



MEMORANDUM

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

DATE: October 16, 2018

FROM: Erika McConnell, Director
Marijuana Control Board

RE: Regulations Project –Extend Video
Storage Retention Time

This project was noticed for public comment from July 31 to September 7, 2018.

This regulation extends the length of time that video surveillance footage must be kept, as the enforcement unit has found that 40 days is insufficient to properly investigate complaints. Chief Hoelscher stated in his November 2017 enforcement report that AMCO receives reports of potential violations occurring on licensed premises after the 40-day retention period has passed. In the past year, there were at least five investigations of incidents that occurred more than 40 days prior, so video was not available for review of the incident(s) under investigation.

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

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

3 AAC 306.720(e) is amended to read:

(e) Each surveillance recording must be preserved for a minimum of **90**[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 **90**[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. (am _____, Register _____)

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		

From: Lisa Coates
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Public Comment Re: 3 AAC 306.720(e) changes to video retention
Date: Friday, September 07, 2018 4:29:58 PM

Dear Alaska Marijuana Control Board,

I would like to comment on the proposed changes on video storage retention. Increasing the storage retention to 90 days seems excessive but we will comply if required to do so. I am concerned about the message you are sending out to the industry. By increasing the retention time, it sends a clear message that you do not trust the industry folk that you have put your approval stamp on. It infers that you want to catch us doing something wrong. I believe the public stigmatism that cannabis has is slowly going away but the MCB is having a hard time doing the same. As more and more alaskans start to feel more comfortable admitting that they use marijuana for various reasons, the state should be seeing that we are not an evil industry that needs more oversight than alcohol. We do not see the alcohol industry regulated in this way. No other state with legal marijuana has these high video retention requirements.

You are helping perpetuate the stigmatism that the marijuana industry is full of non-law abiding citizens which is simply not true. We are hard working people who want to try and have a business for themselves and not have to depend on others for a paycheck.

Please reconsider raising the video retention requirement. Let's build this industry together.

Thank you for your time.

Regards,
Buddy Crowder
Herban Extracts, llc
Kenai

Submitted By	Comment
<p>8/18/2018 11:18:13 AM Sanford Bowles sanfordbowles@gmail.com Fairbanks, AK, US Anonymous User</p>	<p>Additional memory for video is expensive and the benefits are minimal if any.</p>
<p>8/2/2018 2:53:27 PM Mariam Swanson ak_berry@hotmail.com Anchorage, AK, US Anonymous User</p>	<p>I oppose this proposed regulation change. The cost for many business to make this upgrade can be in the thousands of dollars when ideally a request for information from cannabis businesses would be made in a more timely manner. Requests coming 3 months after an incident may or may not have occurred is simple ineptness.</p>
<p>8/1/2018 9:17:29 AM Ben Luedtke GreensleevesAK@gmail.com Chicago, IL, US Anonymous User</p>	<p>Good morning, I am wondering how long you would like to extend the video surveillance retention to? Best Regards, Ben Luedtke</p>

From: info
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: comment concerning change to video retention
Date: Friday, September 07, 2018 4:10:01 PM

Public comment for extending video retention to 90 days.

Dear AMCO

This change to 90 days retention will be extremely expensive and the additional cost will hurt my business.

It seems extremely arbitrary in nature. No reasons for this change has been disclosed. In comparison to Washington, Oregon and Colorado, it is excessive.

It would total 2,160 hours per camera. In my small store, that's 17,280 hours of retention. There is no way anyone at AMCO would have the time to review this.

AMCO can request any of our records and only allows 3 days for us to provide it all. It is impossible to download that much data in 72 hours. No regulation should ever be written that is physically impossible to follow.

Please do not approve this regulation

Thank you
Patricia Patterson
907-398-0202
High Bush Buds
#10831

From: dollynda Phelps
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Public comment - Video Retention
Date: Monday, September 03, 2018 3:49:20 PM

The current 40 day video retention requirement should suffice the needs of the state regulatory system. Additional storage would require complete overhaul of currently licensed facilities, an obvious increase in cost to these systems, and no other legal state is requiring what the Alaska MCB is proposing. There is not a clear need for this.

Colorado requires 40 days of retention, which they have determined adequate for 4 years running. They have exponentially more licensees than Alaska and still this time frame has not been changed.

Washington state has a video retention policy of 45 days, which they have determine adequate for 4 years as well. They too have exponentially more licensees than Alaska.

Oregon requires 30 days video retention, they also have exponentially more licensees than Alaska and have not determined an extended amount of time is necessary.

What is driving Alaska to propose these excessive video retention standards? The additional cost would be great, another unnecessary financial burden for licensees. Please do not consider 90 days of video retention, no other legal state has found this necessary.

Dollynda Phelps

907-252-8026

From: Kate Staskon
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Fwd: Upcoming mcb meeting public comment
Date: Wednesday, September 05, 2018 7:17:07 PM

----- Forwarded message -----

From: **Kate Staskon** <katestaskon@gmail.com>
Date: Tue, Sep 4, 2018, 3:48 PM
Subject: Upcoming mcb meeting public comment
To: CED AMCO Enforcement (CED sponsored) <amco.enforcement@alaska.gov>

9-7-18 VIDEO RETENTION

The current 40 day video retention requirement should suffice the needs of the state regulatory system. Additional storage would require complete overhaul of currently licensed facilities, an obvious increase in cost to these systems, and no other legal state is requiring what the Alaska MCB is proposing. There is not a clear need for this.

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What is driving Alaska to propose these excessive video retention standards? The additional cost would be great, another unnecessary financial burden for licensees. Please do not consider 90 days of video retention, no other legal state has found this necessary as a limited cultivator these costs are a huge impact on my small business, and are unnecessary hopefully the board will reconsider this proposal thank you
Kate Staskon
Peninsula Botanicals