



MEMORANDUM

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

DATE: August 15, 2018

FROM: Erika McConnell, Director
Marijuana Control Board

RE: Potential Legislative Requests

The following potential changes to AS 17.38 have been identified for consideration by the board:

- 1. Retail to retail transportation**—clarify in AS 17.38.070(a) that a retail marijuana store may deliver or transfer marijuana or marijuana products to another retail marijuana store.
- 2. Indemnification for minors**—add a provision comparable to AS 04.16.049(f) which indemnifies a person under 21 when assisting with enforcement. That section says, “A person under 21 years of age does not violate this section if the person enters or remains on premises licensed under this title at the request of a peace officer, if the peace officer accompanies, supervises, or otherwise observes the person's entry or remaining on premises, and the purpose for the entry or remaining on premises is to assist in the enforcement of this section.”
- 3. Prohibit personal solvent-based manufacturing**—limit solvent-based manufacturing to commercial facilities for public safety. The Municipality of Anchorage has the following language in their code: “It is unlawful for any person to manufacture a marijuana concentrate, hashish, or hash oil by use of solvents containing compressed flammable gases or through use of a solvent-based extraction method using a substance other than vegetable glycerin, unless the person is validly licensed and permitted in accordance with statute, regulation, or ordinance.”
- 4. Six/twelve plant limit**—clarify that the six/twelve plant limit for personal possession applies to all personal cultivation. AS 17.38.020(2) restricts the number of plants “present in a single dwelling,” but AS 17.38.030(a)(3) allows personal cultivation to occur on any property “lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property.”
- 5. Set possession and transport limits for concentrates and edibles**—AS 17.38.020(1) allows for the “possessing, using, displaying, purchasing, or transporting...one ounce or less of marijuana.”

For clarity, limits for possessing, using, displaying, purchasing, or transporting personal use edibles and concentrates should be provided.

6. Testing facility operations—remove “cultivating” and “displaying” from what a testing facility can do in AS 17.38.070(d)(1).

7. Majority required to adopt regulations—add “adopt regulations” to the list of things that require a majority of the whole membership of the board in AS 17.38.111(b).

8. Tax structure in AS 43.61.

9. Other legislative requests from board members.