



AMCO ENFORCEMENT PRIORITIES

AMCO Mission Statement: Enforce alcohol and marijuana commerce laws and provide clear, consistent standards for licensure to protect the public health, safety, and welfare.

Purpose: Well-defined priorities and consistent enforcement ensure that legitimate, taxpaying business people will be the ones operating licenses in a manner that keeps alcohol and marijuana out of the hands of underage persons and degrades illegal markets. AMCO staff will continue to enforce all applicable statutes and regulations, relying on the language of the applicable statutes and regulations; the enforcement priorities set forth in this document are designed to assist AMCO staff with focusing resources to meet their responsibilities to the boards and the public.

Background: The Alcoholic Beverage Control Board and the Marijuana Control Board are regularly audited by the Division of Legislative Audit, prior to the Legislature determining whether or not there is a continuing public need for each board. In the 2017 audits of each of the two boards, the auditors recommended that the boards, the director, and the enforcement supervisor work together to establish an enforcement plan to make the best use of AMCO's limited enforcement resources.

The boards are vested with the authority to “control the manufacture, barter, possession, and sale of alcoholic beverages in the state” (Alcoholic Beverage Control Board) and “control the cultivation, manufacture, and sale of marijuana in the state” (Marijuana Control Board). The boards wield their authority in the public interest to protect the health and safety of the people of Alaska. The director is empowered to enforce Title 4 (AS 04.06.075) and Chapter 17.38 (AS 17.38.150). The enforcement staff exercise peace officer powers, granted by the boards with the concurrence of the commissioner of public safety (AS 04.06.110 and AS 17.38.131). AS 04.21.070 states, “Peace officers shall investigate and report to the board violations of this title.” Similar direction is given in 3 AAC 306.800.

With regard to marijuana, the federal government has not contested the establishment of a commercial adult-use marijuana program in Alaska (and several other states) as long as there has been in place a robust and well-enforced regulatory system. While the Cole Memo, which outlined this framework, was rescinded, maintaining such a system is in the best interests of our citizens. Priorities expressed in the Cole Memo—and adopted by resolution of the Marijuana Control Board—include preventing 1) distribution of marijuana to minors, 2) diversion, and 3) criminal activity and violence related to marijuana businesses.

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Adopted [date]

AMCO Enforcement Unit: AMCO has eight investigators (including one supervisor) and a criminal justice technician. Five investigators and the technician are located in Anchorage, two investigators are located in Fairbanks, and one investigator is based in Juneau. The alcohol program manages between 1,800 and 1,900 licenses; the marijuana program manages 225 licenses (as of mid-July 2018) and is growing steadily. Licenses, particularly alcohol licenses, are spread throughout the 663,300 square miles of the state. Many alcohol licensees and several marijuana licensees are located in communities that are accessible only by boat or plane.

Enforcement Priorities

Enforcement priorities include both topics and processes. They are listed here in no particular order.

Health and Safety: For the health and safety of Alaskans, a clear regulatory structure and consistent enforcement of alcohol and marijuana laws is critical. AMCO Enforcement will prioritize investigations relating to alcohol or marijuana coming from illegal sources, potential over-service of alcohol, bootlegging, criminal involvement in licensed businesses, and marijuana testing violations. Aligned with this priority, staff is committed to collaborating to the maximum extent possible with state and local law enforcement, as well as with other state agencies whose health regulations apply to alcohol and marijuana businesses.

Preventing Access by Underage Persons: A primary purpose of regulating alcohol and marijuana is to prevent the substances from being consumed by individuals under the age of 21. Access by minors to licensed premises is strictly limited by statute. AMCO Enforcement will perform compliance check and shoulder tap operations to evaluate licensed businesses' performance in preventing access by minors to alcohol and marijuana. Investigations of businesses suspected of allowing or providing access to alcohol or marijuana to minors will be prioritized.

Diversion and Introduction: This priority relates primarily to marijuana. AMCO is committed to ensuring that marijuana in the legal market is tracked from seed-to-sale as part of the regulated system. AMCO is committed to focusing all available resources to preventing marijuana from exiting the regulated system to be sold on the black market, and preventing black market marijuana from being brought into the regulated system, as necessary to protect licensed marijuana businesses and the consuming public.

Inspections: No license will be issued for a location unless the premises has been inspected. While AMCO Enforcement physically inspects most premises, in some less easily accessible areas, AMCO may request that local law enforcement assist with an inspection or may arrange with the licensee for a photographic or video inspection. By being diligent with initial inspections, AMCO strengthens public safety while also helping licensees to pre-empt situations that could possibly result in violations, fines, or license revocation.

Complaints: AMCO uses information provided by the public, generally received by phone or email, to alert the enforcement team to potential threats to public health and safety. All complaints received will be investigated and independently verified to establish whether or not violations of Title 4 or Chapter 17.38 have occurred.