Notice(s) of Violation

Alcohol & Marijuana Control Office
550 W. 7th Ave, Suite 1600
Anchorage, AK 99501

Date: 2/10/17
Case Number:AB17-075

Notice of Violation

(3AAC 306.805)

Licensee	License Number	Type of License
Susan Nowland	**10307**	**Retail**
D.B.A.	**How Delivered**	**Law Enforcement Agency**
Alaska Fireweed	**Electronic**	**AMCO**
Street or P.O. Box	**City, State**	**Zip**
715 W 4th Ave	**Anchorage, AK**	**99501**

This is a notice to you as licensee that an alleged violation has occurred. If the Marijuana Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative HearingNote:
On 2/9/17 It was observed by AMCO investigators that your location had marijuana oil (CBD Oil) manufactured from a source outside the State of Alaska for sale. This action is in violation of the following:
3AAC306.305-Retail Marijuana Store Privileges
3AAC306.310-Acts Prohibited at Retail Marijuana Store
3AAC306.330-Marijuana Inventory Tracking System
3AAC306.340-Testing Required for Marijuana and Marijuana Products
3AAC306.345-Packaging and Labelling
Reference:
AS17.38.010(b)(2),(3)
AS17.38.131-Enforcement Powers
AS17.38.900(10),(15)-Definitions
3AAC306.830-Seizure of Marijuana Product

This is not an accusation or a criminal complaint.
You are directed to respond to the Director of the Marijuana Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE MARIJUANA CONTROL BOARD AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please include your Marijuana Establishment License Number in your response.**

Alcohol & Marijuana Control Office
ATTN: Enforcement Unit
550 W. 7th Ave, Suite 1600
Anchorage, Alaska 99501

A Response is Required

3 AAC 306.805 provides that upon receipt of a Notice of Violation, a licensee may request to appear before the board and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: Inv. J. Bankowski
Filed By: Inv. J. Rukes	Title: Investigator III

THE STATE of ALASKA
GOVERNOR BILL WALKER

Department of Commerce, Community, and Economic Development

ALCOHOL AND MARIJUANA CONTROL OFFICE

550 West 7th Ave, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350
Fax: 907.272.9412

February 10, 2017

Alaska Fireweed
715 W 4th Ave
Anchorage, AK 99501
Via Certified and Electronic Mail

NOTICE OF HEARING

Re: Alaska Retail Marijuana Store License #10307

You are hereby notified that, on February 9, 2017, the following marijuana product was seized from your licensed place of business in accordance with 3 AAC 306.830. Seizure of marijuana or marijuana product :

Description of Item	Estimated Weight/Volume/Amount
*Please see attached Written Inventory Receipt	

The marijuana product listed above was found to be in violation of regulations pertaining to licensure as a Marijuana Retail Establishment:

3 AAC 306.305. Retail marijuana store privileges

3 AAC 306.310. Acts prohibited at retail marijuana store

3 AAC 306.330. Marijuana inventory tracking system

3 AAC 306.340. Testing required for marijuana and marijuana products

A hearing before the board has been scheduled to discuss the disposition of the items listed above.

Time: 11:45 am
Date: 2-17-17
Location: 550 West 7th Avenue Suite 1600 Conference room, Anchorage, AK 99501

To participate telephonically, you must provide the following investigator the telephone number at which a registered representative of the licensed business may be reached. Your representative will be contacted at this number at the appointed time of hearing.

Investigator: Joe Bankowski
Email address: joe.bankowski@alaska.gov
Phone number: 907-269-0355

If a registered representative of the licensed business does not appear in person or participate telephonically at this hearing, or if after a hearing the board finds that seizure of the marijuana product was justified, the marijuana product may be destroyed.

A registered representative of the licensed business may request a reasonable delay by notifying the investigator listed above no later than 48 hours prior to the hearing. The seized items will remain in the possession of the state until the board has rendered a decision.

Please contact the investigator listed above with any additional questions you may have.

2/4/17 1342 HOURS

AK FIREWEED

- RECEIPT OF SEIZED ALASKA CANNABIS EXCHANGE "ACE" CBD OILS

INVETORY

CBD VAPE 30 ML: QTY 42
CBD VAPE 15 ML: QTY 43
CBD PET 15 ML: QTY 40
CBD PET 30ML: QTY 34
CBD OIL 30ML: QTY 22
CBD OIL 60ML: QTY: 22

*ALL IN CLEAR TUPPERWARE CONTAINERS

INV. J. BANKOWSKI

To : AMCO

From: Alaska Fireweed # 10307

Subject: Notice of Violation

Date: 2-10-2017

First and foremost, Alaska Fireweed has every intention to comply with the rules and regulations that entitle us, and provide us the privilege to operate a retail marijuana store in the State of Alaska.

We believe that we have done no wrong doing by providing customers an additional outlet to purchase Industrial Hemp products. If the State of Alaska Marijuana Board deems Industrial Hemp to fall under the rules and regulations of the State Marijuana laws, we will comply with the ruling.

Industrial Hemp is a commonly used term for non-psychoactive, non-drug varieties of the species Cannabis Sativa L, that are cultivated for industrial uses rather than drug purposes. Industrial hemp is bred to contain less than 0.3% and 0.2% by weight of Tetrahydrocannabinol (THC), the psychoactive molecule in the upper portion of the flowering plant, respectively, vs flowering Marijuana varieties which typically contain 3 - 25% THC in the flower.

I have quoted a legal briefing by the Hoban Law Group with permission:

Marijuana or “marihuana” is a controlled substance. But not all parts of the Cannabis Sativa L plant are considered “marihuana” under the federal definition. Moreover, when it comes to industrial hemp, as set forth in the Agriculture Act of 2014 (commonly known as the Farm Bill), the entire industrial hemp plant is lawful. Under the CSA (Controlled Substance Act) marijuana is defined not by the DEA, but by Congress.

If the State of Alaska chooses to regulate Industrial Hemp as “Marijuana” they will be doing a disservice to the people in Alaska who have relied on purchasing this product for many years.

Industrial Hemp is widely used throughout the medical and veterinary community as an alternative avenue to treat many conditions.

Industrial Hemp products have been on sale throughout the lower 48 states, as well as Alaska for many years. When we chose what non-Cannabis related products we were going to provide in our store, we researched/visited many licensed retail stores in Oregon and Washington before determining what we were going to carry. We also spoke with Industrial Hemp Retailers that provided products to Alaska before any of the State Marijuana laws were in place. We thoroughly researched Industrial Hemp, and spoke with many distributors in the lower 48 that provided products not only in licensed marijuana stores, but also to other medical dispensaries, herbal outlets, spa’s, and general merchandise stores across the country. Cannabis retail stores aside, there are a vast amount of industrial hemp products readily available in just about every state including Alaska, and have been for several years now. We chose to sell tinctures, dog tinctures, vaporizable oil, and joint wrapping papers all derived from Industrial Hemp plants.

It seems as if there is a massive misunderstanding on the definition of Industrial hemp products, versus Cannabis flower. Yes, they are derived from the same family of plants, as well as poppy seeds are derived from the opium plants, but there is a clear difference between Industrial hemp and Cannabis, and this has been recognized by the federal government since 1937, which is why mega retailers such as Walmart, Fred Meyer & even Amazon are proud to feature these products and sell them across the country.

I recently participated in the public hearing of senate bill 6 which is an agriculture bill dealing with the growing of Industrial Hemp in Alaska. It is obvious the State of Alaska understand the different between Marijuana and Industrial Hemp. I have been in Alaska long enough to watch millions of dollars of federal, private and state money spent on failed dairy, wheat, alfalfa and other large crops. We can produce it we have never been able to make it cost effective for the consumer.

Industrial Hemp mainly is imported from Europe, Asia, and Canada. Just recently has there been successful US crops with the passing of the 2014 Farm Bill. Industrial Hemp is multi million dollar a year business. There are thousands of Alaskan's that have been purchasing this product for many years for many reasons.

Ruby is my friend's old lab that recently was diagnosed with a spinal tumor. She ended up in the " doggie wheel chair, back legs on a rolling dock. She could still use her front legs, and wag her tail. The Vet suggested they may want to consider purchasing dog CBD's which are made out of Industrial Hemp from a company in the lower 48. After about 2 weeks, Ruby no longer needed her doggie wheel chair. Did it cure her spinal tumor, I doubt it, but she now has a better quality of life.

I recently was speaking with a MD friend of mine, and we were discussing Industrial Hemp. A case was shared where she had an elderly patient that suffered from peripheral neuropath which is a very painful disease to mainly the extremities. There are about two drugs that help with this disease, but nothing was working for this elderly lady. The lady called her Doctor, and said, I read about this product that is made out of Industrial Hemp.. it is called CBD oil. I am going to rub in on my hands. My friend said she told her go ahead and use it. Well, the next day, the lady called back and said her pain was reduced significantly.

Our Manager's Dad recently passed away with brain cancer. He was able to enjoy a few remaining weeks with increase appetite, energy, with the use of Industrial Hemp.

I am not aware of any state that considers Industrial Hemp "Marijuana". If the state regulate Industrial Hemp under the "seed to sale" and if this product could even be grown in Alaska, it would be years and cost prohibited for any Alaskan to purchase. The state would be limiting the access of this product to the residents of Alaska.

I guess what troubles me most is we have all worked very hard and for many years as a cohesive group to set the rules and regulations of this new evolving industry.

I have worked in the health care field for over 40 years and I truly understand the time, energy, frustration, and rewards that come with implementation of new rules, regulations, and policy.

Why as a newly licensed retailer would I risk carrying a product if I had any inclination that it fell under the regulation and rules of the State Marijuana laws and risk the license that I worked so hard to get.

As I mentioned before, I understand it is a privilege to hold a retail Marijuana license in the state, and I am grateful for that. I will obey any rules or regulation set forth.

But, I hope this board and the state will consider an advisory panel, or take a deeper look into Industrial Hemp products before they regulate it under the seed to sale clause in the current State Marijuana Regulation.

I would also appreciate the opportunity to speak at the next board meeting if this is the process we need to follow.

Respectfully Submitted:

Sue Nowland

Alaska Fireweed #10307