2 covers the following:

- 3 AAC 306.200. Local options
- 3 AAC 306.210. Change of local option
- 3 AAC 306.220. Removal of local option
- 3 AAC 306.230. Procedure for local option election
- 3 AAC 306.240. Prohibition of importation or purchase after election
- 3 AAC 306.250. Effect on licenses of restriction on sale
- 3 AAC 306.260. Notice of the results of a local option election

Local options

3 AAC 306.200. Local options

Local Option means: a choice available to a local administration or government to accept or reject state wide or national legislation. This means that although the state of Alaska has approved Medical and Recreational marijuana under AS 17.38, AS 17.39 and 3AAC Chapter 306, local governments have the option to create additional rules and/or restrictions.

If a majority of the persons voting on the question vote to approve an option, or if a local government's assembly or city council passes an ordinance to the same effect, the local government shall adopt a local option to prohibit the sale or importation for sale of marijuana and any marijuana product and/or the operation of any marijuana establishment, including one or more of the following license types:

- a retail marijuana store
- a marijuana cultivation facility
- a marijuana product manufacturing facility
- a marijuana testing facility

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

Change of local option**3 AAC 306.210. Change of local option**

If a majority of persons voting on the question vote to approve a local option different from one previously adopted under 3 AAC 306.200 and currently in effect, or if the local government's assembly or city council passes an ordinance to the same effect, the local government shall change the local option to the newly approved option.

A ballot question to change a local option under this section must at least contain language substantially similar to: "Shall (name of local government) change the local option currently in effect, that prohibits (current local option), and adopt in its place a local option to prohibit (proposed local option)? (yes or no)."

Removal of local option**3 AAC 306.220. Removal of local option**

If a majority of the persons voting on the question vote to remove a local option previously adopted under 3 AAC 306.200 or 3 AAC 306.210 and currently in effect, or if a local government's assembly or city council passes an ordinance to the same effect, that local option is repealed effective the first day of the month after the election is certified.

A ballot question to remove a local option under this section must at least contain language substantially similar to: "Shall (name of local government) remove the local option currently in effect, that prohibits (current local option), so that no local option continues in effect? (yes or no)."

When issuing a license within the boundaries of a local government that has removed a local option, the board will give priority to any formerly licensed applicant whose license was not renewed because of the results of the previous local option election. However, an applicant described in this subsection does not have a legal right to a license and the board is not required to approve the application.

Procedure for local option election**3 AAC 306.230. Procedure for local option election**

When it receives a petition to adopt, change, or remove a local option under 3 AAC 306.200 - 3AAC 306.220, the local government shall conduct the election in compliance with the initiative process under the local government's election ordinances and regulations and the applicable provisions of AS 29.

Prohibition of importation or purchase after election**3 AAC 306.240. Prohibition of importation or purchase after election**

If a majority of the voters vote to prohibit the importation for sale of marijuana and any marijuana product under 3 AAC 306.200(a)(1), or if the local government's assembly or city council passes an ordinance to the same effect, a person, beginning on the first day of the month after the results of the election are certified, may not knowingly bring, send, or transport marijuana or marijuana products for sale into the area within the boundary of the local government.

A person who resides within the boundary of a local government that has adopted a local option under 3 AAC 306.200(a) may not purchase marijuana or a marijuana product from another person that has brought, sent, or transported marijuana or a marijuana product into the local government for sale in violation of the local option.

Notwithstanding the above, a licensed marijuana establishment may transport marijuana or any marijuana product through the boundaries of a local government that has prohibited importation or purchase of marijuana if the marijuana or marijuana product is shipped with an attached transport manifest created in compliance with 3 AAC 306.750 and documenting that the shipment originates and terminates in a place that does not prohibit importation and purchase of marijuana or a marijuana product.

In this section:

- "bring" means to carry or convey or to attempt or solicit to carry or convey
- "send" means to cause to be taken or distributed or to attempt or solicit or cause to be taken or distributed; includes use of the United States Postal Service

- "transport" means to ship by any method; includes delivering or transferring or attempting or soliciting to deliver or transfer marijuana or marijuana products to be shipped to, delivered to, or left or held for pickup by any person

Effect on licenses of restriction on sale

3 AAC 306.250. Effect on licenses of restriction on sale

If a majority of the voters vote *under 3 AAC 306.200(a)* to prohibit sale of marijuana and marijuana products or the operation of marijuana establishments, or if the assembly or city council passes an ordinance to the same effect, the board will not issue, renew, or transfer to another person a license for a marijuana establishment with premises located within the boundary of the local government or in the unincorporated area within 10 miles of the boundaries of the local government.

A license for a marijuana establishment within the boundary of the local government or in the unincorporated area within 10 miles of the boundary of the local government is void 90 days after the results of the election are certified. A license that expires during the 90 days after the certification of a local option election may be extended until it is void under this section, by payment of a prorated portion of the annual license fee.

Notice of the results of a local option election

3 AAC 306.260. Notice of the results of a local option election

If a majority of the voters vote to adopt, change, or remove a local option *under 3 AAC 306.200 - 3 AAC 306.220* or if the assembly or city council passes an ordinance to the same effect, the board will notify the Department of Law and the Department of Public Safety of the results of the election.

Article 3: Retail Marijuana Stores

Article 3 covers the following:

- 3 AAC 306.300. Retail marijuana store license required
- 3 AAC 306.305. Retail marijuana store privileges
- 3 AAC 306.310. Acts prohibited at retail marijuana store
- 3 AAC 306.315. Application for retail marijuana store license
- 3 AAC 306.320. Marijuana handler permit required
- 3 AAC 306.325. Access restricted at retail marijuana store
- 3 AAC 306.330. Marijuana inventory tracking system
- 3 AAC 306.335. Health and safety requirements
- 3 AAC 306.340. Testing required for marijuana and marijuana products
- 3 AAC 306.345. Packaging and labeling
- 3 AAC 306.350. Identification requirement to prevent sale to person under 21
- 3 AAC 306.355. Limit on quantity sold
- 3 AAC 306.360. Restriction on advertising of marijuana and marijuana products

Retail marijuana store license required

3 AAC 306.300. Retail marijuana store license required

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 has obtained a retail marijuana store license from the board, or is an employee or agent acting for a licensed retail marijuana store.

A person seeking a retail marijuana store license must submit an application for a retail marijuana store license *on a form the board prescribes, including the information set out under 3 AAC 306.020 and 3 AAC 306.315*; and demonstrate, to the board's satisfaction, that the applicant will operate in compliance with all applicable provisions; and each applicable public health, fire, safety, and tax code and ordinance of the state and the local government in which the applicant's proposed licensed premises are located.

A licensee of any retail marijuana store, or an employee or agent of a retail marijuana store, may not have an ownership interest in, or a direct or indirect financial interest in a licensed marijuana testing facility.

Retail marijuana store privileges

3 AAC 306.305. Retail marijuana store privileges

A licensed retail marijuana store is authorized to:

- sell marijuana purchased from a licensed marijuana cultivation facility, properly packaged and labeled and in an amount not exceeding the limit amounts below, to an individual on the licensed premises for consumption off the licensed premises
- sell a marijuana product purchased from a licensed marijuana product manufacturing facility, properly packaged and labeled, in a quantity not exceeding the limit amounts below, to an individual on the licensed premises for consumption off the licensed premises
- properly store marijuana and marijuana products on the licensed premises
- with prior approval of the board, permit consumption of marijuana or a marijuana product purchased on the licensed premises, in a designated area on the licensed premises

This section does not prohibit a licensed retail marijuana store from refusing to sell marijuana or a marijuana product to a consumer.

* 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
- marijuana or marijuana products if the total amount of marijuana, marijuana products, or both marijuana and marijuana products sold contains **more than 5,600 milligrams of THC**.

Application for retail marijuana store license

3 AAC 306.315. Application for retail marijuana store license

A person seeking a new retail marijuana store license must submit:

- an application on a form the board prescribes, *including the information required under 3 AAC 306.020*
- **a copy of the food safety permit** *required under 18 AAC 31.020(a)*
- an operating plan describing the way marijuana and marijuana products at the retail marijuana store will be displayed and sold

Marijuana handler permit required

3 AAC 306.320. Marijuana handler permit required

A retail marijuana store shall ensure that:

- each licensee, employee, or agent who is required or permitted to be physically present on the licensed premises at any time obtains a marijuana handler permit before being licensed or employed at a retail marijuana store; and
- each licensee, employee, or agent has that person's marijuana handler permit card in that person's immediate possession, or a valid copy on file on the premises, at all times when on the licensed premises of the retail marijuana store

Access restricted at retail marijuana store

3 AAC 306.325. Access restricted at retail marijuana store

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

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 in compliance with 3 AAC 306.710 (see below).

Acts prohibited at retail marijuana store

3 AAC 306.310. 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 an alcoholic beverage, inhalant, or controlled substance
- that is not labeled and packaged as required
- in a quantity exceeding the limits set out below
- 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
- allow a person to consume marijuana or a marijuana product on the retail marijuana store's licensed premises*,
 - *except with prior approval of the board, permit consumption of marijuana or a marijuana product purchased on the licensed premises, in a designated area on the licensed premises
- offer or deliver to a consumer, as a marketing promotion or for any other reason free marijuana or marijuana product, including a sample; or alcoholic beverages, free or for compensation

*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*
- *marijuana or marijuana products if the total amount of marijuana, marijuana products, or both marijuana and marijuana products sold contains **more than 5,600 milligrams of THC.***

Marijuana inventory tracking system

3 AAC 306.330. Marijuana inventory tracking system

A retail marijuana store shall use a **marijuana inventory tracking system**, as explained below, to ensure all marijuana and marijuana product in the retail marijuana store's possession is **identified and tracked** from the time the retail marijuana store receives any

batch of marijuana or lot of marijuana product through the sale, transfer to another licensed marijuana establishment, or disposal of the batch of marijuana or lot of marijuana product.

When marijuana from a marijuana cultivation facility or marijuana product from a marijuana product manufacturing facility is delivered or transported to the licensed premises of a retail marijuana store, the retail marijuana store shall immediately enter identification information for that batch of marijuana or lot of marijuana product into the retail marijuana store's marijuana inventory tracking system.

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

A retail marijuana store shall reconcile each transaction from the retail marijuana store's point-of-sale system and current inventory to its marijuana inventory tracking system at the close of business each day.

A retail marijuana store shall account for any variance in the quantity of marijuana or marijuana product the retail marijuana store received and the quantity it sold, transferred, or disposed of.

3 AAC 306.730. Marijuana inventory tracking system

A marijuana establishment shall use a marijuana inventory tracking system capable of sharing information with the system the board implements to ensure all marijuana cultivated and sold in the state, and each marijuana product processed and sold in the state, is identified and tracked from the time the marijuana is propagated from seed or cutting, through transfer to another licensed marijuana establishment, or use in manufacturing a marijuana product, to a completed sale of marijuana or a marijuana product, or disposal of the harvest batch of marijuana or production lot of marijuana product.

Marijuana delivered to a marijuana establishment must be weighed on a scale registered in compliance with 3 AAC 306.745 (see below).

3 AAC 306.745. Standardized scales

A marijuana establishment shall use registered scales *in compliance with AS 45.75.080 (Weights and Measures Act)*. A marijuana establishment shall maintain registration and inspection reports of scales registered *under AS 45.75.080 and 17 AAC 90.920 - 17 AAC 90.935*; and upon request by the board or the director, provide a copy of the registration and inspection reports of the registered scales to the board or the director for review.

Health and safety requirements

3 AAC 306.335. Health and safety requirements

A retail marijuana store shall comply with each applicable health and safety requirement set out in 3 AAC 306.735 (**this will be covered in more detail later in the training*).

Testing required for marijuana and marijuana products

3 AAC 306.340. Testing required for marijuana and marijuana products

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 required under 3 AAC 306.645 has been completed, and the label required under 3 AAC 306.475 or 3 AAC 306.570 is affixed.

note: 3 AAC 306.645, 3 AAC 306.475 and 3 AAC 306.570 will be covered later in this training.

Packaging and labeling

3 AAC 306.345. Packaging and labeling

A retail marijuana store shall assure that:

- marijuana sold on its licensed premises is packaged and labeled properly
- any marijuana product sold on its licensed premises is packaged and labeled properly; and

- marijuana or a marijuana product sold is **packaged in opaque, resealable, child-resistant packaging** when the purchaser leaves the retail section of the licensed premises; the 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.

In addition to labeling requirements provided above, a retail marijuana store shall affix a label to each package of marijuana or marijuana product that:

- identifies the retail marijuana store selling the marijuana product by name or distinctive logo and marijuana establishment license number;
- states the total estimated amount of THC in the labeled product; and
- contains each of the following statements below:
 - *"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 breast feeding."*

Identification requirement to prevent sale to person under 21

3 AAC 306.350. Identification requirement to prevent sale to person under 21

A retail marijuana store shall refuse to sell marijuana or a marijuana product to a person who does not produce a form of valid photographic identification showing that person is 21 years of age or older.

A valid form of photographic identification includes:

- an unexpired, unaltered passport
- an unexpired, unaltered driver's license, instruction permit, or identification card of a state or territory of the United States, the District of Columbia, or a province or territory of Canada
- an identification card issued by a federal or state agency authorized to issue a driver's license or identification card

Limit on quantity sold

3 AAC 306.355. Limit on quantity sold

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

- more than one ounce of usable marijuana, or
- more than seven grams of marijuana concentrate for inhalation, or
- marijuana or marijuana products if the total amount of marijuana, marijuana products, or both marijuana and marijuana products sold contains more than 5,600 milligrams of THC

Restriction on advertising of marijuana and marijuana products

3 AAC 306.360. 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
- promotes excessive consumption
- represents that the use of marijuana has curative or therapeutic effects
- depicts a person under 21 years of age consuming marijuana
- includes an object or character, including a toy, a cartoon character, or any other depiction designed to appeal to a person under 21 years of age, that promotes consumption of marijuana.

A retail marijuana store may not place an advertisement for marijuana or a marijuana product, except as provided above:

- within 1,000 feet of the perimeter of any child-centered facility, 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
- on or in a public transit vehicle or public transit shelter
- on or in a publicly owned or operated property
- within 1,000 feet of a substance abuse or treatment facility
- on a campus for postsecondary education.

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

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 breast feeding."

Article 4: Marijuana Cultivation Facilities

Article 4 covers the following:

- 3 AAC 306.400. Marijuana cultivation facility license required
- 3 AAC 306.405. Standard marijuana cultivation facility: privileges and prohibited acts
- 3 AAC 306.410. Limited marijuana cultivation facility: privileges and prohibited acts
- 3 AAC 306.420. Application for marijuana cultivation facility license
- 3 AAC 306.425. Marijuana handler permit required
- 3 AAC 306.430. Restricted access area
- 3 AAC 306.435. Marijuana inventory tracking system
- 3 AAC 306.440. Health and safety requirements
- 3 AAC 306.445. Standards for cultivation and preparation
- 3 AAC 306.450. Production of marijuana concentrate prohibited
- 3 AAC 306.455. Required laboratory testing
- 3 AAC 306.460. Samples
- 3 AAC 306.465. Random sampling
- 3 AAC 306.470. Packaging of marijuana

- 3 AAC 306.475. Labeling of marijuana
- 3 AAC 306.480. Marijuana tax to be paid

Marijuana cultivation facility license required

3 AAC 306.400. Marijuana cultivation facility license required

Except as provided under AS 17.38.020 (see below), 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 the following types of marijuana cultivation facility licenses, with the privileges and subject to the prohibitions set out in 3 AAC 306.405 and 3 AAC 306.410:

- (1) a standard marijuana cultivation facility license
- (2) a limited marijuana cultivation facility license to a person operating a marijuana cultivation facility with fewer than 500 square feet under cultivation

A person seeking a standard or limited marijuana cultivation facility license as provided above must submit an application for the applicable marijuana cultivation facility license on a form the board prescribes, including the information set out under 3 AAC 306.020 and 3 AAC 306.420; and demonstrate to the board's satisfaction that the applicant will operate in compliance with

- each applicable provision of 3 AAC 306.400 - 3 AAC 306.480 and 3 AAC 306.700 - 3 AAC 306.755; and
- each applicable public health, fire, safety, and tax code and ordinance of the state and the local government in which the applicant's proposed licensed premises are located.

(c) A licensee of a marijuana cultivation facility, or an employee or agent of a marijuana cultivation facility, may not have an ownership interest in, or a direct or indirect financial interest in a licensed marijuana testing facility.

Sec. 17.38.020 Personal use of marijuana

Notwithstanding any other provision of law, except as otherwise provided in this chapter, the following acts, by persons 21 years of age or older, are lawful and shall not be a criminal or civil offense under Alaska law or the law of any political subdivision of Alaska or be a basis for seizure or forfeiture of assets under Alaska law:

- possessing, using, displaying, purchasing, or transporting marijuana accessories or one ounce or less of marijuana;
- 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 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 that nothing in this chapter shall permit the consumption of marijuana in public; and
- assisting another person who is 21 years of age or older in any of the acts described above

Standard marijuana cultivation facility: privileges and prohibited acts

3 AAC 306.405. Standard marijuana cultivation facility: privileges and prohibited acts

a) A licensed standard marijuana cultivation facility is authorized to:

- propagate, cultivate, harvest, prepare, cure, package, store, and label marijuana;

- sell marijuana only to a licensed retail marijuana store, to another licensed marijuana cultivation facility, or to a licensed marijuana product manufacturing facility;
- provide samples to a licensed marijuana testing facility for testing;
- store inventory on the licensed premises; any stored inventory must be secured in a restricted access area and accounted for in the marijuana cultivation facility's marijuana inventory tracking system as required under 3 AAC 306.730;
- transport marijuana in compliance with 3 AAC 306.750;
- conduct in-house testing for the marijuana cultivation facility's own use;
- provide marijuana samples to a licensed retail marijuana store or marijuana product manufacturing facility for the purpose of negotiating a sale.

b) A licensed standard marijuana cultivation facility may also apply for a marijuana product manufacturing facility license and a retail marijuana store license. A standard marijuana cultivation facility that obtains any other marijuana establishment license shall:

- conduct any product manufacturing or retail marijuana store operation in a room completely separated from the marijuana cultivation facility by a secure door when co-located; and
- comply with each provision of this chapter that applies to any other type of marijuana establishment license that the standard marijuana cultivation facility licensee obtains.

c) A licensed standard marijuana cultivation facility may not:

- sell, distribute, or transfer marijuana or a marijuana product to a consumer, with or without compensation;
- 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;
- 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;
- except as permitted under a marijuana product manufacturing facility license, extract marijuana concentrate, using any process described in 3 AAC 306.555, at the licensed premises;
- sell marijuana that is not packaged and labeled in compliance with 3 AAC 306.470 and 3 AAC 306.475.

Limited marijuana cultivation facility: privileges and prohibited acts

3 AAC 306.410. Limited marijuana cultivation facility: privileges and prohibited acts

A licensed limited marijuana cultivation facility has the privileges set out in 3 AAC 305.405(a) and (b), except that it must have fewer than 500 square feet under cultivation; and is subject to each prohibition set out in 3 AAC 306.405(c)

Note: 3 AAC 306.405 is listed on the previous slide for reference.

Application for marijuana cultivation facility license

3 AAC 306.420. Application for marijuana cultivation facility license

An applicant for a new standard marijuana cultivation facility license or a new limited marijuana cultivation facility license must file an application on a form the board prescribes, including the information required under 3 AAC 306.020; and the proposed marijuana cultivation facility's operating plan, including, in addition to the information required under 3 AAC 306.020(c) **(reference slide titled 'Application for new license'):*

- 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, to be used;
- the irrigation and waste water systems to be used;

- waste disposal arrangements;
- odor control; and
- the testing procedure and protocols the marijuana cultivation facility will follow.

Marijuana handler permit required

3 AAC 306.425. Marijuana handler permit required

A marijuana cultivation facility shall ensure that each licensee, employee, or agent who is required or permitted to be physically present on the licensed premises at any time obtains a marijuana handler permit as provided in 3 AAC 306.700 before being present or employed at the marijuana cultivation facility's licensed premises; and has the marijuana handler permit card in the person's immediate possession, or a valid copy on file on the premises, at all times while on the marijuana cultivation facility's licensed premises.

Restricted access area: Cultivation Facility

3 AAC 306.430. Restricted access area

A marijuana cultivation facility shall conduct any operation in a restricted access area in compliance with 3 AAC 306.710 and this section.

A marijuana cultivation facility shall conduct any 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 (6) feet high.

A marijuana cultivation facility shall 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 cultivation facility except as allowed by a local government conditional use permit process.

A marijuana cultivation facility shall have full video surveillance of the licensed premises as required under 3 AAC 306.720, including any area where marijuana is grown, processed, packaged, or stored, or where marijuana waste is destroyed.

Marijuana inventory tracking system

3 AAC 306.435. Marijuana inventory tracking system

A marijuana cultivation facility shall use a marijuana inventory tracking system in compliance with 3 AAC 306.730 to ensure all marijuana propagated, grown, or cultivated on the marijuana cultivation facility's premises is identified and tracked from the time the marijuana is propagated through transfer to another licensed marijuana establishment or destruction.

The marijuana cultivation facility shall assign a tracking number to each plant over eight inches tall.

When harvested, bud and flowers, clones or cuttings, or leaves and trim may be combined in harvest batches of distinct strains, not exceeding five pounds.

Each harvest batch must be given an inventory tracking number.

Clones or cuttings must be limited to 50 or fewer plants and identified by a batch tracking number.

A marijuana cultivation facility shall record each sale and transport of each batch in its marijuana inventory tracking system, and shall generate a valid transport manifest to accompany each transported batch.

A marijuana cultivation facility shall record in its marijuana inventory tracking system all marijuana used to provide a sample authorized under 3 AAC 306.460 for the purpose of negotiating sales, including:

- (1) the amount of each sample;
- (2) the retail marijuana store or marijuana product manufacturing facility that received the sample; and
- (3) the disposal of any expired or outdated promotional sample returned to the marijuana cultivation facility.

Health and safety requirements

3 AAC 306.440. Health and safety requirements

A marijuana cultivation facility shall comply with all applicable health and safety requirements set out in 3 AAC 306.735 and the additional requirements set out in this section.

A marijuana cultivation facility shall ensure that any licensee, employee, or agent who is present at the marijuana cultivation facility and in contact with any marijuana wears clean clothing appropriate for the duties that person performs, wears protective apparel, such as head, face, hand, and arm coverings, as necessary to protect marijuana from contamination and practices good sanitation and health habits.

Standards for cultivation and preparation

3 AAC 306.445. Standards for cultivation and preparation

A marijuana cultivation facility shall use registered scales in compliance with AS 45.75.080 and 3 AAC 306.745.

Production of marijuana concentrate prohibited

3 AAC 306.450. Production of marijuana concentrate prohibited

A marijuana cultivation facility may not produce or possess marijuana concentrate that was extracted using any process described in 3 AAC 306.455 on the marijuana cultivation facility's licensed premises unless the marijuana cultivation facility also has a marijuana product manufacturing facility license.

Any extraction or production of marijuana concentrate on the premises of a licensed marijuana cultivation family must:

- be in a separate room that is physically separated by a secure door from any cultivation area and has a sign that clearly identifies the room as a marijuana concentrate production area, and warns unauthorized persons to stay out; and
- comply with all applicable provisions of 3 AAC 306.500 - 3 AAC 306.570.

Required laboratory testing

3 AAC 306.455. Required laboratory testing

A marijuana cultivation facility shall provide a sample of each harvest batch of marijuana produced at the facility to a marijuana testing facility and may not sell or transport any marijuana until all laboratory testing required under 3 AAC 306.645 has been completed.

To comply with the above, a marijuana cultivation facility shall:

- collect a random, homogenous sample for testing by segregating harvested marijuana into batches of individual strains of bud and flower, then selecting a random sample from each batch in an amount required by the marijuana testing facility;
- designate an individual responsible for collecting each sample; that individual shall prepare a signed statement showing that each sample has been randomly selected for testing, provide the signed statement to the marijuana testing facility; and maintain a copy as a business record under 3 AAC 306.755
- transport the sample to the marijuana testing facility's licensed premises in compliance with 3 AAC 306.750.

A marijuana cultivation facility shall segregate the entire batch from which the testing sample was selected until the marijuana testing facility reports the results from its tests. During this period of segregation, the marijuana cultivation facility that provided the sample shall maintain the batch in a secure, cool, and dry location to prevent the marijuana from becoming contaminated or losing its efficacy.

The marijuana cultivation facility that provided the sample may not sell or transport any marijuana from the segregated batch until the marijuana testing facility has completed its testing and provided those results, in writing, to the marijuana cultivation facility that provided the sample. The marijuana cultivation facility shall maintain the testing results as part of its business books and records.

Samples

3 AAC 306.460. Samples

A marijuana cultivation facility may provide a free sample of marijuana to a retail marijuana store if packaged in a sample jar containing not more than three and one-half grams of marijuana and protected by a plastic or metal mesh screen to allow customers to smell the product before purchase.

A marijuana cultivation facility may provide a free sample of marijuana to a retail marijuana store or marijuana product manufacturing facility as follows:

- (1) a sample provided for the purpose of negotiating a sale may be not more than one ounce;
- (2) a marijuana cultivation facility may not provide any one licensed retail marijuana store or marijuana product manufacturing facility with more than one ounce of marijuana per month free-of-charge for the purpose of negotiating a sale.

A retail marijuana store that receives a marijuana sample may not sell the marijuana sample to a customer, and shall either:

- (1) return the marijuana sample to the marijuana cultivation facility that provided the sample; or
- (2) destroy the marijuana sample after use and document the destruction in the retail marijuana store's marijuana inventory control system.

Random sampling

3 AAC 306.465. Random sampling

The board will or the director shall from time to time require a standard or limited marijuana cultivation facility to provide samples of the growing medium, soil amendments, fertilizers, crop production aids, pesticides, or water for random compliance checks.

The sample may be screened for pesticides and chemical residues, screened for unsafe levels of metals, and used for other laboratory tests the director finds to be in the interests of the public. The marijuana cultivation facility shall bear all costs of testing under this subsection.

When the board or the director orders random sampling under this section, the director shall identify a licensed marijuana testing facility to perform the testing. The marijuana testing facility shall collect the test samples. The marijuana cultivation facility shall cooperate to facilitate the collection of samples.

Packaging of marijuana

3 AAC 306.470. Packaging of marijuana

A marijuana cultivation facility shall package its marijuana bud and flower for sale to a retail marijuana store, either:

- (A) in a package not exceeding one ounce for resale to consumers without additional handling by the retail marijuana store except to add the retail marijuana store's own identifying name or logo, and license number; or
- (B) in a wholesale package not exceeding five pounds for repackaging by the retail marijuana store;

...or to a marijuana product manufacturing facility in a wholesale package not exceeding five pounds; and consisting of a single strain or a mixture of strains as identified on the label.

When a marijuana cultivation facility packages marijuana for a retail marijuana store to sell to a consumer without repackaging, the packaging may not have any printed images, including cartoon characters, that specifically target persons under 21 years of age. In addition, the packaging must protect the product from contamination and may not impart any toxic or damaging substance to the marijuana.

Each package prepared in compliance with this section must be identified by a tracking label generated for tracking by the marijuana cultivation facility's marijuana inventory tracking system.

A marijuana cultivation facility shall prepare marijuana for transport or transfer to another marijuana establishment by:

- placing marijuana packaged in compliance, with the above items listed, within a sealed, tamper-evident shipping container;
- affixing a label in compliance with 3 AAC 306.475 to the shipping container; and
- generating a transport manifest from the marijuana cultivation facility's marijuana inventory tracking system; the transport manifest must remain with the marijuana at all times while being transported, and a copy must be given to the licensed marijuana establishment that receives the shipment.

Labeling of marijuana

3 AAC 306.475. Labeling of marijuana

A) When a marijuana cultivation facility packages marijuana for a retail marijuana store to sell to a consumer without re-packaging, the marijuana cultivation facility shall affix a label to each package of marijuana or marijuana product that contains 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 breast feeding."

B) With each harvest batch of marijuana sold, a marijuana cultivation facility shall disclose in writing each soil amendment, fertilizer, and other crop production aid applied to the growing medium or marijuana plant included in the batch, including any pesticide, herbicide, or fungicide that was used; and the name of the licensed marijuana testing facility that performed any required laboratory test and the results of each required laboratory test.

C) A marijuana cultivation facility may not label marijuana as organic.

D) To each package of marijuana sold to another marijuana establishment, a marijuana cultivation facility shall affix a label setting out:

- the name and license number of the marijuana cultivation facility where the marijuana was grown
- the harvest batch number assigned to the marijuana in the package
- the net weight of the marijuana in the package, (not including weight of the shipping container) and using a standard of measure compatible with the marijuana cultivation facility's marijuana inventory tracking system
- a complete list of all pesticides, fungicides, and herbicides used in cultivation of the marijuana

E) If a marijuana cultivation facility transports wholesale marijuana to another marijuana establishment for sale at retail or for use in manufacturing a marijuana product, a label must be affixed to the shipping container showing that a licensed marijuana testing facility has tested each harvest batch in the shipment as provided in 3 AAC 306.645. The label must report the test results, including:

- (1) a cannabinoid potency profile expressed as a range of percentages that extends from the lowest percentage to highest percentage of concentration for each cannabinoid listed from every test conducted on that strain of marijuana from the same marijuana cultivation facility within the last three months;
- (2) a statement listing the results of microbial testing
- (3) a statement listing the results of residual solvent testing required under 3 AAC 306.645, if applicable; and
- (4) a statement listing any contaminants for which the product was tested in addition to contaminants for which 3 AAC 306.645 requires testing; any additional tested contaminants include molds, mildew, and filth; herbicides, pesticides, and fungicides; and harmful chemicals.

F) If a marijuana cultivation facility ships wholesale marijuana from a harvest batch that has not been tested for each contaminant listed above, the label for that batch must include a statement identifying each contaminant listed above for which that harvest batch has not been tested.

Marijuana tax to be paid

3 AAC 306.480. Marijuana tax to be paid

A marijuana cultivation facility, including a standard marijuana cultivation facility and a limited marijuana cultivation facility, shall submit monthly reports to the Department of Revenue and pay the excise tax required under AS 43.61.010 (*see below*) and 43.61.020 (*see below*) on all marijuana sold or provided as a sample to a marijuana establishment.

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AS 43.61.010

(a) An excise tax is imposed on the sale or transfer of marijuana from a marijuana cultivation facility to a retail marijuana store or marijuana product manufacturing facility. Every marijuana cultivation facility shall pay an excise tax at the rate of \$50 per ounce, or proportionate part thereof, on marijuana that is sold or transferred from a marijuana cultivation facility to a retail marijuana store or marijuana product manufacturing facility.

(b) The department may exempt certain parts of the marijuana plant from the excise tax described in (a) of this section or may establish a rate lower than \$50 per ounce for certain parts of the marijuana plant.

AS 43.61.020

(a) Each marijuana cultivation facility shall send a statement by mail or electronically to the department on or before the last day of each calendar month. The statement must contain an account of the amount of marijuana sold or transferred to retail marijuana stores and marijuana product manufacturing facilities in the state during the preceding month, setting out:

- the total number of ounces, including fractional ounces, sold or transferred;
- the names and Alaska address of each buyer and transferee; and
- the weight of marijuana sold or transferred to the respective buyers or transferees.

(b) The marijuana cultivation facility shall pay monthly to the department, all taxes, computed at the rates prescribed in this chapter, on the respective total quantities of the marijuana sold or transferred during the preceding month. The monthly return shall be filed and the tax paid on or before the last day of each month to cover the preceding month.

Article 5: Marijuana Product Manufacturing Facilities

Article 5 covers the following

- 3 AAC 306.500. Marijuana product manufacturing facility license required
- 3 AAC 306.505. Marijuana product manufacturing facility privileges
- 3 AAC 306.510. Acts prohibited at marijuana product manufacturing facility
- 3 AAC 306.515. Marijuana concentrate manufacturing facility license
- 3 AAC 306.520. Application for marijuana product manufacturing facility license
- 3 AAC 306.525. Approval of concentrates and marijuana products
- 3 AAC 306.530. Marijuana handler permit and food safety worker training
- 3 AAC 306.535. Restricted access and storage areas
- 3 AAC 306.540. Marijuana inventory tracking system
- 3 AAC 306.545. Health and safety standards
- 3 AAC 306.550. Required laboratory testing
- 3 AAC 306.555. Production of marijuana concentrate
- 3 AAC 306.560. Potency limits per serving and transaction for edible marijuana products

- 3 AAC 306.565. Packaging of marijuana products
- 3 AAC 306.570. Labeling of marijuana products

Marijuana product manufacturing facility license required

3 AAC 306.500. Marijuana product manufacturing facility license required

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 in compliance with this chapter, or is an employee or agent acting for a licensed marijuana product manufacturing facility.

The board will issue a standard marijuana product manufacturing facility license; and a marijuana concentrate manufacturing facility license.

A person seeking any type of marijuana product manufacturing facility license must submit an application for a marijuana product manufacturing facility license on a form the board prescribes, including the information set out under 3 AAC 306.020 and 3 AAC 306.520; and demonstrate to the board's satisfaction that the applicant will operate in compliance with

- each applicable provision of 3 AAC 306.500 - 3 AAC 306.570 and 3 AAC 306.700 - 3 AAC 306.755; and
- each applicable public health, fire, safety, and tax code and ordinance of the state and the local government in which the applicant's proposed licensed premises are located.

A licensee of a marijuana product manufacturing facility, or an employee or agent of a marijuana product manufacturing facility, may not have an ownership interest in or a direct or indirect financial interest in a licensed marijuana testing facility.

Marijuana product manufacturing facility privileges

3 AAC 306.505. Marijuana product manufacturing facility privileges

Except as provided in 3 AAC 306.515, a licensed marijuana product manufacturing facility, including a marijuana concentrate manufacturing facility, is authorized to:

- purchase marijuana from a marijuana cultivation facility or from another marijuana product manufacturing facility
- extract marijuana concentrate *in compliance with 3 AAC 306.555*
- manufacture, refine, process, cook, package, label, and store marijuana products approved *under 3 AAC 306.525*, including (A) marijuana concentrate; or (B) any product intended for consumption or use on the body that is comprised of marijuana and other ingredients, including edible products, ointments, salves, patches, or tinctures
- 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
- provide and transport samples of marijuana concentrate or other marijuana product to a licensed marijuana testing facility for testing.
- provide a sample of marijuana concentrate or a marijuana product approved under 3 AAC 306.525 to a licensed retail marijuana store for the purpose of negotiating a sale
- store inventory in a restricted access area on the licensed premises *as provided in 3 AAC 306.535*
- transport marijuana *in compliance with 3 AAC 306.750*
- conduct in-house testing for the marijuana product manufacturing facility's own use

Acts prohibited at marijuana product manufacturing facility

3 AAC 306.510. Acts prohibited at marijuana product manufacturing facility

A licensed marijuana product manufacturing facility, including a licensed marijuana concentrate manufacturing facility, may not:

- sell, deliver, distribute, or transfer marijuana, marijuana concentrate, or a marijuana product directly to a consumer, with or without compensation;
- sell marijuana, marijuana concentrate, or a marijuana product that is not manufactured, packaged, and labeled *in compliance with 3 AAC 306.500 - 3 AAC 306.570*;
- allow any person, including a licensee, employee, or agent, to consume marijuana, marijuana concentrate, or a marijuana product on the licensed premises;
- manufacture or sell any product that is an adulterated food or drink, closely resembles a familiar food or drink item including candy, or is packaged to look like candy, or in bright colors or with cartoon characters or other pictures or images that would appeal to children.

A licensed marijuana product manufacturing facility may not accept any marijuana from a marijuana cultivation facility or another marijuana product manufacturing facility unless all marijuana in the shipment is properly identified with a label generated in the marijuana inventory tracking system of the facility that provided the marijuana and a valid transport manifest showing the source and destination of the marijuana is attached to the shipment.

In this section, "*closely resemble*" or "*look like*" means 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 the marijuana product could reasonably be mistaken for that branded product, especially by children.

Marijuana concentrate manufacturing facility license

3 AAC 306.515. Marijuana concentrate manufacturing facility license

A licensed marijuana concentrate manufacturing facility has the privileges *set out in 3 AAC 306.505*, except that it may not:

- manufacture, refine, process, cook, package, label, or store any marijuana product other than marijuana concentrate
- sell, distribute, or deliver a marijuana product other than marijuana concentrate to a retail marijuana store or to another marijuana product manufacturing facility
- provide or transport a sample of a marijuana product other than marijuana concentrate to a licensed marijuana testing facility for testing
- provide samples of a product other than marijuana concentrate to a licensed retail marijuana store for purposes of negotiating a sale

Application for marijuana product manufacturing facility license

3 AAC 306.520. Application for marijuana product manufacturing facility license

An applicant for a marijuana product manufacturing facility license, including a marijuana concentrate manufacturing facility license, must file an application on a form the board prescribes, and provide the following information:

- (1) a copy of a food safety permit (*if required under 18 AAC 31.020*) from the Department of Environmental Conservation or a municipality with authority delegated *under AS 17.20.072 and 18 AAC 31.945*
- (2) a diagram of the proposed licensed premises identifying the area where in-house testing, if any, will occur; and marijuana and any marijuana product, including marijuana concentrate, will be stored
- (3) in the applicant's operating plan required *under 3 AAC 306.020(c)*, a description of:
 - the equipment and solvents, gases, chemicals, and other compounds used to create concentrates and the processes to be used;
 - each marijuana product the applicant intends to process at this location; the product description must include the color, shape, texture, ingredients and standard production procedure to be used and the additional information required for product approval *in 3 AAC 306.525*

- the packaging to be used for each type of product
- sample labels showing how the labeling information *required in 3 AAC 306.570* will be set out
- the applicant's plan for disposal of waste

Approval of concentrates and marijuana products

3 AAC 306.525. Approval of concentrates and marijuana products

A marijuana product manufacturing facility, including a marijuana concentrate manufacturing facility, must obtain the board's approval for each product it will manufacture for sale or transfer to another licensed marijuana establishment.

The board will not approve a product that is prohibited *under 3 AAC 306.510(a)(4)*.

An applicant for a marijuana product manufacturing facility license may request the board's approval of its intended products with a new license application by including, in its operating plan a photograph, drawing, or graphic representation of the expected appearance of each final product and the proposed standard production procedure and detailed manufacturing 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 the fee required *under 3 AAC 306.100(c)*.

A licensed marijuana product manufacturing facility shall 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 the director, or an employee or agent of the board.

Marijuana handler permit and food safety worker training

3 AAC 306.530. Marijuana handler permit and food safety worker training

A marijuana product manufacturing facility, including a marijuana concentrate manufacturing facility, shall ensure that each licensee, employee, or agent who is required or permitted to be physically present on the licensed premises at any time obtains a marijuana handler permit before being present or employed at the marijuana product manufacturing facility's licensed premises and has the marijuana handler permit card in the person's immediate possession, or a valid copy on file on the premises, at all times while on the marijuana product manufacturing facility's licensed premises.

A licensee, employee, or agent of a marijuana product manufacturing facility who handles marijuana at the facility shall obtain a food worker card (*in compliance with 18 AAC 31.330*) 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

3 AAC 306.535. Restricted access and storage areas

A marijuana product manufacturing facility shall conduct any extraction or product manufacturing operation in a restricted access area in compliance with 3 AAC 306.710.

A marijuana product manufacturing facility shall have full video surveillance of the licensed premises as provided in 3 AAC 306.720, including each area where:

- marijuana concentrate is produced;
- any operation involved in manufacturing any product containing marijuana occurs;
- marijuana or a marijuana product is stored or stockpiled; or
- 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.

Marijuana inventory tracking system

3 AAC 306.540. Marijuana inventory tracking system

A marijuana product manufacturing facility shall use a marijuana inventory tracking system to ensure that the marijuana product manufacturing facility identifies and tracks any marijuana or marijuana product from the time the marijuana or marijuana product is received, through:

- use of the marijuana or marijuana product in manufacturing any other marijuana product;
- sale or transfer of the marijuana or marijuana product originally received, or any marijuana product manufactured at that marijuana product manufacturing facility to another licensed marijuana establishment; and
- disposal of any expired or outdated marijuana or marijuana product that is not sold or transferred to another licensed marijuana establishment.

When marijuana from a marijuana cultivation facility or a marijuana product from another marijuana product manufacturing facility is delivered or transported to the licensed premises of a marijuana product manufacturing facility, the marijuana product manufacturing facility shall immediately enter tracking information for that marijuana or marijuana product into the marijuana inventory tracking system.

A marijuana product manufacturing facility may not accept any marijuana or marijuana product that does not have a valid transport manifest generated from the marijuana inventory tracking system of the licensed marijuana establishment that supplies the marijuana or marijuana product.

A marijuana product manufacturing facility shall track any received marijuana or marijuana product to its use in a marijuana product, and shall reconcile each transaction to the marijuana product manufacturing facility's marijuana inventory tracking system at the close of business each day.

A marijuana product manufacturing facility shall account for any variance in the quantity of marijuana or marijuana product the facility received, and the quantity the facility sold, transferred, or disposed of.

Health and safety standards

3 AAC 306.545. Health and safety standards

A marijuana product manufacturing facility shall comply with the health and safety standards, and any local kitchen-related health and safety standards for retail food establishments.

In addition to inspection by the director or an employee or agent of the board, a marijuana product manufacturing facility is subject to inspection by local safety officials, including a local fire department, building inspector, or code enforcement officer.

Required laboratory testing

3 AAC 306.550. Required laboratory testing

A marijuana product manufacturing facility shall 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 all laboratory testing has been completed.

To comply with this, a marijuana product manufacturing facility shall collect a random sample for testing by selecting a product from each production lot, in an amount required by the marijuana testing facility, designate an individual responsible for collecting each sample who must:

- prepare a signed statement showing that each sample has been randomly selected for testing;
- provide the signed statement to the marijuana testing facility; and
- maintain a copy as a business record *under 3 AAC 306.755*

...and transport the sample to the marijuana testing facility *in compliance with 3 AAC 306.750*.

After collecting and transporting a sample for testing, a marijuana product manufacturing facility shall segregate the entire production lot from which the testing sample was selected until the marijuana testing facility reports the results from its tests.

During this period of segregation, the marijuana product manufacturing facility that provided the sample shall maintain the production lot in a secure, cool, and dry location to prevent the marijuana product from becoming contaminated or losing its efficacy.

The marijuana product manufacturing facility may not sell or transport any marijuana product from the segregated lot until the marijuana testing facility has completed its testing and analysis and provided those results, in writing, to the marijuana product manufacturing facility that provided the sample.

The marijuana product manufacturing facility shall maintain the testing results as part of its business records.

Production of marijuana concentrate

3 AAC 306.555. Production of marijuana concentrate

Before producing marijuana concentrate for sale, a marijuana product manufacturing facility shall 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 may be produced by extracting cannabinoids from marijuana by using only water, ice, or dry ice;
- food-based marijuana concentrate may be produced by extracting cannabinoids from marijuana through the use of propylene glycol, glycerin, butter, olive oil, or other typical cooking fats; infused dairy butter, oils, or fats derived from natural sources may be used to prepare infused edible products; infused dairy butter, oils, or fats may not be prepared as stand-alone edible products for sale;
- solvent-based marijuana concentrate may be produced using the hydrocarbons N-butane, isobutane, propane, or heptane or other solvents or gases the board approves that exhibit low to minimal potential human health-related toxicity; approved solvents must be of at least 99 percent purity and must be used in a professional grade closed-loop extraction system designed to recover the solvents; in an environment with proper ventilation; and with control of all sources of ignition if a flammable atmosphere is or may be present.

A marijuana product manufacturing facility using a professional grade closed-loop gas extraction system shall ensure that:

- each vessel is used in compliance with the manufacturer's stated pressure ratings
- any carbon dioxide used is of at least 99 percent purity
- a person using a solvent or gas to extract marijuana concentrate in the closed-loop system is fully trained on how to use the system, has direct access to applicable material safety data sheets, and handles and stores the solvent and gas safely
- a licensed engineer has certified that the professional grade closed-loop system was commercially manufactured, is safe for its intended use, and is built to codes of recognized and generally accepted engineering practices
- any professional grade closed-loop system, and other equipment and facilities used in the extraction process are approved for their use 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, oils, or fats derived from natural sources
- other extracts

A marijuana product 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

3 AAC 306.560. 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, as tested in compliance with 3 AAC 306.645:

- for a single serving of a marijuana product, five milligrams (5 mg) of active tetrahydrocannabinol (THC) or Delta 9
- in a single packaged unit of a marijuana product to be eaten or swallowed, not more than 10 servings or 50 milligrams of active THC or Delta 9; the THC content must be homogenous, or evenly distributed throughout the marijuana-infused product

Packaging of marijuana products

3 AAC 306.565. Packaging of marijuana products

A marijuana product manufacturing facility shall observe the potency limits *set out in 3 AAC 306.560* in packaging each product for resale by a retail marijuana store.

A container or packaging for any edible marijuana product produced by a marijuana product manufacturing facility may not have any printed images, including cartoon characters, that specifically target individuals under 21 years of age. In addition, the packaging must:

- protect the product from contamination and may not impart any toxic or damaging substance to the product
- if the marijuana product contains multiple servings, be designed so that the marijuana product itself has markings or demarcations clearly delineating each serving of the product; for liquid marijuana products with multiple servings, the packaging must indicate the number and size of individual servings

A licensed marijuana product manufacturing facility may transfer marijuana products that are not edible marijuana products to another licensed marijuana product manufacturing facility in wholesale packages not to exceed five pounds.

Each packaged marijuana product must be identified by a tracking label generated by the marijuana product manufacturing facility's marijuana inventory tracking system.

A licensed marijuana product manufacturing facility shall prepare marijuana products for transfer to another marijuana establishment by:

- placing marijuana products within a sealed, tamper-evident shipping container
- affixing a label *that complies with 3 AAC 306.570(d)* to the shipping container
- generating a transport manifest from the marijuana product manufacturing facility's marijuana inventory tracking system; the transport manifest must remain with the marijuana products at all times while being transported, and a copy must be given to the licensed marijuana establishment that receives the shipment

3 AAC 306.570. Labeling of marijuana products

3 AAC 306.570. Labeling of marijuana products

With each production lot of marijuana product sold, a marijuana product manufacturing facility shall disclose in writing the name of the licensed marijuana testing facility that performed any required test and the results of each required test.

A marijuana product may not be labeled as organic.

To each package of marijuana product sold to a retail marijuana store for resale to a consumer, a marijuana product manufacturing facility shall affix a label setting out

- the name and license number of the marijuana product manufacturing facility where the marijuana product was prepared;
- the production lot number assigned to the product in the package;
- the net weight of the product in the package, (A) not including weight of packaging; and (B) using a standard of measure compatible with the marijuana product manufacturing facility's marijuana inventory tracking system; and
- 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 breast feeding."

A marijuana product manufacturing facility transporting a marijuana product to a retail marijuana store shall affix a label to the shipping container showing that a licensed marijuana testing facility has tested each lot of marijuana product in the shipment and giving the test results, including:

- a cannabinoid potency profile expressed as a range of percentages that extends from the lowest percentage 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 microbial testing *required under 3 AAC 306.645(b)(2)*
- a statement listing the results of residual solvent testing *required under 3 AAC 306.645(b)(3)*, if applicable
- a statement listing any contaminants for which the product was tested in addition to contaminants for which 3 AAC 306.645(b) requires testing; any additional tested contaminants include molds, mildew, and filth; herbicides, pesticides, and fungicides; and 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 above, the label for that lot must include a statement identifying each contaminant listed above for which that lot has not been tested.

Article 6: Marijuana Testing Facilities

Article 6 covers the following

- 3 AAC 306.600. Applicability
- 3 AAC 306.605. Marijuana testing facility license required.
- 3 AAC 306.610. Marijuana testing facilities: privileges and prohibitions
- 3 AAC 306.615. Application for marijuana testing facility license
- 3 AAC 306.620. Approval of testing facility
- 3 AAC 306.625. Proficiency testing program
- 3 AAC 306.630. Scientific Director
- 3 AAC 306.635. Testing methodologies
- 3 AAC 306.640. Standard operating procedure manual
- 3 AAC 306.645. Laboratory testing of marijuana and marijuana products
- 3 AAC 306.650. Chain of custody
- 3 AAC 306.655. Marijuana inventory tracking system
- 3 AAC 306.660. Failed materials; retests
- 3 AAC 306.665. Supplemental marijuana quality testing

- 3 AAC 306.670. Reporting; verification
- 3 AAC 306.675. Records retention

Applicability

3 AAC 306.600. Applicability

The following provisions in this section (*3 AAC 306.600 - 3 AAC 306.675*) apply to a person offering a service testing, analyzing, or certifying potency, moisture content, pesticide or solvent residue, mold, mildew, bacteria, or other contaminants in marijuana or a marijuana product to another person including a marijuana establishment or a member of the public, whether for compensation or not, as a independent or third-party testing facility.

These do not apply to a licensed marijuana establishment that controls marijuana testing equipment used solely for its own in-house testing of its own cultivated crop, of products produced or manufactured at its own facility, or of retail products placed or offered for sale in its retail marijuana store.

Marijuana testing facility license required.

3 AAC 306.605. Marijuana testing facility license required.

A person may not offer or provide a marijuana testing service or test results unless the person has obtained a marijuana testing facility license from the board in compliance with this chapter, or is an employee or agent acting for a licensed marijuana testing facility.

A person seeking a marijuana testing facility license must (1) submit an application for a marijuana testing facility license on a form the board prescribes, including the information set out under 3 AAC 306.020 and 3 AAC 306.615; and (2) demonstrate to the board's satisfaction that the applicant:

- will operate in compliance with each applicable provision of *3 AAC 306.600 - 3 AAC 306.675 and 3 AAC 306.700 - 3 AAC 06.755*
- will operate in compliance with each applicable public health, fire, safety, and tax code and ordinance of the state and the local government in which the applicant's proposed licensed premises are located
- does not hold a marijuana establishment license in this state other than a marijuana testing facility license, or have a financial interest in common with a person who is a licensee of a marijuana establishment in this state other than a marijuana testing facility license
- meets the board's standards for approval *as set out in 3 AAC 306.620 - 3 AAC 306.625*

A licensee of a marijuana testing facility, or an employee or agent of a licensed marijuana testing facility, may not have an ownership interest in or a direct or indirect financial interest in another licensed marijuana establishment.

Marijuana testing facilities: privileges and prohibitions

3 AAC 306.610. Marijuana testing facilities: privileges and prohibitions

A licensed marijuana testing facility may have any amount of marijuana and marijuana products on its premises at any given time if the marijuana testing facility's marijuana inventory tracking system and other records document that all marijuana and marijuana products are on the premises only for the testing purposes *described in 3 AAC 306.600 - 3 AAC 06.675*.

A licensed marijuana testing facility may not:

- have a licensee, employee, or agent who holds a type of marijuana establishment license other than a marijuana testing facility license issued under this chapter
- sell, deliver, distribute, or transfer marijuana or a marijuana product to a consumer, with or without compensation
- allow a person to consume marijuana or a marijuana product on its licensed premises

Application for marijuana testing facility license

3 AAC 306.615. 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 *the information required under 3 AAC 306.020*; and the proposed marijuana testing facility's operating plan, including, in addition to the information required *under 3 AAC 306.020(c)*,:

- each test the marijuana testing facility will offer
- the marijuana testing facility's standard operating procedure for each test the marijuana testing facility will offer
- the acceptable range of results for each test the marijuana testing facility will offer

Approval of testing facility

3 AAC 306.620. Approval of testing facility

A person seeking a marijuana testing facility license must first obtain the approval of the board by showing competence to perform each test the licensee will offer as an independent third-party testing facility, including tests to identify:

- THC, THCA, CBD, CBDA and CBN potency
- harmful microbials including *Escherichia coli* (E. Coli) or salmonella
- residual solvents
- poisons or toxins
- harmful chemicals
- dangerous molds, mildew, or filth
- pesticides

In evaluating whether a person has shown competence in testing under this section, the board or the board's contractor may conduct an on-site inspection of the applicant's premises; require the applicant to demonstrate proficiency in testing; and examine compliance *with any applicable requirement of 3 AAC 306.630 - 3 AAC 306.675, and 3 AAC 306.700 - 3 AAC 306.755*, including:

- qualifications of personnel
- the standard operating procedure for each testing methodology the marijuana testing facility will use
- proficiency testing results
- quality control and quality assurance
- security
- chain of custody
- specimen retention
- space
- records
- reporting of results

The board will approve a marijuana testing facility license if, after the board or the board's contractor has examined the qualifications and procedures of the marijuana testing facility license applicant, the board finds them generally in compliance with good laboratory practices.

Nothing in AS 17.38 or this chapter constitutes a board guarantee that a licensed marijuana testing facility can or will protect the public from all potential hazards of marijuana including microbials, poisons or toxins, residual solvents, pesticides, or other contaminants.

Proficiency testing program

3 AAC 306.625. Proficiency testing program

(a) When an accredited proficiency testing program becomes available in the state, the board may require an applicant for a marijuana testing facility license to participate successfully in a proficiency testing program not earlier than 12 months before receiving a license.

The proficiency testing program must require an applicant for a marijuana testing facility license or a participating licensed marijuana testing facility to analyze test samples using the same procedures with the same number of replicate analyses, standards, testing analysts, and equipment that will be used for product testing.

Successful participation is the positive identification of 80 percent of the target analytes that the marijuana testing facility reports, and must include quantitative results when applicable. Any false positive results reported constitute an unsatisfactory score for the proficiency test.

(b) Before renewing the license of a marijuana testing facility, the board may require the facility to participate in a proficiency testing program with documentation of continued performance satisfactory to the board. The license of a marijuana testing facility may be limited, suspended, or revoked if the facility fails to participate and receive a passing score in a proficiency testing program.

(c) The scientific director employed under 3 AAC 306.630 and each testing analyst of an applicant for a marijuana testing facility license and a licensed marijuana testing facility that participated in a proficiency test shall sign a corresponding attestation statement. The scientific director shall review and evaluate each proficiency test result.

(d) An applicant for a marijuana testing facility license, and a licensed marijuana testing facility participating in the proficiency testing program, shall take and document remedial action when the applicant or the facility meets the standards of (a) of this section (*above*), but scores less than 100 percent in a proficiency test.

To take and document remedial action, the marijuana testing facility's scientific director shall, at a minimum, review all samples tested and results reported after the date of the marijuana testing facility's last successful proficiency test.

Scientific Director

3 AAC 306.630. Scientific Director

A marijuana testing facility shall employ a scientific director who must be responsible for:

- overseeing and directing the scientific methods of the laboratory within the marijuana testing facility;
- ensuring that the laboratory achieves and maintains quality standards of practice; and
- supervising all staff of the laboratory.

The scientific director of a marijuana testing facility must have:

- a doctorate degree in chemical or biological sciences from an accredited college or university and have at least two years of postdegree laboratory experience;
- a master's degree in chemical or biological sciences from an accredited college or university and have at least four years of postdegree laboratory experience; and
- a bachelor's degree in chemical or biological sciences from an accredited college or university and have at least six years of postdegree laboratory experience.

Testing methodologies

3 AAC 306.635. Testing methodologies

An applicant for a marijuana testing facility license and a licensed marijuana testing facility shall:

- use as guidelines or references for testing methodologies the American Herbal Pharmacopoeia's Cannabis Inflorescence: Standards of Identity, Analysis, and Quality Control, Revision 2014, adopted by reference; 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 and adopted by reference; and
- notify the board of any alternative scientifically valid testing methodology the marijuana 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.

An applicant for a marijuana testing facility license and the holder of a marijuana testing facility license shall observe good laboratory practices.

The board or the board's contractor may inspect the practices, procedures, and programs adopted, followed, and maintained by the applicant or the licensed marijuana testing facility and may examine all records of the applicant or the licensed marijuana testing facility that are related to the inspection.

The board may require an applicant or a licensed marijuana testing facility to have an independent third party inspect and monitor laboratory operations to assess testing competency and the marijuana testing facility's compliance with its quality program. The board may require random validation of a marijuana testing facility's execution of each testing methodology the facility uses. The marijuana testing facility shall pay all costs of validation.

Standard operating procedure manual

3 AAC 306.640. Standard operating procedure manual

An applicant for a marijuana testing facility license and a licensed marijuana testing facility shall have a written manual of standard operating procedures, with detailed instructions explaining how to perform each testing method the applicant or marijuana testing facility uses 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 least:

- 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
- rective action protocol

The scientific director of a marijuana testing facility shall approve, sign, and date each standard operating procedure, and each revision to any standard operating procedure.

Laboratory testing of marijuana and marijuana products

3 AAC 306.645. Laboratory testing of marijuana and marijuana products

A marijuana testing facility shall use the general body of required laboratory tests as set out in this section for marijuana plant material, an extract or concentrate of marijuana, and an edible marijuana product. Required tests may include potency analysis, moisture content, foreign matter inspection, microbial screening, pesticide, other chemical residue, and metals screening, and residual solvents levels. A marijuana testing facility shall establish a schedule of fees and sample size required for each test it offers.

The tests required for each marijuana type or marijuana product, are as follows:

- (1) Potency testing is required on marijuana bud and flower, marijuana concentrate, and a marijuana product, as follows:
 - (A) the required cannabinoid potency test must at least determine the concentration of THC, THCA, CBD, CBDA and CBN cannabinoids; a marijuana testing facility may test and report results for any additional cannabinoid if the test is conducted in compliance with a validated method;
 - (B) a marijuana testing facility shall report potency test results as follows:
 - (i) for a potency test on marijuana and marijuana concentrate, the marijuana testing facility shall list for each required cannabinoid a single percentage concentration that represents an average of all samples within the test batch; alternatively, the sum of THC and THCA may be reported as total THC; the sum of CBD and CBDA may be reported as total CBD;
 - (ii) for a potency test on a marijuana product, whether conducted on each individual production lot or using process validation, the marijuana testing facility shall list for each cannabinoid the total number of milligrams contained within a single retail marijuana product unit for sale;
 - (iii) testing whether the THC content is homogenous, the marijuana testing facility shall report the THC content of each single serving in a multi-unit package; the reported content must be within 20 percent of the manufacturer's target; for example, in a 25 milligrams total THC package with five servings, each serving must contain between four and six milligrams of THC;
 - (C) the marijuana testing facility shall determine an edible marijuana product to have failed potency testing if (i) an individually packaged edible retail marijuana product contained within a test lot is determined to have more than 50 milligrams of THC within it; or (ii) the THC content of an edible marijuana product is not homogenous;
- (2) Microbial testing for the listed substances on the listed marijuana products is required as follows: Substance Acceptable Limits Per Gram Product to be Tested Shiga-toxin producing *Escherichia coli* (STEC) - bacteria less than 1 colony forming unit (CFU/g) flower; retail marijuana products; water- and food-based concentrates *Salmonella* species - bacteria less than 1 colony forming unit (CFU/g) *Aspergillus fumigatus*, *Aspergillus flavus*, *Aspergillus niger* - Fungus less than 1 colony forming unit (CFU/g) (3) testing for the listed residual solvents and metals on the listed marijuana products is required as follows: Substance Acceptable Limits Per Gram Product to be Tested butanes less than 800 parts per million (PPM) solvent-based concentrates heptanes less than 500 parts per million (PPM) benzene less than .025 parts per million (PPM) toluene less than 1 parts per million (PPM) hexane less than 10 parts per million (PPM) Total xylenes (meta-xylenes, para-xylenes, ortho-xylenes) less than 1 parts per million (PPM)

Chain of custody

3 AAC 306.650. Chain of custody

A marijuana testing facility shall establish an adequate chain of custody and sample requirement instructions that include:

- issuing instructions for the minimum sample requirements and storage requirements
- documenting the condition of the external package and integrity seals utilized to prevent contamination of or tampering with the sample
- documenting the condition and amount of sample provided at the time the sample is received at the marijuana testing facility
- documenting each person handling the original samples, aliquots, and extracts
- documenting any transfer of samples, aliquots, and extracts to another marijuana testing facility for additional testing or at the request of the marijuana cultivation facility or marijuana product manufacturing facility that provided the testing sample
- maintaining a current list of authorized persons and restricting entry to the marijuana testing facility to those authorized persons

- securing the marijuana testing facility during non-working hours
- securing short-term and long-term storage areas when not in use
- using a secured area to log in and aliquot samples
- ensuring samples are stored appropriately
- documenting the disposal of samples, aliquots, and extracts

Marijuana inventory tracking system

3 AAC 306.655. Marijuana inventory tracking system

A marijuana testing facility shall 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

3 AAC 306.660. Failed materials; retests

If a sample tested by a marijuana testing facility does not pass the required tests based on the standards set out in 3 AAC 306.645, the marijuana establishment that provided the sample shall dispose of the entire harvest batch or production lot from which the sample was taken; and document the disposal of the sample using the marijuana establishment's marijuana inventory tracking system.

If a sample of marijuana fails a required test, any marijuana plant trim, leaf, and other usable material from the same plants automatically fail the required test. The board may approve a request to allow a batch of marijuana that fails a required test to be used to make a carbon dioxide- or solvent-based extract. After processing, the carbon dioxide- or solvent-based extract must pass all required tests.

If a marijuana cultivation facility or a marijuana product manufacturing facility 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. The marijuana cultivation facility or a marijuana product manufacturing facility shall pay all costs of a retest.

Supplemental marijuana quality testing

3 AAC 306.665. Supplemental marijuana quality testing

The board or director may at any time determine that the interests of the public require random supplemental testing of marijuana or a marijuana product. When the board or director requires random supplemental testing, the board will or director shall direct the marijuana cultivation facility that produced the marijuana, or the marijuana product manufacturing facility that manufactured the product, to submit a specified sample, batch, or packaged product to a designated marijuana testing facility. The material must be packaged in a manner that ensures the marijuana testing facility will be able to confirm that it has received and is testing the correct supplemental sample.

When a marijuana testing facility receives a sample for random supplemental testing under this section, the marijuana testing facility shall:

- (1) perform any required laboratory test the board or director requests; and
- (2) report its results to the board or director; and the facility that provided the sample

A marijuana testing facility that conducts laboratory testing under this section shall bill all costs directly to the marijuana cultivation facility or the marijuana product manufacturing facility that provided the samples for testing.

Reporting; verification

3 AAC 306.670. Reporting; verification

A marijuana testing facility shall report the result of each required laboratory test directly into its marijuana inventory tracking system not later than 24 hours after the test is completed.

A marijuana testing facility shall provide the final report in a timely manner to the marijuana establishment that submitted the sample; and to the director not later than 72 hours after the marijuana testing facility determines that results of tested samples exceed allowable levels.

A marijuana testing facility shall establish procedures to ensure that reported results are accurate, precise, and scientifically valid. To ensure reported results are valid, a marijuana testing facility shall include in a final report:

- the name and location of the marijuana testing facility
- the unique sample identifier assigned by the marijuana testing facility
- the marijuana establishment or other person that submitted the testing sample
- the sample identifier provided by the marijuana establishment or other person that submitted the testing
- the date the marijuana testing facility received the sample
- the chain of custody identifier
- the date of the report
- the type of marijuana or marijuana product tested
- the test results
- the units of measure
- any other information or qualifiers needed for interpretation of the test method and the results being reported, including any identified and documented discrepancy

A marijuana testing facility may amend a final report for clerical purposes except that test results may not be amended.

Records retention

3 AAC 306.675. Records retention

A marijuana testing facility shall maintain the business records *required under 3 AAC 306.755* for the period of time specified in that section. The books and records *required under 3 AAC 306.755(a)(1)* include:

- test results
- quality control and quality assurance records
- standard operating procedures
- chain-of-custody records
- proficiency testing records
- analytical data to include printouts generated by the instrumentation
- accession numbers
- specimen type
- raw data of calibration standards and curves, controls, and subject results
- final and amended reports
- reference range parameters
- the identity of the analyst
- the date of the analysis

Article 7: Operating Requirements for All Marijuana Establishments

Article 7 covers the following

- 3 AAC 306.700. Marijuana handler permit
- 3 AAC 306.705. Licensed premise; alteration
- 3 AAC 306.710. Restricted access areas

- 3 AAC 306.715. Security alarm systems and lock standards
- 3 AAC 306.720. Video surveillance
- 3 AAC 306.725. Inspection of licensed premises
- 3 AAC 306.730. Marijuana inventory tracking system
- 3 AAC 306.735. Health and safety standards
- 3 AAC 306.740. Waste disposal
- 3 AAC 306.745. Standardized scales
- 3 AAC 306.750. Transportation
- 3 AAC 306.755. Business records

Marijuana handler permit

3 AAC 306.700. Marijuana handler permit

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.

To obtain a marijuana handler permit, a person must 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. The topics that an approved marijuana handler permit education course covers must include:

- AS 17.37, AS 17.38, and 3 AAC 306 Regulations
- 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

To obtain a marijuana handler permit, a person who has completed the marijuana handler permit education course described above shall present the course completion certificate to the director. The director shall issue a marijuana handler permit card valid for three years from the date of issue. A person may renew a card issued under this section by passing a written test demonstrating an understanding of the course subjects.

A licensee, employee, or agent of a marijuana establishment shall keep the marijuana handler permit card, described above, in that person's immediate possession or a valid copy on file on the premises at all times when on the licensed premises of the marijuana establishment.

The board will review an approved marijuana handler permit education course at least once every three years, and may rescind approval of the course if the board finds that the education course contents are insufficient or inaccurate.

Licensed premise; alteration

3 AAC 306.705. Licensed premise; alteration

A marijuana establishment license will be issued for specific licensed premises. Specific licensed premises must constitute a place clearly designated in a license application and described by a line drawing submitted with the license application. The licensed premises must have adequate space for its approved operations, including growing, manufactuandring, processing, packaging, or storing marijuana or marijuana products; and be located and constructed to facilitate cleaning, maintenance, and proper operation.

A marijuana establishment's license must be posted in a conspicuous place within the licensed premises.

A holder of a marijuana establishment license may not alter the functional floor plan or reduce or expand the area of the licensed premises without first obtaining the director's written approval. A marijuana establishment license holder seeking to change or modify the licensed premises must submit a request for approval of the change on a form prescribed by the board, along with:

- the fee prescribed in 3 AAC 306.100
- a drawing showing the proposed change
- evidence that the proposed change conforms to any local restrictions
- evidence that the licensee has obtained any applicable local building permit

Restricted access areas

3 AAC 306.710. Restricted access areas

A marijuana establishment shall restrict access to any part of the licensed premises where marijuana or a marijuana product is grown, processed, tested, stored, or stocked.

Except as provided in 3 AAC 306.325 for a retail marijuana store, 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 shall limit the number of visitors to not more than five visitors for each licensee, employee, or agent of the licensee who is actively engaged in supervising those visitors.

In a restricted access area, a licensee, employee, or agent of the marijuana establishment shall wear a current identification badge bearing the person's photograph. A person under 21 years of age may not enter a restricted access area. Any visitor to the restricted access area must :

- show identification *as required in 3 AAC 306.350* to prove that person is 21 years of age or older
- obtain a visitor identification badge before entering the restricted access area
- be escorted at all times by a licensee, employee, or agent of the marijuana establishment

Security alarm systems and lock standards

3 AAC 306.715. Security alarm systems and lock standards

Each licensee, employee, or agent of a marijuana establishment shall display an identification badge issued by the marijuana establishment at all times when on the marijuana establishment's 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
- continuous video monitoring *as provided in 3 AAC 306.720*

A marijuana establishment shall have policies and procedures that:

- are designed to prevent diversion of marijuana or marijuana product
- prevent loitering
- describe the use of any additional security device, such as a motion detector, pressure switch, and duress, panic, or hold-up alarm to enhance security of licensed premises
- describe the actions to be taken by a licensee, employee, or agent of the marijuana establishment when any automatic or electronic notification system alerts a local law enforcement agency of an unauthorized breach of security

A marijuana establishment shall use ecommerce grade, nonresidential door locks on all exterior entry points to the licensed premises.

Video surveillance

3 AAC 306.720. Video surveillance

A marijuana establishment shall install and maintain a video surveillance and camera recording system as provided in this section. The video system must cover:

- each restricted access area and each entrance to a restricted access area within the licensed premises
- each entrance to the exterior of the licensed premises
- each point-of-sale area

At a marijuana establishment, a required video camera 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, or manufactured, or where marijuana waste is destroyed, must have a camera placement in the room facing the primary entry door, and in adequate fixed positions, at a height that will provide a clear, unobstructed view of the regular activity without a sight blockage from lighting hoods, fixtures, or other equipment, in order to allow for the clear and certain identification of any person and activity in the area at all times.

Surveillance recording equipment and video surveillance records must be housed in a locked and secure area or in a lock box, cabinet, closet or other secure area that is accessible only to a marijuana establishment licensee or authorized employee, and to law enforcement personnel including a peace officer or an agent of the board.

A marijuana establishment may use an offsite 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 as described in this section.

Each surveillance recording must be preserved for a minimum of 40 days, in a format that can be easily accessed for viewing. All recorded images must clearly and accurately display the time and date, and must be archived in a format that does not permit alteration of the recorded image, so that the images can readily be authenticated.

After 40 days, a marijuana establishment may erase video recordings, unless the licensee knows or should know of any pending criminal, civil, or administrative investigation for which the video recording may contain relevant information.

Inspection of licensed premises

3 AAC 306.725. Inspection of licensed premises

A marijuana establishment or an applicant for a marijuana establishment license under this chapter shall, upon request, make the licensed premises or the proposed licensed premises, including any place for storage, available for inspection by the director, an employee or agent of the board, or an officer charged with the enforcement of this chapter.

The board or the director may also request a local fire protection agency or any other state agency with health and safety responsibilities to inspect licensed premises or proposed licensed premises.

Inspection under this section includes inspection of the premises, facilities, qualifications of personnel, methods of operation, business and financial records, marijuana inventory tracking system, policies, and purposes of any marijuana establishment and of any applicant for a marijuana establishment license.

Marijuana inventory tracking system

3 AAC 306.730. Marijuana inventory tracking system

A marijuana establishment shall use a marijuana inventory tracking system capable of sharing information with the system the board implements to ensure all marijuana cultivated and sold in the state, and each marijuana product processed and sold in the state, is identified and tracked from the time the marijuana is propagated from seed or cutting, through transfer to another licensed marijuana establishment, or use in manufacturing a marijuana product, to a completed sale of marijuana or a marijuana product, or disposal of the harvest batch of marijuana or production lot of marijuana product.

Marijuana delivered to a marijuana establishment must be weighed on a scale registered *in compliance with 3 AAC 306.745*.

Health and safety standards

3 AAC 306.735. Health and safety standards

A marijuana establishment is subject to inspection by the local fire department, building inspector, or code enforcement officer to confirm that health or safety concerns are not present.

A marijuana establishment shall take all reasonable measures and precautions to ensure that:

- any person who has an illness, an open sore or infected wound, or other potential source of infection does not come in contact with marijuana or a marijuana product while the illness or source of infection persists
- the licensed premises have adequate and readily accessible toilet facilities that are maintained in good repair and sanitary condition; and convenient handwashing facilities with running water at a suitable temperature; the marijuana establishment shall require employees to wash or sanitize their hands, and shall provide effective hand-cleaning, sanitizing preparations, and drying devices
- each person working in direct contact with marijuana or a marijuana product conforms to good hygienic practices while on duty, including maintaining adequate personal cleanliness; and washing hands thoroughly in an adequate hand-washing area before starting work, after using toilet facilities, and at any other time when the person's hands may have become soiled or contaminated
- litter, waste, and rubbish are properly removed; the waste disposal equipment must be maintained and adequate to sold; and repair; avoid contaminating any area where marijuana or any marijuana product is stored, displayed, or prevent causing odors or attracting pests
- floors, walls, and ceilings are constructed to allow adequate cleaning, and are kept clean and in good
- adequate lighting is installed in any area where marijuana or a marijuana product is stored, displayed, or sold, and where any equipment or utensil is cleaned
- screening or other protection adequately protects against the entry of pests
- each building, fixture, and other facility is maintained in sanitary condition
- each toxic cleaning compound, sanitizing agent, and pesticide chemical is 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
- dequate sanitation principles are used in receiving, inspecting, transporting, and storing marijuana or a marijuana product; and
- marijuana or a marijuana product is held in a manner that prevents the growth of bacteria, microbes, or other undesirable microorganisms

A marijuana establishment shall ensure that any marijuana or marijuana product that has been stored beyond its usable life, or was stored improperly, is not salvaged and returned to the marketplace. In this subsection, "stored improperly" means being exposed to extremes in temperature, humidity, smoke, fumes, pressure, or radiation due to a natural disaster, fire, accident, or equipment failure.

If a marijuana establishment does not have reliable information about the age or storage conditions of marijuana or a marijuana product in its possession, the marijuana establishment may salvage the marijuana only if:

- a licensed marijuana testing facility determines from quality assurance testing that the marijuana or marijuana product meets all applicable standards of moisture, potency, and contaminants;
- inspection of the premises where a disaster or accident occurred shows that the marijuana or marijuana product stored there was not adversely affected by the disaster or accident; and
- the marijuana establishment maintains a record of the salvaged marijuana or marijuana product in its marijuana inventory tracking system, including the name, lot number, and final disposition

Waste disposal

3 AAC 306.740. Waste disposal

A marijuana establishment shall store, manage, and dispose of any solid or liquid waste, including wastewater generated during marijuana cultivation production, processing, testing, or retail sales, in compliance with applicable federal, state, and local statutes, ordinances, regulations, and other law

Marijuana waste must be rendered unusable for any purpose for which it was grown or produced before it leaves a marijuana establishment. Marijuana waste includes:

- marijuana plant waste, including roots, stalks, leaves, and stems that have not been processed with solvent;
- solid marijuana sample plant waste in the possession of a marijuana testing facility; and
- other waste as determined by the board

A marijuana establishment shall:

- in the marijuana inventory tracking system required under 3 AAC 306.730, give the board notice not later than three days before making the waste unusable and disposing of it; however, the director may authorize immediate disposal on an emergency basis; and
- keep a record of the final destination of marijuana waste made unusable

Marijuana plant waste must be made unusable by grinding the marijuana plant 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. Material that may be mixed with the marijuana waste includes:

- compostable materials including food waste, yard waste, vegetable based grease or oils, or other wastes approved by the board when the mixed material can be used as compost feedstock or in another organic waste method such as an anaerobic digester with approval of any applicable local government entity; or
- non-compostable materials including paper waste, cardboard waste, plastic waste, oil, or other wastes approved by the board when the mixed material may be delivered to a permitted solid waste facility, incinerator, or other facility with approval of any applicable local government entity

If marijuana or a marijuana product is found by, or surrendered to, a law enforcement officer including a peace officer or an airport security officer, the officer may dispose of the marijuana or marijuana product as provided in this section or by any method that is allowed under any applicable local ordinance.

Transportation

3 AAC 306.750. Transportation

A marijuana establishment shall 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 in compliance with this section shall have a marijuana handler permit *required under 3 AAC 306.700*.

When marijuana or a marijuana product is transported, the marijuana establishment that originates the transport shall 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 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.

During transport, the marijuana or marijuana product must be in a sealed package or container and in a locked, safe, and secure 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 marijuana or a marijuana product transported in compliance with this section, the recipient of the shipment shall use the marijuana inventory tracking system to report the type, amount, and weight of marijuana or marijuana product received. The recipient shall refuse to accept any shipment of marijuana or marijuana product that is not accompanied by the transport manifest.

A marijuana establishment shall keep records of all marijuana or marijuana products shipped from or received at that marijuana establishment as required under 3 AAC 306.755.

Business records

3 AAC 306.755. Business records

A marijuana establishment shall maintain in a format that is readily understood by a reasonably prudent business person. This includes:

- all books and records necessary to fully account for each business transaction conducted under its license 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; older records may be archived on or off premises
- a current employee list setting out the full name and marijuana handler permit number of each licensee, employee, and agent who works at the marijuana establishment
- the business contact information for vendors that maintain video surveillance systems and security alarm systems for the licensed premises;
- 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 from seed or immature plant stage until the retail marijuana or retail marijuana product is sold to a consumer, to another marijuana establishment, or destroyed
- transportation records for marijuana and marijuana products *as required under 3 AAC 306.750(f)*

A marijuana establishment shall 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.

A marijuana establishment shall exercise due diligence in preserving and maintaining all required records. 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 records required under this section to be a license violation affecting public safety.

Standardized scales

3 AAC 306.745. Standardized scales

A marijuana establishment shall use registered scales *in compliance with AS 45.75.080* (Weights and Measures Act).

A marijuana establishment shall maintain registration and inspection reports of scales registered *under AS 45.75.080 and 17 AAC 90.920 - 17 AAC 90.935*; and, upon request by the board or the director, provide a copy of the registration and inspection reports of the registered scales to the board or the director for review.

Article 8: Enforcement; Civil Penalties

Article 8 covers the following

- 3 AAC 306.800. Inspection and investigation
- 3 AAC 306.805. Report or notice of violation
- 3 AAC 306.810. Suspension or revocation of license
- 3 AAC 306.815. Suspension or revocation based on act of employee
- 3 AAC 306.820. Procedure for action on license suspension or revocation
- 3 AAC 306.825. Summary suspension to protect public health, safety, or welfare
- 3 AAC 306.830. Seizure of marijuana or marijuana product
- 3 AAC 306.835. Hearing
- 3 AAC 306.840. Civil fines
- 3 AAC 306.845. Appeal
- 3 AAC 306.850. Surrender or destruction of license

Inspection and investigation

3 AAC 306.800. Inspection and investigation

The director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity, may:

- inspect the licensed premises of a marijuana establishment, including any marijuana and marijuana product on the premises, equipment used in cultivating, processing, testing, or storing marijuana, the marijuana establishment's marijuana inventory tracking system, business records, and computers, at any reasonable time and in a reasonable manner
- issue a report or notice *as provided in 3 AAC 306.805*
- as authorized under AS 17.38.131, exercise peace officer powers and take any other action the director determines is necessary

A marijuana establishment, and any licensee, employee, or agent in charge shall cooperate with the director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity, to enforce the laws related to marijuana, including:

- permitting entry upon and inspection of the licensed premises; and
- providing access to business records at reasonable times when requested by the director, an enforcement agent, an employee of the board, or a peace officer.

Report or notice of violation

3 AAC 306.805. Report or notice of violation

The director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity, 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 an investigator's inspection of licensed premises. An inspection report must be prepared on a form the board prescribes and include information prescribed under AS 17.38 or this chapter or that the board requires.

The director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity 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.

The director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity may issue a notice of violation if an inspection report or other credible information shows a marijuana establishment is in violation of AS 17.38, this chapter, 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, not later than 10 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 *as provided under 3 AAC 306.810*.

Suspension or revocation of license

3 AAC 306.810. Suspension or revocation of license

The board will suspend or revoke a marijuana establishment license issued under this chapter if any licensee is convicted of a felony or of a crime listed in 3 AAC 306.010(d)(2) or (3), or if the board becomes aware that a licensee did not disclose a previous felony conviction or a conviction of a crime listed in 3 AAC 306.010(d)(2) or (3).

The board may suspend or revoke a license issued under this chapter, 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, or an affidavit, report, or signed statement under AS 17.38 or this chapter; or
- is following any practice or procedure that is contrary to the best interests of the public, including using any process not approved by the board for extracting or manufacturing marijuana concentrate or products; or board; selling or distributing any marijuana concentrate or product that has not been approved by the board
- failed, within a reasonable time after receiving a notice of violation from the director, to correct any defect that is the subject of the notice of violation of AS 17.38 or this chapter; a condition or restriction imposed by the board; or other applicable law;
- knowingly allowed an employee or agent to violate AS 17.38, this chapter, or a condition or restriction imposed by the board;
- failed to comply with any applicable public health, fire, safety, or tax statute, ordinance, regulation, or other law in the state; or
- used the licensed premises for an illegal purpose including gambling, possession or use of narcotics other than marijuana, prostitution, or sex trafficking

A local government may notify the director if it obtains evidence that a marijuana establishment has violated a provision of AS 17.38, this chapter, or a condition or restriction the board has imposed on the marijuana establishment. Unless the board finds that the local government's notice is arbitrary, capricious, and unreasonable, the director shall prepare the notice and supporting evidence as an accusation against the marijuana establishment under AS 44.62.360, and conduct proceedings to resolve the matter as described under 3 AAC 306.820.

Suspension or revocation based on act of employee

3 AAC 306.815. Suspension or revocation based on act of employee

If, in a proceeding to suspend or revoke a marijuana establishment license *under 3 AAC 306.810 and 3 AAC 306.820*, 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 if:

- the licensee was physically present when the violation occurred; knew or should have known the violation was occurring; and did not take action to stop the violation; or
- the licensee failed to adequately supervise the agent or employee; or
- the licensee failed to adequately train the agent or employee in the requirements of AS 17.38 and this chapter relating to marijuana; or
- the licensee was reckless or careless in hiring the agent or employee

Procedure for action on license suspension or revocation

3 AAC 306.820. Procedure for action on license suspension or revocation

A proceeding to suspend or revoke a license must be initiated by service of an accusation on the marijuana establishment in compliance with AS 44.62.360 and 44.62.380, and conducted in compliance with AS 44.62.330 - 44.62.630. 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 in compliance with 3 AAC 306.020(b)(5). The marijuana establishment is entitled to a hearing as provided under AS 44.62.390.

Summary suspension to protect public health, safety, or welfare

3 AAC 306.825. Summary suspension to protect public health, safety, or welfare

If the director 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, the director 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 the director issues a summary suspension under this section, the director shall immediately give the marijuana establishment subject to the summary suspension order 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 subject to the summary suspension order requests a delay, the hearing will be held not later than five days after the director gives notice of the reasons for the summary suspension and the scheduled hearing.

Seizure of marijuana or marijuana product

3 AAC 306.830. Seizure of marijuana or marijuana product

The director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity, 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 adulterated marijuana food or drink product *prohibited under 3 AAC 306.510(a)(4)*;
- any marijuana or marijuana product that is not properly packaged and labeled *as provided in (A) 3 AAC 306.470 and 3 AAC 306.475; or (B) 3 AAC 306.565 and 3 AAC 306.570; or*
- not renewed its license *as required under 3 AAC 306.035*

If the director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity seizes marijuana or a marijuana product under this section, the director shall update the marijuana inventory control tracking system to reflect the seizure and ensure that the seized items are stored in a reasonable manner.

The director shall 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 from which the marijuana or marijuana product was seized requests a delay, the hearing will be held not later than 10 days after the director gives notice of the reasons for seizure and the scheduled hearing. If the seizure occurs in connection with a summary suspension under 3 AAC 306.825, the hearing will be combined with a hearing on the summary suspension.

If the marijuana establishment from which the marijuana or marijuana product was seized does not request or participate in a hearing under this section, 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 as provided in 3 AAC 306.740.

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

Hearing

3 AAC 306.835. Hearing

Except as provided in 3 AAC 306.825 or 3 AAC 306.830, a person aggrieved by an action of the director, an enforcement agent, or an employee of the board may request a hearing in compliance with AS 44.62.390 by filing a notice of defense not later than 15 days after receiving a written accusation. Failure to file a notice of defense as provided in this section constitutes a waiver of the right to a hearing.

When an aggrieved person requests a hearing under this section, the board may request the office of administrative hearings to conduct the hearing in compliance with due process, AS 44.62.330 - 44.62.630 (Administrative Procedure Act), and 2 AAC 64.100 - 2 AAC 64.990, as applicable.

Civil fines

3 AAC 306.840. Civil fines

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

In a proceeding under 3 AAC 306.810 - 3 AAC 306.830, 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

Appeal

3 AAC 306.845. Appeal

An aggrieved party may appeal to the board regarding any action of the director, 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 under this chapter or imposing a civil fine may appeal to the superior court under AS 44.62.560.

Surrender or destruction of license

3 AAC 306.850. Surrender or destruction of license

A license issued under this chapter must be surrendered to the director, an enforcement agent, or an employee of the board on demand if the director or board so orders. A license issued under this chapter must be surrendered not later than 10 days after the marijuana establishment loses or vacates the licensed premises.

If a license is destroyed, the marijuana establishment shall promptly notify the board.

Article 9: General Provisions

Article 9 covers the following

- 3 AAC 306.905. Public records
- 3 AAC 306.915. Exercise of authority
- 3 AAC 306.920. Death of licensee
- 3 AAC 306.990. Definitions

Public records

3 AAC 306.905. Public records

Marijuana establishment applications are public records. The board may, at the request of any applicant, designate materials confidential if they secrets; or contain proprietary information including trade are required to be kept confidential by any federal or state law. 3 AAC 306.910. Refusal to sell marijuana Nothing in this chapter prohibits a licensee from refusing to sell marijuana or marijuana products to any person unless that refusal is a violation of AS 18.80.210.

Exercise of authority

3 AAC 306.915. 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

3 AAC 306.920. Death of licensee

If an individual who is the sole licensee of a marijuana establishment dies, the marijuana establishment shall cease operation. A personal representative appointed by the superior court for the estate of the deceased licensee may submit to the director 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 under AS 17.38.200(i), the director shall grant permission to the personal representative to operate the business on the licensed premises subject to the below items. In this section, a marijuana establishment is in good standing if the marijuana establishment has a valid current license; has paid all fees due under this chapter and all local taxes due; and has no unresolved suspension or revocation proceedings against it.

A personal representative authorized to operate a marijuana establishment listed above must submit an application for a transfer of ownership to another person in compliance with 3 AAC 306.045 not later than 90 days after obtaining the director's approval to operate. The board may extend the time allowed in this section for another 90 days if the personal representative requests the additional time.

This section does not authorize the transfer of a marijuana establishment license unless the board approves the personal representative's application for transfer of license to another person.

Definitions

3 AAC 306.990. Definitions

(a) In AS 17.38 and this chapter,

- **"affiliate"** means a person that directly or indirectly through one or more intermediaries controls, or is controlled by, or is under common control with, a partnership, limited liability company, or corporation subject to this chapter;
- **"assisting"** does not include (A) using, displaying, purchasing, or transporting marijuana in excess of the amount allowed in AS 17.38.020; AS 17.38.020; (B) possessing, growing, processing, or transporting marijuana plants in excess of the number allowed in (C) growing marijuana plants for another person in a place other than (i) that other person's primary residence; or (ii) a garage, shed, or similar place under the other person's control;
- **"delivering"** (A) means handing to a person who purchases the product on licensed premises only; (B) does not include transferring or transporting to a consumer off licensed premises;
- **"flowering"** means a marijuana plant that has visible crystals, buds, or flowers, or for which the exposure to light is scheduled with the intent to produce crystals, buds, or flowers;
- **"immature"** means a marijuana plant with no visible crystals, buds, or flowers, and in which the exposure to light is scheduled with the intent to prevent formation of crystals, buds, or flowers;
- **"in public"** (A) means in a place to which the public or a substantial group of people has access; (B) except as provided in (C) of this paragraph, 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; (C) does not include an area on the premises of a licensed retail marijuana store designated for onsite consumption under 3 AAC 306.305;
- **"personal cultivation"** does not include (A) using, displaying, purchasing, or transporting marijuana in excess of the amount allowed in AS 17.38.020; AS 17.38.020; (B) possessing, growing, processing, or transporting marijuana plants in excess of the number allowed in (C) growing marijuana plants for another person in a place other than (i) that other person's primary residence; or (ii) a garage, shed, or similar place under the other person's control;
- **"possess"** means having physical possession or control over property;
- **"registration"** means licensure or license;
- **"transport"** or **"transfer"** means to deliver between licensed marijuana establishments as provided in 3 AAC 306.750.

(b) In this chapter, unless the context requires otherwise,

- **"adulterated food or drink product"** (A) 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; (B) does not include raw ingredients that are combined with marijuana in a manufacturing process;
- **"agent"** (A) means a representative who is authorized to act for a licensee, the board, or the director; (B) includes a contractor or subcontractor;
- **"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 potency content;
- **"business day"** means a day other than a Saturday, Sunday, or a state holiday;
- **"CBD"** means cannabidiol;
- **"CBDA"** means CBD Acid;
- **"CBN"** means cannabinol;

- **"clones"** or **"cuttings"** means small starter plants (A) shorter than eight inches tall; and (B) used to propagate marijuana plants;
- **"compensation"** (A) means money, bartered objects or services, or anything else of value, whether given as payment or voluntarily as a donation, when accepted by a person who gives, distributes, or delivers marijuana to another; (B) includes a cover charge, a delivery charge, and a packaging charge;
- **"concentrate"** or **"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;
- **"consumer"** (A) means an individual who purchases and uses marijuana or a marijuana product; and (B)) does not include a marijuana establishment that resells marijuana or incorporates marijuana into a manufactured product;
- **"contaminant"** means one or more of the following: (A) harmful microbials, including *Escherichia coli* (E. coli). or *Salmonella* species; (B) residual solvents; (C) poisons or toxins; (D) harmful chemicals, including pesticides; (E) dangerous molds, mildew, or filth;
- **"controlling interest"** means ownership or control of (A) 50 percent or more of the ownership interest or voting shares of a corporation; or (B) less than 50 percent if a person and family members jointly exert actual control as demonstrated by (i) making decisions for the corporation without independent participation of other owners; (ii) exercising day-to-day control over the corporation's affairs; (iii) disregarding formal legal requirements; (iv) ing corporation funds for personal expenses or investments, or intermingling corporation finances with personal finances; or (v) taking other actions that indicate the corporation is a mere instrumentality of the individual;
- **"distribute"** means spread out or pass out among several or many members of a group;
- **"edible"** and **"edible marijuana product"** (A) means a marijuana product that is intended to be consumed orally, whether as food or drink; (B) does not include an adulterated food or drink product;
- **"extraction"** or **"marijuana extraction"** means production of marijuana concentrate by any water-based, food-based, or solvent-based method;
- **"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;
- **"individual"** means a natural person;
- **"in-house testing"** (A) means laboratory testing as provided in 3 AAC 306.635 and that does not meet the requirements of 3 AAC 306.645; (B) does not include consumption of any marijuana or marijuana product on the licensed premises; revoked;
- **"licensed"** (A) means holding a current and valid license that the board has issued under this chapter; (B)) does not include holding a formerly valid license that has expired or that the board has suspended or
- **"licensee"** means each individual identified in 3 AAC 306.020 who must be listed in an application for a marijuana establishment license under this chapter;
- **"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;
- **"lot"** or **"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;
- **"marijuana"** has the meaning given in AS 17.38.900;
- **"marijuana cultivation facility"** has the meaning given in AS 17.38.900;
- **"marijuana infused product"** (A) means a product that contains marijuana or marijuana concentrate and is intended for human use; (B) does not include bud and flower marijuana;
- **"marijuana plant"** means a living organism of the genus *Cannabis* capable of absorbing water and inorganic substances through its roots, and synthesizing nutrients in its leaves by photosynthesis;
- **"marijuana product"** has the meaning given in AS 17.38.900;
- **"marijuana product manufacturing facility"** has the meaning given in AS 17.38.900;
- **"peace officer"** has the meaning given in AS 01.10.060;

- **"person"** has the meaning given in AS 01.10.060;
- **"process"** or **"processing"** means harvesting, curing, drying, or trimming of a marijuana plant;
- **"propagate"** means to cause a marijuana plant to grow by planting clones or cuttings, and nurturing them into viable plants up to eight inches in height;
- **"recreation or youth center"** means a building, structure, athletic playing field, or playground (A) run or created by a local government or the state to provide athletic, recreational, or leisure activities for persons under 21 years of age; or (B) operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age;
- **"retail marijuana store"** has the meaning given in AS 17.38.900;
- **"quarter feet under cultivation"** (A) means an area of the licensed premises of a standard or limited marijuana cultivation facility that is used for growing marijuana, measured from the perimeter of the floor or growing space for marijuana; (B) does not include a processing or storage area, an equipment storage area, an office, a hallway, or another area, if that area is not used for growing marijuana;
- **"THC"** means tetrahydrocannabinol, the main psychoactive substance found in marijuana;
- **"THCA"** means THC Acid; (40) **"transaction"** means one single occurrence in which marijuana or a marijuana product not exceeding the limits set out in 3 AAC 306.355 is passed from a licensed marijuana establishment to another person.

Lesson 5: How to Determine Valid Identification

Identification

By the end of this section, you will be familiar with:

- Valid Forms of Identification
- Verifying that an ID is Valid
- Identifying Minors
- Behaviors that a Minor may Display
- Verifying a Person's Age by Birth Date
- Verifying a Genuine ID
- Characteristics of Genuine IDs
- Handling Fake IDs
- Correct Procedure for Checking IDs
- ID Checking Guide and ID Readers

Introduction to Identification

It is crucial to learn about the proper forms of identification and how to check their authenticity. The legal age to purchase marijuana varies state-by-state (21 years of age in Alaska). It is becoming increasingly difficult to discern a person's actual age. Therefore, it is a mistake to guess a person's age based solely on their appearance.

As a seller of marijuana, the responsibility for making sure that your customers are of legal age falls to you. You can be held liable for selling to a minor and the establishment could face fines or even lose their license.

Remember - You do have the right to refuse a sale to anyone who looks to be underage and who cannot furnish a valid ID.

Valid Forms of Identification

Acceptable forms of ID can vary by state but generally include:

- State Driver's License
- Military ID
- State ID Card
- Passport

Acceptable forms of identification are determined at the state or city level of government.

Is the ID Valid?

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

Valid IDs should display the following:

- **Birth Date:** This is used to determine the age of the person.
- **Current Expiration Date:** If the ID has already expired, it is not valid. Sometimes minors try to use an expired ID of a friend or relative.
- **Signature:** The signature can be useful in identifying the owner.
- **Photo:** The photo helps to verify that its rightful owner is using the ID.
- **Physical Description:** Compare features listed on the I.D. Height and eye color typically will not change.
- Issued by a Government Agency: Federal, State, County or City

Is the ID Valid? Cont

People with false IDs rarely carry backup documentation, whereas most people have several forms. When confronted with a possible false ID, ask for further documentation.

Examples of a second form of ID are:

- Credit Card
- Student ID
- Social Security Card
- Health Ins Card
- Passport
- Paycheck Stub
- Library Card
- etc...

Distinguishing the ID of a Minor

States have adopted various means to assist you in identifying whether or not an ID belongs to a minor. Some of the most common methods are:

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 a minor. Also, the printed birth date may be highlighted.

Message in the Text: Many states include the actual phrase “under 21” or “under 21 until 2____” on the front of the ID.

Special Layout Features: The photo of a minor may be placed on the opposite side of the ID card. The format of the card may be printed vertically for a minor, rather than the standard horizontal format. Finally, there could also be a ghost photo or faint copy of the photo printed on the card for added security.

Behaviors that a Minor May Display (Marijuana Handler)

- They act nervous when offering their ID.
- They act nervous when ordering.
- They seem unsure or inexperienced when placing their order.
- They try to be as inconspicuous as possible.

Verifying Genuine IDs

Becoming completely familiar with the various acceptable IDs is vital. Recently, states have become more successful in developing IDs that are harder to duplicate or alter. That doesn’t mean though that the 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.

Characteristics of Genuine IDs

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.

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 they are genuine.

Characteristics of Genuine IDs Cont

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.

Photos: The photo should be clear and not blurry in any way. A photo that appears blurry may have been altered. A ghost photo, which is a smaller, fainter image of the photo, may also be used as an added security feature.

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".

Verifying Who the ID Belongs To

Many times, minors try to pass off a valid ID of a friend or relative as their own. Therefore, it is extremely important to make good observations when comparing the photo on the ID to the person standing before you.

Compare the general characteristics and make sure that the following match:

Gender, Weight, Eye Color, Height, Facial Features

Comparing the length or color of hair or even facial hair on men can be very tricky as these things are changed quite frequently.

Handling Fake IDs

At some point in time, you are likely to have someone try to give you a fake ID. A policy should already be in place at your establishment for handling this situation. If one is not, then it is a good idea to discuss this with management so that you know what your options are.

Typically your course of action might be to refuse to allow the individual to enter, refuse to serve them and ask them to leave the premises.

Remember to follow the law in your jurisdiction as well as any policies set by management.

Counterfeit ID's - Where People Get Them

Counterfeit ID are more common than you may imagine. Primarily, minors obtain these at the following:

- Friends and/or family
- Internet – many websites offer "Fake ID's" and "Novelty ID's" for purchase.
- Sites also offering templates for print at home fake ID's.
- ID counterfeiters – criminal counterfeiters are able to produce high quality ID's that may be difficult to detect.

Unacceptable IDs

The following may not be acceptable proof of age:

- | | |
|------------------------------------|---------------------------|
| • International drivers license/ID | • National ID's |
| • Voters Registration Cards | • Social Security Cards |
| • Resident Alien Cards | • Welfare Cards |
| • Library Cards | • Personal ID Cards |
| • Birth Certificate | • Check Cashing Cards |
| • Gun Permits | • Selective Service Cards |
| • Hunting License | |

The Steps for Checking IDs

Even when rushed, it is important to properly and thoroughly check the ID of each person that you card.

The following procedures should help with this process:

Step 1- Greet the Customer: Use the name printed on the card when greeting the customer. Look for signs of nervousness that could indicate they may be trying to use a fake ID or someone else's ID. Identifying their name may help to discourage the person from giving the card to someone else to use later while it may also help you to remember later on that you have already checked this ID.

Step 2 - Ask for the Card: This step is important for it allows you to detect if the card may have been altered in any way. Look and feel for any bubbles, areas of thickness and ink signatures.

Step 3 - Confirmation: Verify that the ID is genuine, is valid, belongs to the person presenting it and that it does not belong to a minor.

Once this process has been followed the decision can then be made as to whether or not to allow the individual into the establishment and to serve them.

The Steps for Checking IDs Cont.

If after this process you are still unsure you can ask if the person has an additional form of identification with them. You may even ask for their signature for comparison to their ID. At this time it may also help to ask questions about the information printed on the ID.

Such questions could include:

- What is your height?
- What is your address?
- When were you born?
- What is your full name?
- What year did you graduate high school?
- What is your astrological sign?

Remember that you do have the legal right to refuse sales or service to anyone that you believe to be a minor. When you do decide not to sell to, or serve, someone, it is best to remain polite and courteous when asking that individual to leave. You may also want to inform whoever is currently in charge at your establishment.

What to Look Out For on a Possible Fake ID

- Glue lines or surfaces that are bumpy; especially near the picture or birth date. Areas that are inconsistent with the rest of the ID may indicate tampering.
- Reprinted numbers with a shadowy or cloudy image behind them – the card may have been open to change the numbers.
- Missing features found on a real DL or ID when compared to the examples in the ID Checking guide.
- Missing security features such as microprint or images seen with an ultraviolet light.

Feel and bend the card – does it feel like it is made of the same materials used for real IDs?

Mistakes Made When Checking Identification

- Incorrectly guessing that a person is of age and not carding them when in fact they were a minor.
- These days minors look much older and it is becoming harder to determine a persons age just by looking at them.
- Not noticing that an ID has expired - an expired ID is not valid.

- Forgetting to actually look at the person standing before you and comparing them to the picture on the ID

Never let a customer or patron pressure or rush you so that you are not able to properly check the ID.

ID Checking Guide

The I.D. Checking Guide provides full-color examples of driver's licenses from all U.S. states.

Some ID Checking Guides also provide examples of international ID's and federal documents such as passports, military I.D. cards, and immigration documents.

Denying Service or Entry for Underage Persons

Should you face a situation where a person is underage or you believe the identification that they are presenting may be a fake ID, remain polite and refuse service and/or entry. Never be rude to the customer. Simply state that you are not able to allow entry and/or provide service. Should an issue arise or the customer become confrontational, get a manager and explain the situation. In the case that the customer becomes violent, call the police immediately.

Intervention Techniques

Intervention is a responsible sales technique that promotes responsible sales and helps keep the community safe. Intervention is a plan of action that includes things such as asking people for ID or refusing to sell when a customer shows signs of visible impairment. It is easier to plan and practice actions you will take, and what you will say, before you have to actually deal with that situation at work.

There are many intervention techniques and systems to evaluate customers. Each business may have their own techniques and systems depending on their business model, but the following guidelines could be helpful in developing successful intervention practices.

- Smile, make eye contact with your customers, and take time checking ID.
- Chat with customers before selling marijuana to them to determine if they are intoxicated.
- When you refuse to sell to a customer, tell your manager and co-workers.
- When appropriate, have a co-worker with you when you have to refuse service.
- Make it clear you are in control without being overbearing and scaring off customers.
- Use peer pressure if possible by asking for support from the customer's friends.
- Offer alternative transportation to keep intoxicated customers from driving.
- If an intoxicated customer insists on driving threaten to call the police and identify the driver and the vehicle.
- Follow through on your threat if the intoxicated customer drives away.

Keep two principles in mind in choosing your words:

1. Avoid "you" statements that sound accusatory or judgmental ("You're drunk," "You're stoned," "You already seem high on something"). These statements are more likely to offend and provoke the customer.
2. Use "I" statements instead, that put the focus on you and why you're refusing to sell ("I could get in trouble with the law and lose my worker permit or our business could lose its license," "Legally, I'm not allowed to sell you any marijuana products", "I have to follow the law", "My job would be at risk", "I can't.")

Professional Intervention Attitudes

Many sales professionals use these guidelines when refusing sales:

- Be courteous and concerned. People are more cooperative when they feel they are being respected and helped, rather than being put down. You might try a statement such as, "I want to see that you get home safely."

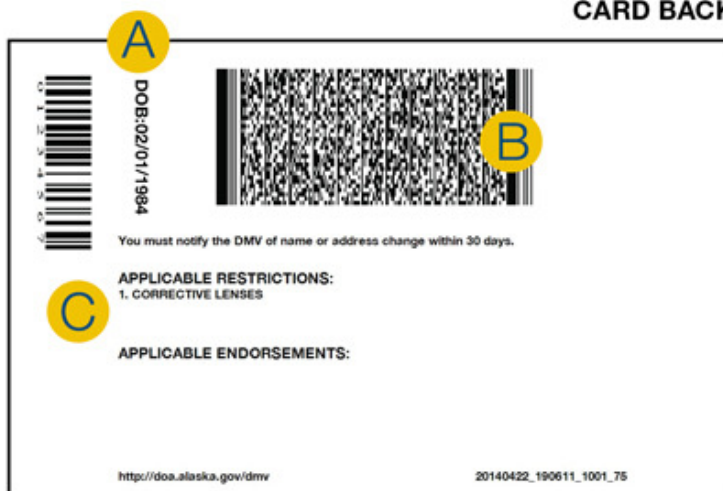
- Be confident. Confidence convinces people you are doing the right thing. Act confident even if you don't feel especially confident -- no one will know the difference!
- Be tactful. Never accuse a customer of being intoxicated. State simply that you cannot sell them any marijuana and suggest they come back another time.
- Be discreet. Make every effort not to embarrass the customer in front of friends or business associates. If possible, speak to the person privately.
- Be firm. Do not allow the impaired customer to talk you out of the rational decision you have made. Use a phrase that gets the message across and stops an argument in its tracks like, "I'm sorry I can't sell you any marijuana -- it's against the law."

Three reminders for dealing with difficult customers are:

- Remain calm. It helps to remember that the customer is the one with impaired judgment, not you.
- Get help. Tell the manager or other sellers. Sometimes even the hostile customer's friends can help diffuse the situation. Occasionally you may even need to call the police.
- Avoid a fight. Fights are bad for business and could result in other penalties or liability.

Alaska Drivers License Sample**CARD FRONT****CARD FRONT**

1. Primary Photo
2. Card Type and DL/ID Number
3. Cardholder Name and Address
4. Cardholder Information
5. Fine Line Pattern
6. Ghost Image
7. Clear Window in Shape of State
8. Optional Donor and Veteran Designations

CARD BACK**CARD BACK**

- A. Cardholder Date of Birth
- B. 2D Barcode
- C. Cardholder Restrictions and Endorsements

Security enhancements on the new driver's licenses and state ID cards include:

- Updated, detailed graphic design of Mount McKinley
- Microtext invisible to the naked eye that is difficult to counterfeit
- Laminate surface with a snowflake and the state seal of Alaska
- Ghosted photo of the applicant in addition to primary photo
- Complex graphic design and overlapping spirals over the text fields
- Clear window in the shape of Alaska
- 2D barcode on the back
- Supplementary date of birth field on back of card

SUMMARY (Identification - Marijuana Handler Training)

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

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 or the ID Reader. Always follow the proper procedures for checking an ID to ensure that you have made a "good faith effort" in not serving or selling to a minor.

Alaska Marijuana Handlers Course Conclusion

Congratulations! You have completed the Alaska Marijuana Handlers certification course. Now is the time to go back and review any information you feel may help you to pass the final exam. There will be 30 questions on the final exam and you must receive a score of 84% or better in order to receive your 3-year certification. You will have 2 attempts to pass the final exam. Should you fail to pass the final exam on 2 attempts, you must contact us using the 'Contact Us' page (fill out the form and click submit) so that we may reset your account. You will be notified via email that your account has been reset.

Once you pass the final exam, you will want to print your Certificate of Completion (is a PDF document) and follow the instructions on the 'Course Details' page so that you may obtain your Alaska Marijuana Handler Permit card from the Alaska Alcohol and Marijuana Control.

Following this slide, your Final Exam will load automatically and you will not have access to the course to review, so please do not click 'Next Slide' unless you are ready to test.

Thank you for taking the BudtenderExam.com Alaska Marijuana Handlers Certification course and always remember to.....

Know the Law
Serve/Sell Responsibly
Put Safety First

GOOD LUCK!

1. All licensed establishments must have an approved _____ in place.
 - a) Marijuana Growth Tracking System
 - b) Medical Marijuana Registration System
 - c) Marijuana Handling System
 - d) Marijuana Inventory Tracking System**
2. A marijuana retail store must be closed for business between which hours?
 - a) 2am to 6am
 - b) 5am to 8am**
 - c) Midnight to 8am
 - d) Midnight to 5am
3. Patients may apply for a medical marijuana card more than once every six months. True or False?
 - a) True
 - b) False**
4. Medical marijuana customers may purchase up to _____ of marijuana per visit/day.
 - a) 50 Grams
 - b) 1 ounce**
 - c) 5 Grams
 - d) 2 ounces
5. Once you start working at a marijuana facility, you have ____ days to get your marijuana handler permit card.
 - a) None. You must have your marijuana handlers permit card prior to working at a marijuana establishment**
 - b) 30 days
 - c) 60 days
 - d) 90 days
6. A copy of a marijuana registry identification card is valid for purchasing marijuana in Alaska.
 - a) True
 - b) False**
7. Video surveillance requirements include maintaining a min of _____ days continuous surveillance recordings both inside and outside the licensed establishment.
 - a) 20
 - b) 30
 - c) 40**
 - d) 50

8. How long may a person experience the short-term effects of marijuana?
- a) Up to 2 hours after inhaling marijuana smoke or up to 10 hours if consumed
 - b) Up to 4 hours after inhaling marijuana smoke or up to 12 hours if consumed**
 - c) Up to 6 hours after inhaling marijuana smoke or up to 24 hours if consumed
 - d) Up to 4 hours after inhaling marijuana smoke or up to 5 hours if consumed
9. Genuine IDs display the following characteristics:
- a) Photo, license number, proper text and images**
 - b) Wording such as "official" or "authentic"
 - c) Both a and b
 - d) A person's astrological sign
10. What are some of the signs of marijuana use?
- a) Loss of train of thought during conversation
 - b) Increased appetite
 - c) Lack of energy
 - d) All of the above**
11. Having a medical marijuana card gives the patient the right to smoke marijuana anywhere as long as the person has their medical marijuana card in their possession. True or False?
- a) True
 - b) False**
12. If a person under 21 years old tries to purchase marijuana at a licensed establishment, they may be fined up to \$_____
- a) \$100
 - b) \$200
 - c) \$400**
 - d) \$750
13. Valid IDs must display the following:
- a) Birth date
 - b) Current expiration date
 - c) Photo
 - d) All of the above**
14. Medical marijuana customers must be at least ____ years of age.
- a) 18
 - b) 20
 - c) 21**
 - d) 16

15. What are some of the signs that someone has used too much marijuana?
- a) Extreme confusion, anxiety, panic or paranoia; Fast heart rate
 - b) Hallucinations or delusions; Severe nausea and vomiting
 - c) Increased blood pressure
 - d) All of the above**
16. It is the responsibility of the marijuana handler to ensure that a customer's identification is valid. True or False?
- a) True**
 - b) False
17. You can accept a photocopy of a customer's medical marijuana card, as long as they have valid ID with the same name. True or False?
- a) True
 - b) False**
18. A Marijuana Handler Permit Card is valid for a period of _____
- a) 1 Year
 - b) 2 Years
 - c) 3 Years**
 - d) 4 Years
19. Edible marijuana products may not contain more than _____ mg active THC per serving?
- a) 2
 - b) 4
 - c) 5**
 - d) 7
20. The Marijuana Excise Tax to be paid by a marijuana cultivation facility is _____, or proportionate part thereof.
- a) \$25 per ounce
 - b) \$50 per ounce**
 - c) \$100 per ounce
 - d) \$150 per ounce
21. Licensed premises may not be within _____ feet of school ground, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility.
- a) 250
 - b) 500**
 - c) 1000
 - d) 1500

22. Owners of any licensed premises located in Alaska must be a resident of the state of Alaska. True or False?

- a) **True**
- b) False

23. Marijuana may be smelled outside of a licensed establishment as long as it is not beyond 20 feet. True or False?

- a) True
- b) **False**

24. How many visitors may be escorted by an employee into a Restricted Access Area of a licensed establishment?

- a) **5**
- b) 7
- c) 10
- d) No limit

25. What are four types/categories of licenses that are available from the Alaska Marijuana Control?

- a) Growing, Research, Testing, and Retail
- b) **Cultivation, Manufacturing, Testing, and Retail**
- c) Cultivation, Manufacturing, Development, and Retail
- d) Cultivation, Manufacturing, Distribution, and Retail

26. If someone is under the age of 21, they may:

- a) Enter a marijuana establishment if accompanied by a parent or guardian
- b) **Face a fine of \$400 if attempting to purchase marijuana from a retailer**
- c) Consume/use marijuana as long as they have a valid Marijuana Users Permit
- d) All of the above

27. When securing a location for a marijuana business,

- a) **you must disclose to the landlord that you intend to use the location for a marijuana business**
- b) you should expect to lose money during the first year of business
- c) you must apply for your license with the Marijuana Control Office BEFORE signing a lease for the location
- d) you do not need to disclose to the landlord that it will be for a marijuana business as they may not lease or rent to you

28. Local government can ban marijuana cultivation and marijuana for personal use entirely? True or False?

- a) True
- b) False**

29. Of these fees, which is potentially refundable?

- a) Change of Product Fee
- b) Application Fee
- c) Late Fee
- d) Licensing Fee**

30. Which of the following statements is NOT correct relating to your Marijuana Handlers Permit?

- a) You must submit your proof of training by an approved Marijuana Handler Certification course to the Marijuana Control Board
- b) Replacement cards are free of charge**
- c) There is a fee of \$50
- d) It is valid for a period of 3 years

31. Which of the following may be reviewed during an inspection?

- a) Marijuana Inventory Tracking System
- b) Marijuana Handlers Permit Cards
- c) Business Records / Financial Records
- d) All of the above**

Certificate of Completion

This is to certify that

Edward McLean

has successfully completed the following
HOSPITALITYexam.com course and examination
Course Name: Alaska Marijuana Handler Certification



Edward D McLean, Administrator
www.HOSPITALITYexam.com

Date: 06/10/2017
Expiration: 36 Months
Certificate #: 7798
Birth Date: 04/06/1972



Register: Select a Program

You've selected **Alaska**. The following programs are available for you.

Select a program and you'll be asked for your official registration details.



LOGIN

Get started now. It's quick and easy!

- 1 Click the REGISTER NOW button
- 2 Signup by giving required information
- 3 Buy course and continue with training!

Courses available in *Alaska*

Click on course name to view details

- Alaska Tap - Training for Alcohol Professionals
- KITCHENexam.com Food Handlers Certification
- [Alaska Marijuana Handler Certification](#)

Alaska Marijuana Handler Certification

Course Fee: \$1.00

REGISTER NOW

Alaska Marijuana Handlers Certification Just \$19.95

Bulk Purchases for Owner/Manager accounts \$17.95 (min purchase of 3 user credits required) [CLICK HERE TO REGISTER YOUR OWNER/MANAGER ACCOUNT](#)

In the state of Alaska, every licensee, employee, or agent of a marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or marijuana product, or who checks the identification of a consumer or visitor, **must** complete a state approved Alaska Marijuana Handlers Certification course and obtain a marijuana handler permit card from AMCO (Alcohol & Marijuana Control Office) before being licensed or beginning employment at a marijuana establishment, per 3 AAC 306.700. Marijuana handler permits are valid for three years from the date of issue.

This course includes the following topics:

- The Medical Marijuana voter incentive, AS 17.37
- The Recreational Marijuana voter incentive, AS 17.38
- The Recreational Marijuana Regulations, 3AAC 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

Following the training, there is a 30-question test. A passing score of 84% or better must be received in order to receive your 3-year certification. Failing to pass the final exam on (2) attempts will result in having to re-purchase and re-take the training in its' entirety.

IMPORTANT - the following MUST be performed (after taking this course and passing the final exam) in order to receive your Marijuana Handler Permit card from the Alaska Alcohol and Marijuana Control:

To learn more about obtaining your Alaska Marijuana Handler Permit card visit the Alcohol & Marijuana Control Office website [HERE](#).

In order to receive a marijuana handler permit card, you will need to complete the following steps:

1. Complete a Marijuana Control Board approved Marijuana Handler Permit Education Course.
2. Complete the marijuana handler permit Online Application [HERE](#)
3. Submit your \$50 payment via check, money orders or cashier checks payable to "State of Alaska"
4. For applicants who live near Anchorage or Fairbanks: Bring a copy of your Standard Cover Page, your original Marijuana Handler Education Course Completion Certificate, an original passport photo (Fairbanks office only), and a valid form of photo identification to your local AMCO office (see below for office hours).

Your card will be issued and provided to you by AMCO staff.

Anchorage: 550 West 7th Ave, Suite 1610,
Ring the doorbell for Handler Permits
Wednesday: 9:00am – 12:00pm Alaska Time

Fairbanks: 1648 Cushman St, Suite 203
Wednesday: 9:00am – 12:00pm Alaska Time

For applicants who are unable to visit the Anchorage or Fairbanks office: Mail a copy of your Standard Cover Page, your original Marijuana Handler Education Course Completion Certificate, an original passport photo, and a clear and readable color copy of a valid form of photo identification to the Anchorage AMCO office at the address below:

Mail your application documents to:

AMCO
Attn: Enforcement
550 West 7th Ave Suite 1610
Anchorage, AK 99501

Applicants should complete the following before proceeding with a new marijuana handler permit application:

- Read the Frequently Asked Questions (FAQs) provided at <http://www.commerce.alaska.gov/web/amco>
- Complete a Marijuana Control Board approved Marijuana Handler Permit Education Course

Once you have completed the above bulleted requirements and still have a marijuana handler permit question, you may send your question using our [Contact Us](#) page.

LIQUORExam.com

Secure | https://liquorexam.com/coursespub/showcourse/58

Home / Select State / Select a Program / Register

Register: Required Information

Enter your required information and you are all set.

* First name

* Last name

* Date Of Birth

* Email
has already been taken

* Confirm Email Address

* Password

* Password confirmation

* Phone

Get started now. It's quick and easy!

- 1 Click the 'Register for Free' link
- 2 Select your state
- 3 Choose the appropriate state training program
- 4 Enter some basic information (Name, Email and Password)
- 5 Begin Training!

User friendly registration process on secure portal

Security Questions

What is your favorite color?

Which year were you born?

What is the make of your first car?

☐ I agree to the following [terms and conditions](#).

[Sign in](#)
[Forgot your password?](#)

Alaska Marijuana Handler Certification

Once times counts to zero, 'Go to Next Slide' button appears

Sec. 17.38.060 Marijuana Accessories Authorized Time Remaining: 0 seconds

Notwithstanding any other provision of law, it is **lawful** and shall not be an offense under Alaska law or the law of any political subdivision of Alaska or be a basis for seizure or forfeiture of assets under Alaska law **for persons 21 years of age or older to manufacture, possess, or purchase marijuana accessories, or to distribute or sell marijuana accessories to a person who is 21 years of age or older**.

You should complete all lessons in the lessons before taking final exam

Lesson 3: Recreational Marijuana | Selective AS 17.38

<input type="checkbox"/> Legalized Marijuana in Alaska	✓
<input type="checkbox"/> Sec. 17.38.010 Purpose and Findings	✓
<input type="checkbox"/> Sec. 17.38.020 Personal Use of Marijuana	✓
<input type="checkbox"/> Sec. 17.38.030 Restrictions on Personal Cultivation	✓
<input type="checkbox"/> Sec. 17.38.040 Public Consumption Banned	✓
<input type="checkbox"/> Sec. 17.38.050 False Identification	✓
<input checked="" type="checkbox"/> Sec. 17.38.060 Marijuana Accessories Authorized	✓
<input type="checkbox"/> Sec. 17.38.070 Lawful Operation of Marijuana-Related	

Sec. 17.38.060 Marijuana Acc

Notwithstanding any other provision of or the law of any political subdivision of Alaska law for persons **21 years of a** marijuana accessories, or to distrib **years of age or older.**

Green check mark appears once **LESSON** has been viewed.

User can not access final exam until all slides and lessons are viewed.

ining: b

under Alaska law
of assets under
urchase
son who is 21

You should complete all the slides in the lessons before taking final exam

Lesson 3: Recreational Marijuana Voter Incentive AS 17.38

Lesson 1: Marijuana Consumption, Impairment & Prevention

Lesson 2: Medical Marijuana Voter Incentive AS 17.37

Lesson 3: Recreational Marijuana Voter Incentive AS 17.38

Lesson 4: Recreational Marijuana Regulations 3AAC 306

Lesson 5: How to Determine Valid Identification

☐ Sec. 17.38.010 Purpose and Findings☐ Sec. 17.38.020 Personal Use of Marijuana☐ Sec. 17.38.030 Restrictions on Personal Cultivation☐ Sec. 17.38.040 Public Consumption Banned☐ Sec. 17.38.050 False Identification☒ Sec. 17.38.060 Marijuana Accessories Authorized☐ Sec. 17.38.070 Lawful Operation of Marijuana-Related

Green check mark appears once **SLIDE** has been viewed. User cannot skip course content.

WELCOME JOHN SMITH**My Courses**

Course Name	Progress	Documents	Certificate
Alaska Marijuana Handler Certification	23%		

Personal Information**Mailing Address**[Edit Information](#)

Address 1:

State:

Personal Information

Email Address: alaskatestuser@liquorexam.com

First Name: John

Last Name: Smith

Employer Information**Security Questions**[Click to Show](#)

What is your favorite color?

22

User profile page shows link to course documents, training progress, transaction receipt and certificate link (after passing final exam)

**Alaska Marijuana Handler Certification**

23

[Resume Course](#)

User may log out and return to training where he/she left off

Course Description**Alaska Marijuana Handlers Certification Just \$19.95**

Bulk Purchases for Owner/Manager accounts \$17.95 (min purchase of 3 user credits required) [CLICK HERE TO REGISTER YOUR OWNER/MANAGER ACCOUNT](#)

In the state of Alaska, every licensee, employee, or agent of a marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or marijuana product, or who checks the identification of a consumer or visitor, **must** complete a state approved Alaska Marijuana Handlers Certification course and obtain a marijuana handler permit card from AMCO (Alcohol & Marijuana Control Office) before being licensed or beginning employment at a marijuana establishment, per 3 AAC 306.700. Marijuana handler permits are valid for three years from the date of issue.

State

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Alaska Marijuana Handler Certification

Please answer the security questions below to verify your identity.

What is your favorite color?

User must answer security questions to continue training (appear every 10 minutes). Used to verify training integrity and discourage cheating.

Alaska Marijuana Handler Certification

Exam for Alaska Marijuana Handler Certification online course
Congratulations on completing the Alaska Marijuana Handler Certification course

Start Exam button appears when user has completed training by viewing all slides and lessons.

Alaska Marijuana Handler Certification

Question 4 of 31
Choose the option which best answers the question.

All licensed establishments must have an approved _____ in place.

- ☐ 1. Marijuana Growth Tracking System
- ☐ 2. Medical Marijuana Registration System
- ☐ 3. Marijuana Handling System
- ☒ 4. Marijuana Inventory Tracking System

While taking final exam, should User answer a question incorrectly....

Alaska Marijuana Handler Certification

Your answer for the last question "What are some of the signs that someone has used too much marijuana?" was incorrect!

Next



Should User answer a question incorrectly, he/she is informed


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Congratulations! You have successfully passed the exam. Click on the link below to download the certificate.

[Download Certificate](#)

You worked hard to complete this course. Spread the word!



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Exam Summary

Total Questions	Answered Correct	Result
31	29	✓ Passed

Results page