



MEMORANDUM

TO: Mark Springer, Chair, and
Members of the Board

DATE: August 15, 2018

FROM: Erika McConnell, Director
Marijuana Control Board

RE: Regulations Project –Recreation or
Youth Center Definition

This project was noticed for public comment from April 19 to June 1, 2018. The board postponed consideration at the June 2018 meeting because it wanted the input of the public safety member who was not in attendance at that meeting.

Definition of Recreation or Youth Center Summary: This proposed regulation excludes a child care home from the definition of recreation or youth center. Child care home is defined in 7 AAC 57.990 as “a child care facility, usually in an occupied residence, for no more than eight children.”

In 2017, the board approved two licenses in the City of Fairbanks that are approximately 150 feet away from a child care home. The advice of the board’s staff was that the current definition of “recreation or youth center” includes child care facilities.

Potential Actions: Any substantive amendments will require the project to be put out again for public comment. Otherwise, the project may be adopted.

3 AAC 306.990(b)(35) is amended to read:

(35) "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;

(C) but excludes a child care home as defined in 7 AAC 57.990;

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200
AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

Public comment from R.C. Tinderbox:

3 AAC 306.360. Restriction on advertising of marijuana and marijuana products:

We feel that Advertising and Promotions should be allowed with the same regulations as Alcohol.

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

We feel adding new strains are such an important part for the growth of this industry. If allowed, we feel that up to 10 different stains per month but only 6 plants or clones can be delivered. We feel this is reasonable request for the ever-changing strains that are being developed.

3 AAC 306.730. Marijuana inventory tracking system:

We have no problem for or against the inventory tracking system.

3 AAC 306.700. Marijuana handler permit:

We have no problem for or against this section.

3 AAC 306.720. Video surveillance:

We feel a compromise would be 80 days instead of 120. At some point the public needs to take some responsibility and when they see something that they feel is not in regulation, they report it right away, so enforcement can follow up with the complaint. 120 days is expensive for the business to purchase another DVR for the longer recording time frame. We also feel that the video surveillance should not be use as a tool for disgruntled employees or public to try to use against the industry because they got upset and decided they saw something 2 months ago and NOW want to use it to get the facility or store front in trouble. I understand if you have nothing to hide this would not be a problem, but it is the fact that it is quite an added expense to the industry.

3 AAC 306.990. Definitions of recreational or youth facility:

**(35) "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;**

We have no problem with the definition as it stands

3 AAC 306.990. Definitions of Mature and Immature Marijuana plants:

(4) "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;

(5) "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.

We feel that a definition of Mature plant should be defined as; a plant that is in flower with finished production of trichomes that are viable for quality.

Immature plant should be defined as any plant in the clone, vegetative or early flower stage with visible signs of flower forming.