



MEMORANDUM

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

DATE: December 20, 2018

FROM: Erika McConnell, Director
Marijuana Control Board

RE: Regulations Project – Onsite
Consumption Endorsement

The attached draft* was put out for a 60-day public comment period at the August 2018 board meeting. The comments are attached.

Summary of proposed regulations changes:

- Various sections amended to add the concept of “endorsement”
- Ability of local governments to protest endorsement in 3 AAC 306.060
- Application and endorsement fees proposed in 3 AAC 306.100
- New section 3 AAC 306.110 to provide general “endorsement” provisions
- Through local option in 3 AAC 306.200, a community can opt-out of onsite consumption endorsement, or specific operational characteristics of onsite consumption
- In 3 AAC 306.210, clarification of what happens if the local option changes in a community
- A licensed retail store may not allow intoxicated or drunken persons to enter or remain on the premises (3 AAC 306.310(b))
- Limits on quantity sold changed to “per day” rather than “per transaction,” similar to tasting rooms for alcohol manufacturers (3 AAC 306.355)
- Limits on quantity in 3 AAC 306.355 sold include product sold for onsite consumption
- New section 3 AAC 306.370 created to set parameters for onsite consumption endorsement
- Definitions added in 3 AAC 306.990(b)

*Changes have been made to the following sections to make them consistent with other recently adopted regulations changes: 3 AAC 306.025; 3 AAC 306.060; 3 AAC 306.100

Options for the board:

- Vote on adoption of regulations change

Regulations Project – Onsite Consumption Endorsement

MC Board December 20, 2018

Page 2

- Amend draft; if amendment is substantive, put out for public comment
- Send back to staff for revisions
- Close the project without action

3 AAC 306.015(d) is amended to read:

(d) The board will impose other conditions or restrictions on a license **or endorsement** issued under this chapter when it finds that it is in the interests of the public to do so.

(Eff. 2/21/2016, Register 217; add'l am 2/21/2016, Register 217; 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		

3 AAC 306.025 is amended to read:

3 AAC 306.025. Application procedure. (a) An applicant must initiate a new marijuana establishment license **or endorsement** application on a form the board prescribes, using the board's electronic system.

(b) After initiating a new marijuana license **or endorsement** application, the applicant must give notice of the application to the public by

(1) posting a copy of the application, on the form the board prescribes, for 10 days at

(A) the location of the proposed licensed premises; and

(B) one other conspicuous location in the area of the proposed premises;

(2) publishing an announcement once a week for three consecutive weeks in a newspaper of general circulation in the area; in an area where no newspaper circulates, the applicant must arrange for broadcast announcements on a radio station serving the local area

where the proposed licensee seeks to operate twice a week for three successive weeks during triple A advertising time; the newspaper or radio notice must state

- (A) the name of the applicant;
- (B) the name and location of the proposed premises;
- (C) the type of license **or endorsement** applied for along with a citation to a provision of this chapter authorizing that type of license **or endorsement**; and
- (D) a statement that any comment or objection may be submitted to the board; and

(3) submitting a copy of the application on the form the board prescribes to

- (A) the local government; and
- (B) any community council in the area of the proposed licensed premises.

(c) After the applicant completes the notice requirements in (b) of this section and submits each remaining application requirement listed in 3 AAC 306.020, the applicant must pay the application and license fees set out in 3 AAC 306.100. The notice requirements in (b) of this section must be given within the 90 days preceding the submittal of all application requirements listed in 3 AAC 306.020 and the application and license fee.

(d) When the director receives an application for a marijuana establishment license **or endorsement**, the director shall determine if the application is complete. Any application for a marijuana establishment license **or endorsement** that the director receives without the application and license fee is incomplete. If the director determines the application is complete, the director shall immediately give written notice to;

- (1) the applicant;

(2) the local government with jurisdiction over the applicant's proposed licensed premises;

(3) the community council if the proposed licensed premises are located within the boundary of a community council established by municipal charter or ordinance; and

(4) any nonprofit community organization that has requested notification in writing.

(e) If an application for a marijuana establishment license **or endorsement** is incomplete, the director shall notify the applicant by electronic mail at the address provided by the applicant and shall either

(1) return an incomplete application in its entirety; or

(2) request the applicant to provide additional identified items needed to complete the application.

(f) When the director informs an applicant that its application is incomplete as provided in (e) of this section, the applicant must complete the application not later than 90 days after the date of the director's notice. If an applicant fails to complete its application during the 90-day period after the director's notice, the applicant must file a new application and pay a new application fee to obtain a marijuana establishment license **or endorsement**.

(g) The director may, not less than 90 days after initiation of an application, inform an applicant by electronic mail at the address provided by the applicant that missing application requirements listed in 3 AAC 306.020 must be submitted within 90 days. If an applicant fails to submit all missing application requirements during the 90-day period after the director's notice, the applicant must file a new application and pay a new application fee to obtain a marijuana

establishment license. (Eff. 2/21/2016, Register 217; am 12/28/2017, Register 224;

am___/___/_____, Register_____; 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

3 AAC 306.060 is amended to read:

3 AAC 306.060. Protest by local government. (a) Not later than 60 days after the director sends notice of an application for a new marijuana establishment license, **a new onsite consumption endorsement**, renewal of a marijuana establishment license, **renewal of an onsite consumption endorsement**, license conversion, or transfer of a marijuana establishment license to another person, a local government may protest the application by sending the director and the applicant a written protest and the reasons for the protest. The director may not accept a protest received after the 60-day period. If a local government protests an application for a new or renewal license, **a new or renewal onsite consumption endorsement**, for a license conversion, or for a transfer of a license to another person, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

(b) A local government may recommend that the board approve an application for a new license, **a new onsite consumption endorsement**, renewal of a license, **renewal of an onsite consumption endorsement**, license conversion, or transfer of a license to another person subject to a condition. The board will impose a condition a local government recommends unless the board finds the recommended condition is arbitrary, capricious, and unreasonable. If the board imposes a condition a local government recommends, the local government shall

assume responsibility for monitoring compliance with the condition unless the board provides otherwise.

(c) If a local government determines that a marijuana establishment has violated a provision of AS 17.38, this chapter, or a condition the board has imposed on the licensee, the local government may notify the board. Unless the director finds that the local government's notice is arbitrary, capricious, and unreasonable, the director shall prepare the determination as an accusation against the licensee under AS 44.62.360 and conduct proceedings to resolve the matter as provided under 3 AAC 306.820. (Eff. 2/21/2016, Register 217; am____/____/_____, Register____; 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

3 AAC 306.100 is amended to read:

3 AAC 306.100. Fees; refund. (a) The non-refundable application fee for a new marijuana establishment license, an application for license conversion, or an application to transfer a license to another person is \$1,000. **The non-refundable application fee for a new onsite consumption endorsement is \$1,000.**

(b) The non-refundable application fee for a license renewal application is \$600. If a renewal application is late as provided under 3 AAC 306.035(e), an additional non-refundable late renewal application fee is \$1,000. **The non-refundable application fee for renewal of an onsite consumption endorsement is \$600.**

(c) The non-refundable fee to request board approval of a change in a licensed marijuana establishment's business name, ownership, licensed premises diagram, operating plan, or proposed new marijuana product is \$250. A change fee does not apply to an application for transfer of a license or a transfer of controlling interest to another person. The annual license **or endorsement** fee, to be paid with each application for a new marijuana establishment facility license **or endorsement** and each license **or endorsement** renewal application is

- (1) for a retail marijuana store license, \$5,000;
- (2) for a limited marijuana cultivation facility license, \$1,000;
- (3) for a marijuana cultivation facility license, \$5,000;
- (4) for a marijuana concentrate manufacturing facility license,\$1,000;
- (5) for a marijuana product manufacturing facility license, \$5,000;
- (6) for a marijuana testing facility license, \$1,000;

(7) for an onsite consumption endorsement to a retail marijuana store license, \$2,000.

(d) The fee for a marijuana handler permit card is \$50.

(e) If the board denies an application for a license **or endorsement**, or for renewal of a license **or endorsement**, the board will refund the annual license **or endorsement** fee. The board will not refund a license **or endorsement** fee after the license **or endorsement** has been issued.

(f) Processing fees for late renewal after failure to pay taxes are as follows:

(1) if a licensee pays its delinquent tax after a local government protests renewal of the license, but before the board denies license renewal, \$200;

(2) if a licensee pays its delinquent tax after appealing the board's denial of a license renewal, but before a hearing officer is appointed to hear the applicant's appeal, \$500;

(3) if a licensee pays its delinquent tax after appealing the board's denial of a license renewal, but before the administrative hearing begins, \$5,000;

(4) if a licensee pays its delinquent tax after an administrative hearing that results in a hearing officer recommendation to deny the license renewal, \$10,000. (Eff. 2/21/2016, Register 217; am 7/19/2017, Register 223; am 8/11/2018, Register 227; am____/____/_____, Register____; 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

3 AAC 306 is amended by adding a new section to read:

3 AAC 306.110. Endorsements generally. (a) An endorsement expands the boundaries of a licensed premises or the authorized activities of the licensed business.

(b) Only the board may issue an endorsement.

(c) An endorsement is valid only in conjunction with a license. An endorsement may only be transferred to another person if the license for which the endorsement was issued is also transferred to that person. An endorsement expires if the license expires or the license is revoked. An endorsement is suspended if the license is suspended. (Eff. ____/____/_____, 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

3 AAC 306.200 is amended to read:

3 AAC 306.200. Local options. (a) If a majority of the persons voting on the question vote to approve the option, or if a local government's assembly or city council passes an ordinance to the same effect, the local government shall adopt a local option to prohibit

(1) the sale or importation for sale of marijuana and any marijuana product;

(2) the operation of any marijuana establishment, including one or more of the

following license or endorsement types:

(A) a retail marijuana store;

(B) a marijuana cultivation facility;

(C) a marijuana product manufacturing facility;

(D) a marijuana testing facility;[.]

(E) an onsite consumption endorsement to a marijuana retail store license;

(3) specific operational characteristics of an onsite consumption endorsement to a marijuana retail store license, including consumption by smoking or vaping, or outdoor consumption.

(b) A ballot question to adopt a local option under this section must at least contain language substantially similar to: "Shall (name of local government) adopt a local option to prohibit (local option under (a) of this section)? (yes or no)."

(c) The ballot for an election on the options set out in (a)(2) of this section must include a brief explanation of the activity that each license or endorsement type on the ballot may carry out.

(d) If a local government dissolves under AS 29.06.450, any marijuana establishment license issued to that local government expires when the local government dissolves.

(e) A local government may not prohibit the personal use and possession of marijuana and marijuana products as authorized under AS 17.38.020.

(f) Nothing in 3 AAC 306.200 - 3 AAC 306.260 precludes a local government from applying for a marijuana establishment license **or endorsement** under other provisions of this chapter. (Eff. 2/21/2016, Register 217; am____/____/_____, Register____)

Authority: AS 17.38.020 AS 17.38.200 AS 17.38.900
AS 17.38.190 AS 17.38.210

3 AAC 306.250 is amended to read:

3 AAC 306.250. Effect on licenses of restriction on sale. If a majority of the voters vote under 3 AAC 306.200(a) to prohibit sale of marijuana and marijuana products or the operation of marijuana establishments, or if the assembly or city council passes an ordinance to the same effect, the board will not issue, renew, or transfer to another person a license for a marijuana establishment, **or issue or renew an endorsement**, with premises located within the boundary of the local government. A license for a marijuana establishment **or endorsement** within the boundary of the local government is void 90 days after the results of the election are certified, or after the effective date of an ordinance to the same effect if the local government opted out by ordinance. A license **or endorsement** that expires during the 90 days after the certification of a local option election, or during the period of time between passage of an ordinance to the same effect and the effective date of that ordinance, may be extended until it is void under this section, by payment of a prorated portion of the annual license **or endorsement**

fee. (Eff. 2/21/2016, Register 217, am 7/27/2017, Register 223; am___/___/_____,
Register_____)

Authority: AS 17.38.020 AS 17.38.200 AS 17.38.900
AS 17.38.190 AS 17.38.210

3 AAC 306.310(b) is amended to read:

(b) A licensed retail marijuana store may not

(1) conduct business on or allow a consumer to access the retail marijuana store's
licensed premises between the hours of 5:00 a.m. and 8:00 a.m. each day;

(2) allow a person to consume marijuana or a marijuana product on the retail
marijuana store's licensed premises, except as provided in 3 AAC 306.305(a)(4);

(3) offer or deliver to a consumer, as a marketing promotion or for any other
reason,

(A) free marijuana or marijuana product, including a sample; or

(B) alcoholic beverages, free or for compensation; **or**[.]

**(4) allow intoxicated or drunken persons to enter or to remain on the
licensed premises.**

(Eff. 2/21/2016, Register 217; 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

3 AAC 306.355 is amended to read:

3 AAC 306.355. Limit on quantity sold. (a) A retail marijuana store may not sell **to any one person per day**[IN A SINGLE TRANSACTION]

(1) more than one ounce of usable marijuana;

(2) more than seven grams of marijuana concentrate for inhalation, or

(3) marijuana or marijuana products if the total amount of marijuana, marijuana products, or both marijuana and marijuana products sold contains more than 5,600 milligrams of THC.

(b) These limits include marijuana or marijuana product sold for onsite consumption under 3 AAC 306.370(a)(2). (Eff. 2/21/2016, Register 217; 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		

3 AAC 306 is amended by adding a new section to read:

3 AAC 306.370. Onsite consumption endorsement for retail marijuana stores. (a)
Unless prohibited by local or state law, a freestanding licensed retail marijuana store with an approved onsite consumption endorsement is authorized to

(1) sell marijuana and marijuana products, excluding marijuana concentrates, to patrons for consumption on the licensed premises at the time of purchase only in an area designated as the marijuana consumption area and separated from the remainder of the

premises, either by a secure door and having a separate ventilation system, or by being outdoors in compliance with (c)(4) below;

(2) sell for consumption on the premises

(A) marijuana bud or flower in quantities not to exceed one gram to any one person per day;

(B) edible marijuana products in quantities not to exceed 10 mg of THC to any one person per day; and

(C) food or beverages not containing marijuana or alcohol; and

(3) allow a person to remove from the licensed premises marijuana or marijuana product that has been purchased on the licensed premises for consumption under this section, provided it is packaged in accordance with 3 AAC 306.345.

(b) A licensed retail marijuana store with an approved onsite consumption endorsement may not

(1) sell marijuana concentrate for consumption in the marijuana consumption area or allow marijuana concentrate to be consumed in the marijuana consumption area;

(2) allow any licensee, employee, or agent of a licensee to consume marijuana or marijuana product, including marijuana concentrate, during the course of a work shift;

(3) allow a person to consume tobacco or tobacco products in the marijuana consumption area;

(4) allow a person to bring into or consume in the marijuana consumption area any marijuana or marijuana product that was not purchased at the licensed retail marijuana store;

(5) sell, offer to sell, or deliver marijuana or marijuana product at a price less than the price regularly charged for the marijuana or marijuana product during the same calendar week;

(6) sell, offer to sell, or deliver an unlimited amount of marijuana or marijuana product during a set period of time for a fixed price;

(7) sell, offer to sell, or deliver marijuana or marijuana product on any one day at prices less than those charged the general public on that day;

(8) encourage or permit an organized game or contest on the licensed premises that involves consuming marijuana or marijuana product or the awarding of marijuana or marijuana product as prizes; or

(9) advertise or promote in any way, either on or off the premises, a practice prohibited under this section.

(c) A marijuana consumption area shall have the following characteristics:

(1) the consumption area shall be isolated from the other areas of the retail marijuana store, separated by walls and a secure door, and shall have access only from the retail marijuana store;

(2) a smoke-free area for employees to monitor the marijuana consumption area;

(3) a ventilation system that directs air from the marijuana consumption area to the outside of the building through a filtration system sufficient to remove visible smoke, consistent with all applicable building codes and ordinances, and adequate to eliminate odor at the property line;

(4) if outdoors, be found by the board to be compatible with uses in the surrounding area through evaluation of

(A) neighboring uses;

(B) the location of air intake vents on neighboring buildings;

(C) a sight-obscuring wall or fence around the outdoor marijuana consumption area;

(D) objections of property owners, residents, and occupants within 250 linear feet or the notification distance required by the local government, whichever is greater; and

(E) any other information the board finds relevant.

(d) An applicant for an onsite consumption endorsement must file an application on a form the board prescribes, including the documents and endorsement fee set out in this section, which must include

(1) the applicant's operating plan, in a format the board prescribes, describing the retail marijuana store's plan for

(A) security, in addition to what is required for a retail marijuana store, including:

(i) doors and locks;

(ii) windows;

(iii) measures to prevent diversion; and

(iv) measures to prohibit access to persons under the age of 21;

(B) ventilation. If consumption by inhalation is to be permitted, ventilation plans must be

(i) signed and approved by a licensed mechanical engineer;

(ii) sufficient to remove visible smoke; and

(iii) consistent with all applicable building codes and ordinances;

(C) monitoring overconsumption;

(D) unconsumed marijuana, by disposal or by packaging in accordance with 3 AAC 306.345; and

(E) preventing introduction into the marijuana consumption area of marijuana or marijuana products not sold by the retail marijuana store, and marijuana or marijuana products not sold specifically for onsite consumption;

(2) the applicant's detailed diagram of the marijuana consumption area which must show the location of

(A) the licensed premises of the retail marijuana store;

(B) serving area or areas;

(C) ventilation exhaust points, if applicable;

(D) the employee monitoring area;

(E) doors, windows, or other exits; and

(F) access control points;

(3) the title, lease, or other documentation showing the applicant's sole right of possession of the proposed marijuana consumption area, if the area is not already part of the approved licensed premises for the retail marijuana store;

(4) an affidavit that notice of an outdoor marijuana consumption area has been mailed to property owners, residents, and occupants of properties within 250 linear feet of the boundaries of the property on which the onsite consumption endorsement is proposed, or the notification distance required by the local government, whichever is greater.

(e) The retail marijuana store holding an onsite consumption endorsement under this chapter shall

(1) destroy all unconsumed marijuana left abandoned or unclaimed in the marijuana consumption area in accordance with the operating plan and 3 AAC 306.740;

(2) monitor patrons in the marijuana consumption area at all times, specifically for overconsumption;

(3) display all warning signs required under 3 AAC 306.360 and 3 AAC 306.365 within the marijuana consumption area, visible to all consumers;

(4) provide written materials containing marijuana dosage and safety information for each type of marijuana or marijuana product sold for consumption in the marijuana consumption area at no cost to patrons;

(5) package and label all marijuana or marijuana product sold for consumption on the premises as required in 3 AAC 306.345; and

(6) comply with any conditions set by the local government or placed on the endorsement by the board.

(f) The holder of an onsite consumption endorsement must apply for renewal annually at the time of renewal of the underlying retail marijuana store license. (Eff. ____/____/____,

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		

3 AAC 306.990(b) is amended to add the following subsections:

(41) “drunken person” has the meaning given in AS 04.21.080(b)(9);

(42) “freestanding” has the meaning given in AS 18.35.301(i)(1);

(43) “intoxicated” has the meaning given in AS 11.81.900(b)(34);

(44) “marijuana consumption area” means a designated area within the licensed premises of a retail marijuana store that holds a valid onsite consumption endorsement, where marijuana and marijuana products, excluding marijuana concentrates, may be consumed.

(45) “retail marijuana store premises” means an area encompassing both the retail marijuana store and any marijuana consumption area.

(46) “sight-obscuring wall or fence” means a wall or fence, including any gates, constructed of solid material and a minimum of six feet in height. (Eff. 2/24/2015, Register 213; am 2/21/2016, Register 217; am 10/11/2017, Register 224; am 8/11/2018, Register 227; 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: Rory Spurlock
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Proposed Changes
Date: Thursday, August 23, 2018 9:54:19 AM

I'm all for the proposed changes to the regulations of the Marijuana Control Board, regarding the addition of an onsite marijuana consumption endorsement to the retail marijuana license.

It only makes good business sense as well as State tax sense. As tourism grows, so will the State marijuana tax money. As I am involved in the tourism industry, I have heard from many tourists asking where they can smoke cannabis legally in Anchorage. I usually tell them to find an empty alleyway, although that can get them fined, currently it is about the only remedy other than inviting them to your home. As the liquor industry has places to drink, the cannabis industry should have places to smoke.

Thanks,
Rory Spurlock

From: vegas.girl@yahoo.com
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: On Site Consumption
Date: Thursday, August 23, 2018 12:18:52 PM

8/23/18

Board:

I am in favor of on site consumption of marijuana products at the retail outlets.

I'm tired of the double standard of alcohol vs marijuana consumption. Alcohol has been legally consumed at bars and nightclubs everywhere for decades. More harm has been done to the public due to drunk drivers than you will EVER see from marijuana users, especially considering the much smaller amount of marijuana consumption at any given time.

It's time to end the unfairness and double standards.

Thank you.

Carol Jensen
Anchorage, Alaska
Email: vegas.girl@yahoo.com
Ph: 907-244-1979 (cell)

From: Dennis Harris
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Change in regulations re onsite marijuana consumption
Date: Friday, August 24, 2018 10:55:16 AM

I am completely in favor of the proposed regulation that would allow onsite consumption of cannabis products.

As a limousine operator and tour company owner, the lack of available places for my non-resident passengers to legally consume cannabis has been a problem. As a USFS transport permit holder (for transportation to the Mendenhall Glacier Recreation Area) I cannot allow my passengers to consume marijuana on National Forest land, and I can't allow them to consume cannabis on Alaska State Park land. Other popular tour destinations also don't allow marijuana consumption, and both city and state law don't allow consumption in my vehicle. I have made several unsuccessful attempts to find places on private property in Juneau where my passengers could smoke a joint.

I have reviewed the draft regulation changes and believe that they will solve a difficult problem for Alaskan tour operators. I urge the Board to adopt them as soon as possible, so that tour and transportation operators can make the information available as we book tours for the 2019 summer tour season.

I also urge the Board to direct staff to prepare a simple brochure for visitors explaining where marijuana consumption is allowed, and to make a downloadable PDF version of the brochure available so that tour operators can make it available to potential clients.

Thank you for your consideration of my comments.

Dennis P. Harris
12th Street LLC dba
Custom Juneau Tours
544 W 12th St
Juneau, AK 99801-1524

Cell (907) 209-8387
customjuneautours@ejuneau.net
<http://www.customjuneautours.com>

From: rg_mantei@reagan.com
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: cannabiscafes
Date: Sunday, August 26, 2018 1:54:22 PM

To whom it may concern:

It is my opinion that marijuana should only be consumed in the home. There should be NO public consumption, any time or any place. We do not need a marijuana joint on every corner in the the city or borough. Voting to legalize that stuff was the dumbest thing the voters of this state ever did. Further more the state does not have the right to override Federal laws and it is against federal law.

NO PUBLIC CONSUMPTION OF THAT STUFF UNDER NO CIRCUMSTANCES.

Robert Mantei

From: Joe Irvine
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Comments regarding cannabis cafes
Date: Sunday, August 26, 2018 2:17:26 PM

I want cannabis to be regulated under the same conditions that allow public consumption of alcohol. Currently, alcohol can be consumed legally at licensed bars & events. Cannabis users should have the same opportunity.

Joe Irvine
Po Box 139
Palmer, AK 99645
Sent from my iPad

From: Hayden Kaden
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: On-site consumption of cannabis
Date: Monday, August 27, 2018 12:58:18 PM

This is a great idea and one that should have been adopted initially with the other regulations controlling sale and use of cannabis.

I see this as an additional revenue source for the taxing authorities, especially during the summer tourist months. People arriving in Alaska aboard cruise ships wishing to partake of cannabis have no place to do so at present without violating the laws against public consumption.

The same goes for the independent travelers who visit Alaska who may have arrived by ferry or airline or automobile who have no legal location for cannabis consumption.

The idea behind cannabis legalization for personal consumption was to treat cannabis like alcohol. It is time to make that a reality and allow on-site consumption.

These new regulations seem fair and sound and I would offer my support for their implementation.

Sincerely,

Hayden Kaden
haydenkaden@gmail.com
P.O. Box 138
Gustavus, AK 99826
(907)723-8994

From: Mike Stoltz
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Cafés
Date: Monday, August 27, 2018 4:15:44 PM

Comparing alcohol and marijuana regs does not work.
They are two different drugs.
NO MARIJUANA CAFÉS.

Mike Stoltz
PO Box 202
Talkeetna, AK 99676

Sent from my iPhone

3854 Helvetia Drive
Anchorage, AK 99508

August 27, 2018

Alaska Marijuana Board
550 W. 7th Ave. Ste 1600
Anchorage, AK 99501

Re: Marijuana Cafes

Dear Board Members;

I have questions and comments about the proposal to allow onsite consumption of marijuana at retail outlets. It is rather scary to know that customers will be smoking and getting "high" then taking to a vehicle and driving through town; like we don't have enough impaired drivers on our streets.

Safe place for tourists? From what? Marijuana smoking is unsafe? Is that an admission? . Who is going to look after their *safety* when they leave the cafe?

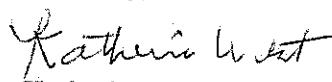
Being able to smoke on premises would increase sales and thereby funds for the State. To be used no doubt for rehabilitation facilities for those who become addicted and then require stronger drugs to reach their "feel good" state. They will now be deemed to have a disease and need help from their poor choices; of course to be paid for by the taxpayer. The state already suffers from high crime due to addictions.

Perhaps this additional funding from onsite smoking could go to lawsuits from families who sue the state for allowing such consumption when a "high" person decides to drive and perhaps get into, or cause, an accident, or commit some other misfortune.

What about second hand smoke; and the smell, and doesn't the State have a No Smoking in public places policy that was hard fought and won? Does that policy no longer apply?

It seems to me that when marijuana was legalized it was assumed it would be purchased and then consumed at home; but in fact legalization has opened a Pandora's box. I would urge the Board to not allow smoking cafes.

Sincerely,


Katherine West

From: Thomas DePeter Jr.
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Cannabis Cafe
Date: Tuesday, August 28, 2018 9:45:39 PM

I would like to voice my objection for allowing cannabis to be consumed on the premises. Cannabis is much different then alcohol. You can consume a drink at a bar and not be impaired, but I don't know anyone that can consume cannabis and not be impaired, especially with the much higher levels of THC in today's weed.

Please don't allow this.

Thanks.

Respectfully Submitted.

Tom DePeter Jr.

From: [Burgess, Sandra A \(DOL\)](#)
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite Consumption
Date: Thursday, August 30, 2018 8:48:42 AM

Good morning,

Will be a mechanism be available for measuring the amount of marijuana in the blood stream similar to the device used to determine the amount of alcohol in the blood stream? Since the driving limit for alcohol in the blood stream is .08%, I believe there should be a way for consumers and officials to measure whether driving is impaired. It can be assumed that many onsite consumers will drive to and from the point of sale, adding to the number of alcohol-impaired drivers in Alaska who put themselves and others at risk by driving under the influence. It seems reasonable to impose a limit if onsite consumption is approved, regulated, and sanctioned by the state of Alaska.

Thank you for the opportunity to give my opinion.

Sandra Burgess
Employment Security Analyst III, Supervisor
AK DOLWD/DETS
(907) 465-5947
sandy.burgess@alaska.gov

From: Douglas Hoffmaster
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite Consumption
Date: Thursday, August 30, 2018 7:49:17 PM

My name is Doug Hoffmaster and I moved to Alaska in 2002 with the USAF. In 2012 I retired from the military and chose to remain in Alaska because I love this state. But slowly, the governor, unscrupulous state legislature, and now you are making me have thoughts of leaving the state I have called home for the past 16 years. I did not support the legalization of marijuana, however I don't care if people consume it in the own residences. Now this board (only thinking of money) is considering allowing onsite consumption, absurd!

You are creating a serious threat to our communities. We already have a serious drinking and driving problem in this state and you want to allow the consumption of marijuana onsite. Are you frigging kidding me, do you want to be responsible for knocking on someone's door to let them know their loved one was killed because of a decision you made? This is the most ridiculous thing I have ever heard of. I seriously urge you to think rationally and drop this ridiculous initiative.

Sincerely,

Doug Hoffmaster
Proud Alaska Resident

From: mantei@alaska.net
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: On-site use of marijuana
Date: Friday, September 07, 2018 10:45:08 AM

Dear Members,

In regards to on-site use of marijuana and marijuana cafes, I ask you to not implement this option. I have lived in Fairbanks for 27 years. Since the new regulations of marijuana have been in place and the retail stores opened, it seems to me that there is already a lack of respect for when and where people are using marijuana. I have had to walk past two men smoking marijuana on the street in front of Fairbanks Paint and Glass at 10:30 am on a Tuesday, on South Cushman St. I witnessed young men smoking marijuana in the back of their truck while watching fireworks at Creamer's Field after the fair with my family. My husband saw a father smoking with a toddler in the back seat of a car at a gas station. I've seen two men smoking right on the sidewalk by the store they purchased their marijuana from. This kind of in your face, "it's legal" attitude, will only increase if consumers are able to use products at the store. From my conversations with law enforcement on three separate occasions, this is already causing problems in our city. From what I read in the news, Fairbanks has a need for more law enforcement and emergency response personnel. This only compounds the shortages. Three of my family members are employed at Fred Meyer's and they see problems on a regular basis that are directly related to the increase of marijuana use. I think given the problems I am witnessing in our town already, that on-site use and cafes will only add to these issues. I honestly don't feel like people will be responsible with driving under the influence of marijuana. How does a designated driver stay drug-free? What are proposed options for sobering up before leaving an on-site establishment? How do employees judge how impaired a customer is? If people want to smoke marijuana in their homes, then that's their choice and has been before the new laws were implemented. I'm not a stranger to marijuana use. I grew up in southeast Ohio where marijuana use is very popular and I had close relatives and a step-dad that used marijuana. I know the real effects it has on families and the ability for stable income from a good job. I know that the marijuana that is being used in 2018 is much stronger than it was in the 60's 70's or 80's and about the dangers of the edible products. The smell of marijuana is one of my least favorite and I certainly don't want to smell more than I already do driving around town now. Outdoor smoking is certainly something I don't want to see in Fairbanks. I will continue to vote against it. I don't care about the profits and the tax money generated. The money to me is greed. As time goes on the young people in our community will suffer from this increase of use. In other states like Colorado and Oregon employers struggle to hire people that can pass drug tests. This is going to be another negative impact on our cities. I hope that some of the profits are going to be used to help our law enforcement and emergency response in our cities. One friend told me that writing this letter is pretty much a waste of time because it's all about the money. We'll pay a price for this, if it's true. Fairbanks used to be a great community, what I see now is way too many marijuana stores. It's really heartbreaking to see, and on-site consumption and cafes would only add to the current problems. If this is implemented, then please make sure the law enforcement and emergency response personnel get the funds they need to keep our communities safe.

Thank you for your time.

Sincerely,
Jennifer Mantei

From: Becky Foster
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite marijuana usage opinion
Date: Saturday, September 08, 2018 8:35:29 AM

Marijuana Control Board,

I wanted to voice our **STRONG** opposition to onsite marijuana usage near marijuana stores.

What you do in your own home (legally) is your own business, but when you travel to a place to get high, then travel to your next destination impaired is the ultimate in stupid & is highly dangerous.

It's not like going to a bar. You can have 1 drink, or not drink at all, and be ok to drive. Smoking marijuana gets you high. Period. It's the main goal of smoking it. You can't even hang out in a marijuana smoking facility without getting high from the second hand smoke. Anyone leaving the facility is a danger to himself/herself and others.

Passing a law to allow onsite consumption of marijuana would be criminal. The death and destruction of others lives caused by passing such a law would be on you, the Marijuana Control Board. I don't think you want that on your conscience or want to do that to your fellow Alaskans.

Respectfully,

Steve and Becky Foster
Soldotna, Alaska

From: Mark Woodward
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite Consumption
Date: Monday, September 17, 2018 6:48:51 PM

My name is Mark Woodward, and I fully support onsite consumption as put forth in the proposed regulations.

As the co-owner of The Stoney Moose (a retail cannabis shop in Ketchikan), I have a very knowledgeable view on what the lack of a legal consumption area for cannabis is having on the cruise ship industry and the town of Ketchikan as a whole; I'm almost positive the other cruise ship towns are facing the same problems:

- The lack of onsite consumption is putting people who both follow the law and enforce the law in a difficult situation. First off, The Stoney Moose is one of the most popular retail stores in the state based on sales...yet Ketchikan is only 12,000 in population. Thus the cruise ship industry is having a huge impact - but where are the passengers going to consume? Based on our follow-up questions, most are consuming while in Ketchikan. So then how many tickets for public consumption of cannabis have the Ketchikan Police Department handed out in the past two years? Only one, and it wasn't to a cruise ship passenger. Therefore it seems like due to the immense value of the industry, most cruise ship passenger town police forces are choosing to "look the other way" when it comes to fully enforcing public consumption. The fact that both cruise ship passengers are forced to find a place to publically consume and our police forces are directed to look the other way in order to maintain those cruise ship dollars needs to be changed, and allowing a retail store to have that onsite recommendation would solve both those issues immediately.
- There is a HUGE desire from the cruise ship passengers to see us have onsite consumption. Last year we gathered over 1,000 letters of support from the cruise ship passengers requesting AMCO approve on-site consumption. This year, if we would have put out a flyer asking for comments, I bet we could have gathered over 10,000 requests. Simply put, the cruise ship passengers want/need a legal place to go, and if we are a state that allows cannabis to be consumed by those 21+ of age then we need to allow a location for this to happen due to the influx of tourists on a daily basis. If not, then we continue to create a risky situation for those passengers: consume illegally in a cruise ship port town, or sneak onboard and risk getting kicked off the cruise ship. Cruise ship passengers are making those decisions hundreds of times daily, and that's no exaggeration. AMCO could solve this by passing the onsite regulations as proposed.

I've stated numerous times that I've wanted AMCO to look at how we are proposing onsite consumption down here at The Stoney Moose, especially because we are the first store most people from non-legal cannabis states see. We know the impact that onsite will have. so we've put forth a plan that is even more detailed towards safety than the current AMCO regulations. We want this to work AND put everyone at ease, We've already installed our engineered ventilation system, have a table tracking software system ready to track how much time and what a customer has consumed while in the onsite area, have a 30-minute max employee plan ready to implement (based on employee safety), as well as neighborhood support to push forward with our plans if approved. We are going to do this the right way, and would allow AMCO to look at us as an example.

-Mark Woodward

co-owner of The Stoney Moose
AK retail #10873
Ketchikan, AK

From: Melissa Rustemov
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: On-site consumption
Date: Thursday, October 04, 2018 7:09:15 AM

Hello there,

I saw a post saying AMCO is accepting comments.

I haven't heard or read information about this yet, but I wanted to voice my support for safe places for consumption. It would bring opportunities for new businesses and keep people from smelling up public lands.

Cannabis cafes could be a wonderful addition to our economy- I'm not sure of the exact wording and rules that have been proposed, but I would love if you all could consider approving such a regulation.

Thank you,

Melissa
Anchorage, AK.

From: David Swofford
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Marijuana Onsite Consumption Comments
Date: Thursday, October 04, 2018 12:57:55 PM
Attachments: [image002.png](#)

It is important that those dealing with the problem like mental health workers be brought in before it is was legalized.

This drug or substance like alcohol can hurt your brain. Some people can have severe reaction to the drug. This is a substance for some people that makes them feel better but hurts there brain at the same time. Also for some its

hurting them in the long run. There is a danger. If you value your thought process, memory, do want anxiety, your drive,

and not being addicted to a substance. Consider that at any time you could end up with mental health

issues. Take care of your lungs and your brain. Get your high from living life without drugs of any kind unless you are ill.

Be careful you could have a reation.

"Helping people live their own best lives"



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From: vicki campbell
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Marijuana Onsite Consumption Comments
Date: Thursday, October 04, 2018 2:41:20 PM

a place for on-site consumption is a good idea as that would reduce the marijuana smoke that is now all over town. of course, it wouldn't eliminate it completely, but it would reduce it somewhat. thank you.

From: Gehrke, Jennifer
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: proposed onsite consumption changes
Date: Tuesday, October 09, 2018 11:29:26 AM

Greetings:

I am a nurse educator at Fairbanks Memorial Hospital, and I am writing in opposition of the proposed onsite consumption regulations. While I am not opposed to cannabis use, onsite consumption will be in opposition to the Smoke Free Workplace act which went into effect on October 1, 2018. Additionally, there is the issue of impaired driving. There is not currently enough research to recommend a "safe" level of cannabis in the body where one would not be impaired while driving. For the safety of our community, I urge you not to adopt these proposed changes.

Jennifer A. Gehrke, RN, MS
Clinical Educator
Fairbanks Memorial Hospital
907-458-5546

From: Emily Kane
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Regs for public consumption of marijuana
Date: Thursday, October 11, 2018 3:07:32 PM

Hello!

Kindly register my comments:

- 1) There is no good evidence that adequate ventilation systems in rooms adjacent or attached to legal pot shops would endanger workers or guests.
- 2) Cannabis has been legal at some level in Alaska for decades. It's not going away. It has provided new tax revenue for many communities. If we want to capture the tourist revenue we must allow them to sample wares in a safe and welcoming environment. Then they don't light up on the street, in their hotel rooms or on their cruise ships.
- 3) I find no good argument against allowing those who wish to enjoy uplifted consciousness to experiment in a environment where experts and seasoned users are on site. Look at how much death and suffering alcohol has caused. Huge. Car crashes. Domestic abuse. Child neglect. Yet it is widely consumed at points of sale. Pot doesn't create those problems. In my opinion we should encourage folks who want to appreciate moments of euphoria to learn about cannabis at the point of sale. I'm all for moving folks away from booze (highly toxic) towards cannabis. On site consumption is a responsible solution for educating new (and seasoned) users.
- 4) Detractors argue that on site consumption "normalizes" use in the eyes of youth. That argument does not hold water. How many bars do we have in downtown Juneau? On site consumption would actually allow adult users who live with underage dependents an option for keeping their pot use out of the home.
- 5) Detractors claim there is a "big difference" between adult home use and on site adult use. How so? See comment 4.
- 6) A compromise would be to only allow vaping on site to reduce burning particulates in enclosed spaces.

Thank you for registering these comments. Kindly acknowledge this format is adequate for your purposes.

Thank you.
Dr Emily Kane
member, Society of Cannabis Clinicians
Juneau AK

www.DrEmilyKane.com
www.naturopathic.org
www.primarydoctor.org

Join with me in

Cultivating Exuberance

From: Elizabeth Haus
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite Consumption
Date: Saturday, October 13, 2018 3:31:58 PM

To Whom it may Concern:

I'm writing in support of changes indicated in the NOTICE OF PROPOSED CHANGES TO THE REGULATIONS OF THE MARIJUANA CONTROL BOARD REGARDING THE ADDITION OF AN ONSITE MARIJUANA CONSUMPTION ENDORSEMENT TO THE RETAIL MARIJUANA LICENSE.

How much more tax revenue would be available if there was a place to sit down and smoke it? I've long been concerned that tourists wanting to enjoy their purchase of cannabis would find there was no place to do so, and therefore pass up making a tax contribution. Think of the money!

Also, "regulate like alcohol" means providing a similar setup as a bar or pub, does it not?

Thank you for your time,

Elizabeth Haus

To: Members of the Alaska Marijuana Control Board
CC: Erika McConnell, Director; Jed Smith, Local Government Specialist
From: Anna B. Brawley, Turnagain resident, Anchorage
Date: Monday, October 15, 2018
Re: Comments on Proposed Onsite Consumption Regulations, 8/24/18 Version

The following comments are in response to the proposed onsite consumption endorsement for marijuana retail stores. As always, thank you for the opportunity to comment and participate in this process—a policy decision of this magnitude deserves robust public dialogue.

Overall Comments on Proposed Endorsement

I oppose the concept of onsite consumption at marijuana retail stores at this time. I believe this concept continues to be advanced by the Marijuana Control Board without sufficient public discourse about the idea, particularly because we would still be the first jurisdiction in the U.S. to allow this activity, and that there is no current legal authority in state statute to support the Board's ability to allow this activity.

The Board's ongoing struggle with this decision over the last two years, and usually split along lines in which the industry members vote in favor of this proposal and the others do not, indicates that it is not an easy decision. To make this significant policy decision through a regulation approved by a five-person board, with questionable legal basis in current state law, seems like the wrong process, especially because the regulation review process does not require or contemplate review of previously submitted comments. Have the 589 pages of comments submitted in 2017 been reviewed and considered by the Board, many of which opposed the proposal, or the previous comments submitted in 2016? Even if the process does not formally allow for consideration of comments submitted on a previous draft, this should not be a review process by attrition, and the overall mix of support and opposition from previous rounds should be at least re-visited during the Board's discussion.

Ballot Measure 2 was clear, the public consumption of marijuana was intended to remain illegal until subsequent legislative action directed otherwise. The language in the ballot measure, voted on by the public and now enacted in AS 17.38.040, does not allow for public consumption of marijuana. The first regulations adopted by the Board in February 2015 to define "public" supported this restriction: the draft license regulations released for public comment in fall 2015 specifically prohibited public consumption and onsite consumption at retail stores, and were only changed with an amendment during a Board meeting, well after public comment had closed. I still believe, three years later, that the underlying legal issues remain, and that the Board cannot act on its own to allow this activity as an add-on to a license type that does not otherwise allow this activity.

To date, no other state has allowed, through legislation or regulation, this activity. The closest policy found in states that legalized marijuana production and sale is that of the City of Denver, which has created a mechanism to allow people to "BYOM" marijuana products purchased elsewhere to restaurants that otherwise do not sell the products, a related but separate concept to this proposal. In researching the implementation of this ordinance, I read that to date, only one restaurant has opted to get this permit, a coffee shop connected with a dispensary. (Denver Post, February 2018 article linked on the following page.

<https://www.denverpost.com/2018/02/26/denver-approves-first-social-marijuana-license/>). While the regulations for those permits may need to be revisited in Denver if they are too onerous, this also indicates the general hesitancy for other jurisdictions to allow public consumption, and should give Alaska pause.

Existing state law has established that retail stores are considered public places: AS 18.80.300(16) defines a public place as “a place that caters or offers its services, goods, or facilities to the general public,” even if (like alcohol and marijuana establishments) the law restricts who can enter the premises, in both cases adults at least 21 years of age.

Furthermore, while I thoroughly understand the general concept of an endorsement as an add-on that allows the licensee to expand their operational activities or physical premises, **I believe that this activity would be more appropriately established as a new license type in statute**, meaning that it must be brought to the Legislature for deliberation and inclusion in state law. The equivalents in AS Title 4, the state’s alcohol laws, are a package store (AS 04.11.150, sales for off-site consumption only) and several separate retail licenses that allow onsite consumption (beverage dispensary license in AS 04.11.090, restaurant or eating place license in AS 04.11.100, etc.). If the intent of the ballot measure, and the motivation of the originator of that ballot measure, was to *truly* regulate marijuana like alcohol, and not just to take political advantage of the public’s current attitudes toward alcohol as a way to normalize marijuana consumption, it necessarily follows that allowing onsite consumption on licenses premises must be defined as its own license type, as it is a distinctly different type of activity than selling products for consumption off the premises. Ballot Measure 2 clearly outlined the allowed activities and general license types that the state should create, and the equivalent of a bar, restaurant or similar establishment was not among them. If the marijuana industry wishes to seek a law change to allow onsite consumption, it should be done consistent with the

Not only is it inappropriate for the Board to consider such a significant public policy without this clear statutory basis, but it sets a troubling precedent for this Board to overstep its statutory authority in future decisions, whether about regulations or decisions on a particular license. There are many documented cases of such decisions related to the Alcoholic Beverage Control Board, which has generated years of legal disputes because granting a license confers quasi-property rights to the holder, and therefore makes these types of imprudent decisions difficult to reverse in the future and sets confusing precedent for other similar businesses. I believe the Board has an important role to play in overseeing the licensing system overall, and should be mindful of the future impacts of its present decisions.

I believe that allowing this activity is not in accordance with the language or stated intent of the ballot measure, or the subsequent laws put into place in AS 17.38, and believe that it is imprudent of our state to allow this activity without careful consideration of its impacts, and to use an administrative process (adopting regulations) to settle what should be a legislative issue with robust public debate. **I urge the Board to seek additional legal counsel on their ability to act on this matter**, and to make public any legal opinion from the Department of Law or documentation of the legal authority (if any) that would allow the Board to enact regulations to allow this activity, which seems to be not supported in the language of the ballot measure and expressly prohibited in statute.

Specific Comments by Regulation Section

Notwithstanding my general opposition to this concept and the process by which it is being considered, I recognize that there is considerable political pressure from the marijuana industry and others to enact this policy, and that the structure of the Marijuana Control Board (which currently includes two marijuana industry representatives) is such that there is a good chance this regulation will be adopted in some form in the near future. So, my comments should not be interpreted as support for the concept in any way, but as additional detailed comments on the specifics of the proposal should it be adopted in this form. I do support most of the specifics in the ordinance as ways to mitigate some of the serious potential negative consequences.

306.060 I strongly support the right of local governments to protest the issuance of this endorsement, separate from the retail license itself. This is an important feature of Title 4 as it relates to alcohol, and is consistent with the law and spirit of Alaska, that local governments should have self-determination and local control. Furthermore, I support local governments' ability to require conditions on the license or endorsement according to local conditions, particularly if neighbors or others have valid concerns about negative impacts from this activity in the specific proposed location. There is clear precedent established in Title 4 for alcohol licenses (AS 04.11.480 and related laws), and this should be retained for marijuana licenses.

However, I also strongly encourage the Board to amend the regulation to also include similar provisions for an individual to object to the endorsement and/or license, consistent with what is afforded for individuals in AS 04.11.470 for alcohol licenses. Local governments often have public review processes in which they invite public comment on an alcohol license application, renewal or transfer. However, not every community includes such broad input, and often local governments restrict their comments to whether the licensee has met the various administrative requirements and tax obligations, not whether or not it is a good idea. Furthermore, this also limits the scope of public comment on an application to a specific type of entity, and not other stakeholders who may also have legitimate concerns, including surrounding business owners, neighbors, or individuals with (for example) knowledge that the business owner has not been a responsible operator and would be concerned about how the new endorsement would be enforced.

While developing the concept of endorsements under the Title 4 Review project over the last six years, the stakeholder group discussed at length the importance of local review for alcohol licenses, particularly because the ultimate decision lies only with the Board. If we are to treat marijuana licenses like alcohol licenses, we should establish the same public review process in order to maximize the Board's ability to understand the larger community's perspective on the application—while remaining the Board's decision whether or not to act on an objection.

306.310(b) I support restrictions on drunk or intoxicated persons on licensed premises. I support the intent of the language to not allow intoxicated or drunken persons to remain on the premises. However, I am concerned about how "intoxication" will be determined, particularly by staff who are observing the behavior directly on the premises, and whether in the absence of clear and measurable guidelines about what "intoxicated" means, this will not actually be enforced. The type of use will impact the speed and intensity of impairment: for example, it is well known that ingesting an edible takes longer to take effect than smoking or vaporizing THC. If someone overconsumes or is not accustomed to being intoxicated on this drug, how will staff know, if the customer does not communicate their current mental state? If they are asked to

leave, where will they go, and will they attempt to drive themselves? What if they fall asleep? What if the amount they ingest as an edible, based on the legally allowed amounts they can purchase for consumption onsite, affects them for several hours? These questions illustrate the many practical issues with this proposal, that introduces not only health and safety issues for customers, but also liability issues for the business and potential negative impacts to surrounding neighborhoods from impaired driving.

All section references below refer to proposed 3 AAC 306.370.

-(a)(2) I support including a limit on what can be sold for onsite consumption, and the stated limits (or a smaller amount if necessary). It is commonly known, including from news articles in recent years covering legalization of marijuana, that THC consumed in edibles takes much longer to metabolize than smoking or vaporizing THC, and there is significant risk of customers over-consuming and being significantly impaired for a longer period of time than they anticipated. The proposed limits seem reasonable, but the Board should not increase or remove these limits during the discussion of this regulation in a future Board meeting.

-(a)(2) I support allowing sale of food and non-alcoholic beverages. As noted further below, considering how these policies will influence social norms in the future is very important. Allowing service of food and other products, other than alcohol, may encourage moderate consumption and a culture closer to that of a restaurant or café.

-(b)(1) I support not allowing consumption of marijuana concentrates. These products are by definition extremely potent, and are unlikely to be the product of choice for a casual or first-time user. Banning these products from the beginning helps form some of the required norms about marijuana use which are not yet established in the broader community, just as drinking extremely potent or excessive amounts of alcohol is not considered a healthy norm in our society. This comment should not be interpreted as a request to ban these products outright, but to point out that policies like these will be responsible for setting social norms in the future. In the realm of alcohol control, Alaska and many states have already banned extremely high alcohol content products for this same reason (in Alaska, over 76% ABV, AS 04.16.110).

-(b)(2) I support not allowing workers to consume marijuana while on their shift, but suggest a language change to include “...immediately before or during the course of a work shift.” The intent of the language is clear, that workers should not be intoxicated while actively working, but should be strengthened somewhat to indicate that the intent is not that a worker arrives at work early, consumes marijuana onsite such that the effects will be felt during a significant part of their shift, and still technically conform with the letter of the law.

-(c)(1) and (c)(2) and (c)(3), I do not believe businesses will be able to adequately protect employees’ health, while allowing them to effectively monitor customers’ behavior, if smoking is allowed. Keeping employees in a separate room will limit their ability to watch customers’ behavior, and inevitably they will spend considerable time in the consumption area bussing tables or responding to requests. And as noted above, no ventilation system will protect against secondhand smoke. Like alcohol, marijuana is a mind-altering and intoxicating substance. **Unlike alcohol, however, and like tobacco, combusting or heating marijuana as vapor for inhalation creates secondhand smoke,** with the following concerns:

- Combusted material has many of the same carcinogens present in tobacco and any other burned substance.

- Ventilation systems have been shown to be insufficient to remove all of the harmful particles in combusted smoke, and therefore are not sufficient protection for public health. The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) publishes indoor air quality standards and have included marijuana and e-cigarette smoke in its definition of “environmental tobacco smoke,” for which the only sufficient protection is to not allow use of these substances in an indoor setting.
- A recent *Health Affairs* article, “A Safer Way to Legalize Marijuana” (September 2017) posits that we now have a unique opportunity to create evidence-based public policy around marijuana use, unlike the policies we enacted for tobacco, decades after use had become normalized and after we learned the serious health harms of using those products. While the evidence base is not yet comprehensive, we know that inhaling combusted smoke is a bad idea. As public policymakers, the Board and other governing bodies have the responsibility to consider the evidence available and to protect public health and safety—this responsibility should be foremost and not secondary to that of protecting or enhancing specific business interests. Regulating marijuana does not have to be a referendum on whether or not marijuana is a good idea, and there is clear evidence that while smoking combusted marijuana is common practice now, it is not the best delivery method for the psychoactive cannabinoids, and is likely detrimental to health. We have an opportunity to establish new social norms, for recreational use as well as medical use.
<http://healthaffairs.org/blog/2017/09/08/a-safer-way-to-legalize-marijuana/>

-(b)(3 through 12) I support all of these provisions, as they are consistent with those for alcoholic beverage establishments outlined in AS 04.16.015 and other existing law. Rules like these regulate businesses’ activities that are designed to encourage and incentivize heavy consumption, such as happy hours or contests and games in which consumption is the goal. Some may argue that these practices are common and accepted in other businesses, such as all you can eat buffets in restaurants, and therefore alcohol and marijuana establishments should not be subject to these rules. However, it is worth noting that alcohol has long been established as a legal but regulated intoxicating substance in both federal and state law, and marijuana is still a federally illegal controlled substance whose legalization is under heavy scrutiny. It would be disingenuous to draw these parallels without noting those facts.

-(f)(2) I do not believe that ventilation will protect public health against the effects of smoke. Additionally, the draft language only addresses odor, not particulate matter in smoke that is known to be a health risk. The passage of SB 63 will mitigate much of the potential risk of secondhand smoke exposure in these establishments, except those that are freestanding buildings and may therefore encourage secondhand smoke exposure for customers and employees, but the language in the regulation should not be assumed to address small particulate matter in smoke, as the standard in the draft is only for “visible smoke” and “odor.”

-(f)(6) I support the requirement of businesses to provide dosage and safety information about the products they are offering to customers, at no cost.

I again thank the Board for consideration of these comments, and would be happy to provide further information about any of the points made above.

Sincerely,

Anna Brawley

From: Joyanne Bloom
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: On-Site Consumption Comment
Date: Tuesday, October 16, 2018 12:45:11 PM

I oppose allowing marijuana consumption on-site because:

- Secondhand marijuana smoke exposure for workers and other non-smoking consumers.
- Increased incidence of drugged driving for people leaving the marijuana "club" endangering other drivers, pedestrians and bicyclists.
- Decrease in perception of harm for marijuana in youth, and "normalization" of recreational marijuana use.
- The ballot measure that voters approved explicitly stated that there would be NO public consumption. Considering it now is a "bait and switch" tactic.
- There is no safe level of secondhand smoke and ventilation systems do not clean the air nor make it safe to breathe.

Thank you for considering all these reasons not to allow on-site consumption of marijuana!

Joyanne Bloom

From: Jennifer Chikoyak
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: On-site consumption public comment
Date: Wednesday, October 17, 2018 3:31:25 PM

Please do not allow for on-site consumption of marijuana. Not only does the secondhand smoke cause health harms for the public and employees it also could potentially lead to drugged driving.

We have just cleared the air for all workers in Alaska to no longer have to breathe secondhand tobacco smoke. I am strongly opposed to rolling back these new laws to allow exposure to marijuana smoke.

Please consider the damaging impact you'll have on the health of all Alaskans.

Thank you.

Jennifer Chikoyak

JBER, Alaska

--

Jen Chikoyak

jenniferchikoyak@gmail.com

From: noelcbell
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: No on public consumption
Date: Friday, October 19, 2018 6:57:27 AM

To the Board,

I am against public consumption of marijuana for many reasons but my primary objection is we don't need additional impaired motorists on our roads. Given the nature of how marijuana metabolizes at different rates what safeguards are in place to prevent DUI's?

I voted for this law because there would be no public consumption. Please, stay true to law I voted for.

Sincerely,
Noel Crowley-Bell

Sent from my GCI smartphone

From: Rick Hinkey
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite Consumption
Date: Friday, October 19, 2018 3:44:15 PM

Dear Marijuana Control Board and Director McConnell,

When Alaskans voted to legalize and commercialize Cannabis, onsite consumption was not on the table for discussion. At the current stage of development that the Cannabis industry finds itself, it seems to indicate that it is not ready to introduce this practice intelligently or carefully.

I am concerned that:

- 1) Our law enforcement agencies are not equipped, or prepared to deal with drugged driving. Who will train them to recognize and measure degree of impairment?
- 2) There is little research showing duration and degree of impairment. How will consumers be able to go into a cannabis café, and then know for certain when a reasonable time would be to then drive home safely?
- 3) The varying means of consumption (dabbing, smoking or eating) differ in degree, speed and duration of impairment. So how will every employee responsible for supervising consumers receive training to detect all of the potentialities?
- 4) Retail cannabis employees will have no way to ensure that consumers do not bring their own product into the smoking lounges. Will they do strip searches?
- 5) There is no secure way to protect non-smoking employees from exposure to secondhand smoke. Will they be required to wear protective masks and clothing to ensure they are not impaired as they work in the industry?
- 6) There is no current ventilation technology to make secondhand smoke safe, how will businesses protect non-smoking employees, and neighbors?
- 7) There seems to be no movement to limit the number of cannabis businesses. Will there be limits to the number of smoking lounges in a community?

It seems to me that at this time the industry is sorely lacking in the expertise and knowledge needed to protect the public's health and safety. Research on the effects of cannabis on the developing brain, for medical uses and long-term impacts is increasing exponentially with the legalization and commercialization.

It makes sense to wait until there is sufficient data to show that allowing onsite consumption would not increase the danger to the public's health or safety.

Sincerely,

Concerned Fairbanks Resident

--

Rick Hinkey
M.Div, MNA

Tel. (907) 750-4477

From: Irving Dundas II
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor of Onsite Consumption
Date: Monday, October 22, 2018 9:08:43 AM

I agree

From: Scott Sexton
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor of Onsite Consumption
Date: Monday, October 22, 2018 9:11:27 AM

I favor onsite consumption and Cannabis cafes.

R Scott Sexton
Fairbanks 99707



Virus-free. www.avast.com

From: David Shimek
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Against ! Onsite Consumption
Date: Monday, October 22, 2018 10:09:03 AM

There will come a day when MJ lounges are a good idea —but not yet. One rogue operator and/or one bad traffic event with fatalities will put the whole industry in peril !!!

David Shimek
907-277-5330
ddshimek@hotmail.com

From: Leonard Lamb
To: [CFD AMCO BEGS \(CFD sponsored\)](#)
Subject: Onsite Consumption - Hypocrites
Date: Monday, October 22, 2018 10:55:28 AM

The purpose for this board is not to hamstring the cannabis industry.

The purpose of this board is to promote the industry so that it becomes viable.

Cannabis consumption should be allowed anywhere alcohol consumption is allowed.

Or

Alcohol consumption should not be allowed anywhere that cannabis consumption is not allowed.

Alcohol is a killer of families and life yet this board still gives preference to it.

Leonard Lamb
Anchorage, AK

https://www.bing.com/search?q=alcohol+dangerous+drugs&form=EDGEAR&qs=PF&cvid=f1dce617daf241b0b9ffb71cdabc33f4&cc=US&setlang=en-US&elv=AXK1c4lvZoNqPoPnS%21QRLOPEftJO6zm2P29uZM%21HzcL6*0juCiJ3U9Bn6Ftr5eoWeTNgoWYGXVVqHHdDMgWEZGvXYD3dlyj0FhFg2j30HPpo&PC=HCTS

From: Brian Humphrey
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor of Onsite Consumption
Date: Monday, October 22, 2018 10:59:42 AM

On site consumption by adults should be a choice
If an adult can go into a bar and have a beer with his meal
there is no reason a man shouldn't be able to do the same with cannabis
As an adult I think it's wrong that alcohol can be enjoyed in a social setting and cannabis which is legal cannot be

Sent from my iPhone

From: Ron Speth
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor of Onsite Consumption
Date: Monday, October 22, 2018 11:13:01 AM

For onsite. The feds need to stay out. State control!

From: Colleen Ford
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor of Onsite Consumption
Date: Monday, October 22, 2018 11:50:58 AM

Please find a way to allow on-site consumption of cannabis. This would be a huge asset to tourism.

Sent from my iPhone

From: Allen Cornelison
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor of Onsite Consumption
Date: Monday, October 22, 2018 12:11:54 PM

Hello;

I am in favor of onsite marijuana consumption.

This is a vote that is pro onsite consumption without the reasons as I am sure many have already covered the topic with great and fully workable ideas.

Please do secure legislation for onsite consumption.

Thank you

From: Delainey Bowman
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor of Onsite Consumption
Date: Monday, October 22, 2018 2:16:48 PM

I am in favor of onsite consumption. Thank you.

From: Jennifer Brandt
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite Marijuana Consumption
Date: Monday, October 22, 2018 2:34:00 PM

To Whom It May Concern,

I am emailing to express my concern regarding the legalization of onsite marijuana consumption. When I voted to legalize cannabis I did so because the law read that it would not be consumed where it was dispensed. Please do not allow onsite consumption. I feel it is VERY dangerous to have people out driving after they have been getting high on pot. I oppose the idea of onsite consumption! This should not be allowed to happen.

Thank you,
Jennifer Brandt
Wasilla, Alaska

From: Luke Bunting
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor of Onsite Consumption
Date: Monday, October 22, 2018 2:52:33 PM

Hello,

I am contacting you today to show my support for on-site consumption of cannabis.

This would open the doors for the possibility of more tax revenue from smoking lounges

Please allow on-site consumption

From: Melissa Fox
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor of Onsite Consumption
Date: Monday, October 22, 2018 2:55:23 PM

I'm absolutely in favor of onsite consumption! There's so many bars in the interior with alcohol being such a huge part of accidents because people sit there for hours and drink. They then get out and black out and drive. Cannabis users would sit around for a bit, eat something and chill for awhile and THEN drive home, no blackouts, and no accidents because I they've had time for the feelings to wear off. Plus think about how it would help with the tourist industry!!

From: Robin Wylie
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor of Onsite Consumption
Date: Tuesday, October 23, 2018 1:01:35 AM

To whom this concerns, please make onsite consumption legal, it is so much better to consume than alcohol .we (quite a few community members) smoke for stress, anxiety, PTSD and many other healing properties please consider going legal with consumption. Thank you, Robin Wylie Kasilof ,AK

Sent from my iPhone

From: Carlos Gonzalez
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor of Onsite Consumption
Date: Tuesday, October 23, 2018 10:27:26 AM

We need onsite consumption in Alaska.
It will provide a safe and controlled environment for people who have no other options to smoke in a legal area. Tourist etc.

[Sent from Yahoo Mail on Android](#)

From: dollynda Phelps
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: On Site Consumption comment
Date: Tuesday, October 23, 2018 12:03:55 PM

I urge the board to move forward with developing onsite consumption regulations. It is a necessary step in the right direction for preventing public consumption. Statute does not allow public consumption, effectively criminalizing every tourist who visits our state and purchases cannabis. The discussion has continued for years regarding this issue and it's time decisions were made. Alaskans have demonstrated constraint regarding large public use of cannabis, such as the 420 celebration in Colorado with thousands of attendees using in the middle of a downtown street. Onsite consumption would be a responsible option for social use of cannabis.

The vast majority of licensees have proven to be capable and willing to stay compliant, the board should trust these law abiding business owners to provide onsite consumption to Alaskans and tourists alike. Thank you for your consideration,

Dollynda Phelps

907-252-8026

From: Derek Hartman
To: [CED AMCO REGS \(CED sponsored\)](#)
Date: Tuesday, October 23, 2018 2:45:12 PM

Im in support of on site consumption in Alaska

[Sent from Yahoo Mail for iPhone](#)

From: Dwight Haak
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor of Onsite Consumption
Date: Tuesday, October 23, 2018 4:53:46 PM

To Whom it DOES Concern,

My wife and I would like to let it be known that we stand in favor of on-site marijuana consumption. Without on-site consumption the State of Alaska is not living up to the language and intent of Measure 2 wherein Marijuana is to be held on par with Alcohol. Without the Marijuana equivalent of a bar/tasting room/beer garden, Marijuana smokers will be unable to fully exercise their new rights and will be relegated to a legal position where alcohol consumers have more rights. This was not the intent of the voters.

In the brief period of legalization Marijuana consumers have proven, without a doubt, that we are a responsible group within society. In fact, I would argue that any problems Marijuana produces are milquetoast compared to the problems which surround alcohol. Marijuana consumers have earned on-site consumption!

It should go without saying that the Alaskan tourist industry would benefit greatly from on-site consumption. Alaska would sorely miss out cementing itself even further as a tourist destination if tourists don't have a place where they can feel safe to consume. As of right now, a tourist really has no place to smoke cannabis. Decent hotels do not allow smoking. Smoking in public is illegal. Where does a tourist go without getting kicked out or receiving a fine?

Alaska has the ability to rectify this issue and I would even argue It is Alaska's responsibility to fix it. Allow on-site consumption. It is a no-brainer and the voters voted for equivalent rights to Alcohol.

Thank you,
Dwight Haak

Sent from my iPhone

From: Kelly Stier
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor of Onsite Consumption
Date: Tuesday, October 23, 2018 10:16:32 PM

I, Kelly Stier, of Homer Alaska am in favor of On-site Consumption.

From: e vonWeltin
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor of Onsite Consumption
Date: Wednesday, October 24, 2018 12:58:46 PM

Please count me in favor of creating a project to study on-site consumption.

At this time I can see the potential for public safety concerns as well as several benefits to the growing cannabis industry.

Thank you kindly,

e. vonWeltin

From: Scott Billups
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite Consumption
Date: Wednesday, October 24, 2018 1:31:46 PM

I am writing to express the fact that allowing online consumption would boost the Alaska Economy with Cannabis tourism. I am interested in opening Cannabis friendly BnB's - but if online consumption laws don't change I will not be allowed to do that. Allowing someone to consume marijuana in a rental property (if allowed by owner) should be something that I can do as a business person. If you truly consider marijuana on the same level as Alcohol , then this should not be an issue.

Let our state move forward in the Cannabis Industry. We are so far behind as it is and losing revenue every day. Canada is completely legal. along with many of our states in the USA. And allowing onsite consumption will open the door to many business owners trying to expand.

Please consider this when voting next month.

Melissa Billups
Resident of Soldotna

From: Steve Waldron
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite consumption
Date: Wednesday, October 24, 2018 2:09:58 PM

I am a 70 year old lifelong Alaskan. I believe that the state government should nurture the growing cannabis industry. I urge you to vote for onsite consumption at cannabis businesses. I think that is the will of the majority of Alaskans. Thank you Steve Waldron

From: Aeron Henderson
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor of Onsite Consumption
Date: Wednesday, October 24, 2018 8:09:00 PM

I am fully in support of onsite consumption. Elderly clients who live in public housing can not legally consume marijuana in their homes. They are a large number of people who use marijuana for medicinal purposes and they deserve the right to smoke in the comfort and privacy of home.

Sincerely, Aeron Henderson

Sent from my iPhone

From: Kristin Cox
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Comments in opposition of marijuana on-site consumption
Date: Wednesday, October 24, 2018 9:08:18 PM

I oppose the on-site consumption endorsement for marijuana.

The initiative that I voted on explicitly said that there would be NO public consumption. If the state wants to consider something like that, they should have to take it back to the voters to decide.

There is no evidence and no reason to believe that breathing marijuana second-hand smoke or aerosol is any safer than breathing tobacco second-hand smoke or aerosol; and we know that that has an immediate dangerous impact on bystanders.

Drugged driving is also a very real and imminent danger of on-site consumption. People are free to consume marijuana in the privacy of their homes and shouldn't be risking the lives of other people by getting high and driving.

All drug use, including marijuana is a real problem for young people. Promoting recreational marijuana will act to decrease the perception of harm for youth, their peers and their parents. I work for a behavioral health agency and I see real examples of marijuana dependence/addiction and people whose brains and lives have been negatively impacted by its routine use.

--

Kristin Cox, ND
Rainforest Naturopathic Medicine
2703 David St.
Juneau, AK 99801

From: Jack Dupier
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor of Onsite Consumption
Date: Thursday, October 25, 2018 6:22:45 PM

I'm in favor of onsite consumption and hope you will support it as well.

Sent from [Mail](#) for Windows 10

From: Amber Benham
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Pro Marijuana On-Site Consumption
Date: Friday, October 26, 2018 12:16:28 AM

Hello,

I am in favor of allowing on-site consumption of marijuana.

Thank you,

Amber Benham
5731 College Dr
Anchorage, AK 99504

From: V Knapp
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: On-site Consumption of Marijuana
Date: Friday, October 26, 2018 2:37:39 PM

I am writing in support of allowing on-site consumption. The tax benefits of marijuana are greatly enhanced if on-site consumption is allowed.

Tourists in all areas who are in hotels where consumption is not allowed could walk and consume on-site with no danger to anyone. The baby-boomer aged tourists could greatly increase sales with no increase in the need for law enforcement. I know from talking to old friends and acquaintances who may not smoke regularly that they would love to have this option while on vacation.

Concerns about employee exposure could easily be addressed by having appropriate ventilation systems or outside consumption areas.

Concerns about location near various businesses are illogical at best. No child is in danger if someone smokes a bowl at a business 1000 feet away.

Allowing on-site consumption of marijuana has less social cost than the consumption of alcohol and restricts the owners of cannabis businesses from realizing potential profit.

Victoria Knapp
PO Box 520263
Big Lake Alaska 99652

Leadership Board

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Josie Wilson
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Anchorage & Valley
Radiation Therapy

State of Alaska
Department of Commerce, Community, and Economic Development
Alcohol & Marijuana Control Office
Marijuana Control Board
550 W. 7th Ave, Suite 1600
Anchorage, AK 99501

RE: Opposing onsite consumption endorsement for retail marijuana stores

We would like to go on record as opposing inhaled consumption of marijuana onsite in retail marijuana stores.

Smoke is harmful to lung health. Whether from burning wood, tobacco, or marijuana, toxins and carcinogens are released from the combustion of materials. Smoke from marijuana combustion has been shown to contain many of the same toxins, irritants and carcinogens as tobacco smoke.

Secondhand smoke from combusted marijuana contains fine particulate matter that can be breathed deeply into the lungs, which can cause lung irritation, asthma attacks, and makes users more vulnerable to respiratory infections. Exposure to fine particulate matter can exacerbate health problems, especially for people with respiratory conditions like asthma, bronchitis, or COPD. Secondhand smoke from marijuana has many of the same chemicals as smoke from tobacco, including those linked to lung cancer.

Seventy-nine percent of Alaskans polled by American Cancer Society Cancer Action Network in 2016 support protecting Alaskans from secondhand marijuana smoke in workplaces and public places.

The U.S. Surgeon General's Report, *"The Health Consequences of Involuntary Exposure to Tobacco Smoke,"* (2006) concluded that there is no risk-free level of exposure to secondhand smoke; ventilation and other air cleaning technologies cannot eliminate exposure of nonsmokers to secondhand smoke; and that comprehensive smoke-free workplace policies are the *only* effective way to eliminate secondhand smoke exposure in the workplace.

In summary, American Lung Association in Alaska opposes the allowance of inhaled onsite consumption of marijuana onsite in retail marijuana stores because secondhand marijuana smoke, like secondhand tobacco smoke, is harmful to lung health, Alaskans want to be protected from it, and the only way to protect people from secondhand smoke is to eliminate it from the indoor environment.

Sincerely,



Marge Stoneking
Executive Director

From: Rob Borland
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Support for On-site consumption of Marijuana
Date: Monday, October 29, 2018 2:18:36 PM

I support the proposed changes to 3 AAC 306 regarding On-Site consumption. I believe that allowing on-site consumption of Marijuana is a great thing, and a necessary step in allowing Alaska's Cannabis industry to thrive. Please enact these proposed changes.

Respectfully,

Rob Borland
Fairbanks, AK



ALASKA CANNABIS POLITICAL ACTION COMMITTEE
3264 RIVERVIEW DRIVE
FAIRBANKS, ALASKA 99709

October 28, 2018

Marijuana Control Board
550 W. 7th Ave, Ste. 1600
Anchorage, AK 99501

Dear Chairman Springer and Members of the Marijuana Control Board;

This letter is to express strong support for the regulations for the Onsite Marijuana Consumption Endorsement as currently proposed. We would like to express our appreciation to Board members Emmett and Jones for their efforts crafting a workable and realistic set of regulations for this most important component of the legal cannabis industry. As you may know, ACPAC has been an active political voice for the cannabis industry and supporters of legal cannabis in Alaska since the passage of Ballot Measure 2 in 2014. The single issue that has received the most support and testimony in public hearings at every level of state and municipal government is the right for residents to gather in legal and safe locations to consume cannabis with their friends just as is allowed for the consumption of alcohol.

There is vocal opposition to the Board approving this endorsement. It comes primarily from 2 public groups. The first is the prohibitionists who have fought the legalization of cannabis and advancement of the industry here in Alaska from the beginning, and been soundly defeated time and time again by the majority will of the public at local and state levels. They continue to try to impose their uninformed views and moral judgements at every opportunity to set back the public acceptance of legal cannabis. We are aware that they are attempting again to obstruct the will of the majority by flooding the MCB with letters and emails opposing this endorsement. We encourage you to recognize this effort for what it is – another exercise to hinder the development of a healthy cannabis industry and to eventually try to ban cannabis again.

The other group who opposes onsite consumption is composed of various public health organizations or advocates. Some of whom are just anti-cannabis, but most are motivated by genuine interest in protecting the public's health and/or safety. However, these groups, despite good motivation, often use erroneous facts and data as there are no valid studies on the effects of secondhand cannabis smoke, and certainly none on cannabis vapor. Concern for the welfare of employees is appreciated, but there is no proof at all that exposure to

secondhand cannabis smoke or vapor will cause another person to feel the psychoactive effects.

While nothing but time will silence the prohibitionists, we do believe the proposed endorsement does an effective job of addressing the concerns regarding health and safety. Cannabis facilities have already proven that effective ventilation and filtration can remove cannabis odors from air exhausted from a building – it is even easier to remove smoke, and with the possible addition of ionization can be even more effective. The question of impairment is no different than for alcohol. The effects of cannabis can vary significantly between individuals. Law enforcement already has the ability to conduct field sobriety tests for people operating a vehicle while impaired from alcohol, drugs, or cannabis. Additionally, there are a number of companies (i.e. Cannabix, et al) and universities (i.e. Washington State University, et al) that have developed portable breathalyzers that measure the level of active THC in a person's system. The State(s) now needs to start working on establishing a consistent and reasonable level of THC in a person's breath that is the threshold for impairment, just as has been done with alcohol.

The overriding reason to approve onsite consumption venues is an adult person's right to make their own decision on consuming cannabis, and the right to have available legal places to safely do so. This applies to every adult Alaskan resident, and to any visitors to Alaska. As stated above, this right has been the number one demand the public has consistently and vigorously requested. We endorsed the law banning smoking in public buildings and businesses to protect the public from exposure where they had no say on its presence. However, that is entirely different from allowing adults to make voluntary conscious decisions to enter a legal establishment for the purpose of smoking, or otherwise consuming, cannabis. The MCB cannot in good faith deny this right to adults in our State of Alaska that cherishes, and protects in our constitution, the rights of the individual, and the right to privacy that led to the *Ravin* decision allowing people to consume cannabis in their own homes. Now that cannabis is legal in Alaska, that right extends to adults being allowed to make their own decision to enter a legal cannabis establishment with the express intent to consume cannabis on the premises.

Finally, we want to make the point that Ballot Measure 2 required that cannabis be regulated the same as alcohol. This requires often recognizing the differences in the 2 regulated substances, but we all know that we are far from regulating them equally. From the terms of issued licenses, licensing fees, and limited number of license types to the double standards on almost every regulation, cannabis is subject to much more stringent, and often excessive, requirements than alcohol. Our goal is to replace legislators that have stood in the way of the fair development of the cannabis industry until we can initiate a comprehensive rewrite of the cannabis and alcohol laws to update them and make them equal and fair. This is the long term objective, and in the meantime we encourage and support these interim steps to equalize the regulation of these industries.

We represent hundreds of cannabis businesses, and thousands of cannabis consumers and supporters. We express to you their overwhelming support of approving this regulation package creating the onsite consumption endorsement. Thank you for your consideration of

this letter. We appreciate and thank you for serving on this most important board in service to the residents of Alaska.

With sincere regards,

Howard Cole Hollister

Chairman

ACPAC

From: Bill Fikes
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite Consumption
Date: Monday, October 29, 2018 5:14:00 PM

Dear AMCO,

I would like to see onsite consumption, not just for retail stores, but as a separate license available to anyone that has an Adult facility such as a bar, coffee shop or event venue.

I would like to be allowed to bring my own cannabis for onsite consumption and be allowed to remove any unused cannabis that was purchased onsite when I leave, the idea that I would have to smoke, give away or dispose of excess is irrational and serves no interests that I can think of.

Locals need a place to congregate and commune with their friends, and tourists certainly need shops and venues where they are allowed to consume what they have purchased in Alaska. The ONLY place where there should be any requirements to surrender excess cannabis would be at the Border, but now that Canada has legalized that might not an issue that needs to addressed by AMCO.

Please don't set up Cannabis Consumption areas as if they were cultivation or retail with the requirement for cameras watching every corner and crack, other than the owners checking ID at the door and supervising to ensure no outside sales are taking place AMCO should have no 24/7/365 surveillance over consumption areas.

Thank You, Bill Fikes

8990 W Angel Dr
Wasilla, AK, 99623

From: Douglas Sanvik
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite consumption comments
Date: Monday, October 29, 2018 9:06:33 PM

Dear Alaska Marijuana Control Board,

I am opposed to allowing onsite consumption of marijuana products because of the health risks it creates for employees and patrons.

The U.S. Surgeon General has emphatically stated there is no safe level of second-hand smoke. Scientific literature reinforces the Surgeon General's warnings. It's estimated that second hand smoke causes at least 34,000 early deaths from heart disease in the U.S. annually. Air quality studies show that even specially designed ventilation systems simply do not eliminate the dangers of second-hand smoke. While a smoking room might appear to keep smoke contained, studies show odorless carcinogens still manage to escape into the rest of the building.

It appears that one of the driving forces for onsite consumption is the industry's desire to sell to tourists. Marijuana is now legal in Canada and in several other states in the lower 48 including the entire west coast. That should cause the novelty of marijuana consumption in Alaska by tourists to diminish. It would be a travesty to allow onsite consumption for industry's short term gains when that practice has deadly long term consequences for employees and other patrons.

Thank you for this opportunity to comment.

Sincerely,

Doug Sanvik

dsanvik@gci.net

PO Box 21774

Juneau, AK 99802

(907) 586-1421

From: Marcey Luther
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite Consumption
Date: Tuesday, October 30, 2018 8:34:59 AM

Dear Ericka and Board,

Onsite consumption is a key component that is currently lacking in our community and without it the discrimination and profiteering against the cannabis community will continue.

Many people supported Ballot measure 2 because they wanted decriminalization to come along with the now legal market, the thought being that if the everyday people in our community have a legal place to purchase cannabis there wouldn't be any need for black market sales - or criminal consequences. The problem is, under the current regulations there is no legal place to consume the legal product, except in your own home - and even that can get pretty complicated for a good percentage of people in our community who live in multi unit and non smoking homes. I personally know of a young single mother who is being evicted for consuming cannabis in her government subsidized home - once!

Medical cannabis is another reason that voters were in favor of Ballot Measure 2. Residents of Golden Towers and the Denali Center fall into a category of cannabis consumers that happens to be the fastest growing demographic - Senior Citizens. These are people who are older, mature, retired, and looking for relief and wellness through homeopathic alternatives. Why shouldn't there be a safe and accessible place for our elders to come together and enjoy cannabis and find the relief they are seeking? Why should these people feel like criminals for lighting up in their own home - when they have no choice?

Another group of people negatively affected under the current regulations are tourists. Tourists expect to be able to sample cannabis as a part of the Alaskan experience. Once they acquire legal cannabis where are they to turn in order to consume their purchase? Here is an example of what I am referring to - A friend of mine was recently in Anchorage for a medical appointment for her spouse. After his lengthy open heart procedure she went back to her hotel room to try to relax and rest. She literally took one hit of cannabis from her pipe after getting out of the shower and within a few minutes management had been alerted and she was turned out onto the streets, not to mention her room rental was not refunded and she was also charged an additional cleaning fee for smoking in her room. This whole ordeal cost a displaced person almost \$700 by the time she rented another room for the night. This would not have happened had there been a place to legally consume cannabis. This is a disgrace in a state where consuming and possessing cannabis is legal! And, this treatment doesn't entice a new visitor of our state to return. You have to ask yourself... Would this same thing have happened with one puff of tobacco? I think we all know it wouldn't have, not in a million years.

Cannabis clubs open the door for employment and business opportunities like cannabis cabs, specialty bud tenders, bouncers, food and beverage vendors, cannabis tours, etc.

Those opposing public consumption do so because of bias and assumption. They assume people will drive while intoxicated. They assume cannabis consumers are addicted and that crime rates will increase. They are biased and opposed to those who choose to medicate and recreate in a manner that differs from their own. This is not the Alaskan way. I also believe that despite the overwhelming benefit of cannabis in comparison to other substances, there is still much stigma associated with its use and with the people who use cannabis. When in reality, we are talking about people playing music and board games while sharing some baked goods and a pipe. That is the literal and actual reality of the day to day events at Fairbanks' first cannabis club, The Higher Calling. It was a wholesome place for good people to come together. I met many remarkable people at this club. We did craft projects and shared our homegrown cannabis with each other. It's offensive that in comparison to the murder trend at other venues, people actually concern themselves with cannabis use.

Our community deserves the opportunities this legislation will bring. I support the development of cannabis clubs and public places to sample and consume cannabis here in Fairbanks.

Thank you for doing this important job,

Marcey Luther
Fairbanks, AK



Virus-free. www.avg.com

Juneau Clean Air Concerns about Marijuana on-site Consumption:

1. Due to the limitations in the United States on cannabis research, allowing on-site consumption is concerning without adequate research. Enabling exposure to second-hand smoke opens the door to harmful exposure and disease.
2. Exposing employees and the public to second-hand cannabis smoke is taking away the right to breathe smoke-free air.
3. Allowing for on-site consumption of products normalizes the use of marijuana in the eyes of youth and the overall public. Without adequate research on marijuana use prior to approval, we are telling the public that it is safe and not harmful to be around. The burden of proof should be on the industry to prove safety, not the public health community to prove danger. Absence of evidence does not equal evidence of absence.
4. Second hand exposure from marijuana vaping contains fine particulate matter that can be inhaled deeply into the lungs, allowing for lung irritation, asthma attacks and greater risk of respiratory infections. Allowing onsite consumption, exposes those with pre-existing conditions to be at risk for exacerbation. Research shows that exposure to second-hand marijuana smoke causes immediate cardiovascular effects in bystanders.
5. Second hand smoke from combusted marijuana shares many similar known carcinogenic chemicals found in tobacco.
6. On-site consumption creates third-hand smoke which travels in the community with the exposed person, as well as creating an environment with smoke residue lingering on seats, walls, and other surfaces which continues to be reactive and increasingly toxic.
7. On-site consumption increases the potential for drugged driving which endangers all people on the road.
8. By allowing on-site consumption we are encouraging a social link to marijuana use, promoting use for socialization. As with tobacco use, which is a social, mental and physical addiction, we are creating the same pattern of using the substance to connect with peers.
9. On-site consumption means that the employees are going to be getting the secondhand effects of the marijuana use.
10. It took 50 years and 20 million American lives before we had enough absolute proof to overcome the outright lies, manipulation and deception of the tobacco industry. Allowing on-site consumption before adequate research has been conducted will lead to repeating history with marijuana. On-site consumption is taking steps backwards, threatening local smokefree ordinances, and starting a repeat cycle of indoor smoking.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of
Health and Social Services

OFFICE OF THE COMMISSIONER

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October 21, 2018

Erika McConnell, Director
Alcohol and Marijuana Control Office
550 W 7th Ave, Suite 1600
Anchorage, AK 99501

Dear Ms. McConnell:

I respectfully submit comments on proposed regulation 3 AAC 306.370 and 3 AAC 306.990 (b) to allow retail marijuana licensees to apply for an onsite consumption endorsement and to define "marijuana consumption area", respectively. This letter outlines several reasons why the proposed regulations that provide for onsite (public) consumption of smoked, vaped, aerosolized, and edible marijuana products on retailer premises raise concerns about potential health harms to users and non-users:

Marijuana impairs reaction time, hand-eye coordination, and perception of time and distance, all of which increases the risk of being involved in a motor vehicle crash. Marijuana affects different people differently. Marijuana can make it unsafe to drive, bike, and participate in other activities, and the effects of marijuana edibles can last longer than users think. A person may feel safe to drive after a few hours; however, impairment can last much longer than the subjective sensation of being "high".

The National Academies of Science, Engineering and Medicine, in a 2017 report, concluded that there is "substantial evidence of the statistical association between cannabis use and increased risk of motor vehicle crashes". The proposed regulation change would be expected to result in an increase in public consumption of marijuana which in turn may lead to increased driving under the influence, a significant area of public health and safety concern.

Exposing others to secondhand smoke is a public health hazard. In 2006, the U.S. Surgeon General concluded that there is no safe level of secondhand tobacco smoke. Since marijuana remains illegal under federal law, there are few data documenting lack of health risks associated with marijuana smoke exposure. However, published studies in the peer-reviewed scientific literature suggest that exposure to secondhand marijuana smoke may pose health risks for the public because of its similarities in to secondhand tobacco smoke. According to Moir, et al, (2008): "Secondhand marijuana smoke contains many of the same cancer-causing substances and toxic chemicals as secondhand [tobacco] smoke. Some of the known carcinogens or toxins present in marijuana smoke include: acetaldehyde, ammonia, arsenic, benzene, cadmium, chromium, formaldehyde, hydrogen cyanide, isoprene, lead, mercury, nickel, and quinolone." Moir, et al. also

found significant amounts of mercury, cadmium, nickel, lead, and chromium in marijuana smoke. Comparing it to tobacco smoke, “there was 20 times the amount of ammonia and 3-5 times more hydrogen cyanide in marijuana smoke.”

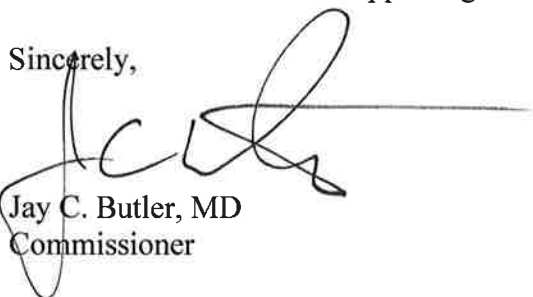
Additionally, a recent laboratory study utilizing an animal model and published in the *Journal of the American Heart Association* concluded that “second hand smoke can exert similar adverse cardiovascular effects regardless of whether it is from tobacco or marijuana.” (Wang, et al; 2016)

No type of ventilation system will protect the public from the effects of secondhand smoke, vapor or aerosol. The proposed regulations contain a requirement for separate ventilation systems, separated by “walls” and a “secure door”. Cleaning or filtering the air will not completely protect the public’s health from marijuana smoke. This is supported by the 2006 U.S. Surgeon General report entitled “The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General.” The report stated that the scientific evidence now supports the following major conclusion: “Eliminating smoking in indoor spaces fully protects nonsmokers from exposure to secondhand smoke. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposures of nonsmokers to secondhand smoke.” Furthermore, American Society for Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE), the standard setting body for the ventilation industry, affirms that mechanical solutions like ventilation cannot control for the health hazards of secondhand smoke, and it amended its ventilation standard in 2016 for acceptable indoor air quality to address marijuana. The proposed ventilation requirements in the regulations would cause businesses to invest money in structural changes, and yet do nothing to address the health risks of exposure to marijuana secondhand smoke.

Public consumption of marijuana was intended to remain illegal. The language in Ballot Measure 2, now enacted in AS 17.38.040, does not allow for public consumption of marijuana and includes a \$100 fine for this activity. Regulations—first adopted by the Board in February 2015 to define the term “public”—support this restriction. Sec 17.38.020 of the initiative stated: “...nothing in this chapter shall permit the consumption of marijuana in public.”

Based on these concerns for the health and safety of Alaskans, I recommend the Board not allow smoked, vaporized, aerosolized, and edible marijuana consumption in public. Thank you for your time and consideration in supporting the health and safety of all Alaskans.

Sincerely,



Jay C. Butler, MD
Commissioner

References

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ANSI/ASHRAE Standard 62.1-2013, Addenda 2015 - Ventilation for Acceptable Indoor Air Quality. ta, GA: American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc. Atlanta, GA: American Society of Heating, Refrigerating, and Air-Conditioning Engineers. https://www.ashrae.org/File%20Library/About/Position%20Documents/ASHRAE_PD_Environmental_Tobacco_Smoke_2016.pdf

From: Jack Grossl
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Endorsing OnSite consumption
Date: Thursday, November 01, 2018 4:25:40 PM

I would like to say I endorse allowing on-site consumption and this project should be moving forward. We need an outlined way to keep cannabis away from children and out of the public view, not just for Alaskans (ie keeping it at home), but also for our huge tourism population. Allowing the sale of cannabis with no place to legally use it is ridiculous and we've already gone one tourism season in this foolish fashion. Allowing businesses to create places that are dedicated to cannabis enthusiasts fixes this. Letting opposition that doesn't have facts to stand on muddy the waters has already proven to be a very bad idea in other areas, don't let it be the case here.

Thank you for allowing public comment on this issue.

Sincerely,

Jack Grossl
907-398-1018

Shoshana R. Kun

326 Wedgewood Dr. E 27

Fairbanks AK 99701

907-590-8313 srkun1013@gmail.com

Alaska Marijuana Control Board

amco.regs@alaska.gov

October 30, 2018

Dear Alaska Marijuana Control Board,

It is with gratitude that I am composing this letter of support for consideration of Alaska Administrative Code that would open the opportunity for allowing, legally, the consumption of responsible cannabis use among adults 21 and over. Alaska is a destination point for a large variety of visitors within the visitor industry. This opportunity creates revenue for our retailers, taxes for our state economy through the general fund, and job creation. As we experience the highest unemployment rate in the country, combined with the lowest education ratings, as a state, we need to explore our tax revenue sources and job creation.

The possibility of onsite consumption of cannabis allows job creation and tax revenue generation. As the Marijuana Control Board begins exploring this option, through the code creation, we -as a state- have an obligation to recognize the desire of the population to establish these outlets. There are several demographics, besides visitors to our state that are negatively impacted by the lack of a space to safely consume cannabis, which creates an inequality in our population.

While onsite consumption is new to our state, and our country, there are other geographic areas, such as Amsterdam, Uruguay, and (now) Canada that do allow such activities. To not allow onsite consumption is to deny thousands of Alaska residents to consume responsibly. As a state, we can set a standard, explore social outcomes, and financially benefit from this code.

As a board, I urge you to allow our state to become the standard in the cannabis industry, as our state has already shown itself to be, and allow permits and licensing to include onsite consumption in the near future. I am optimistic statutes will include ventilation systems that would minimize exposure for First Responders and clear, concise, enforcement guidelines for impaired driving.

With gratitude,

Shoshana R. Kun

From: Autumn Newby
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Endorsing onsite public consumption
Date: Thursday, November 01, 2018 4:24:26 PM

To whom it may concern;

I am writing to state that I endorse public consumption of marijuana. This is an issue that needs to be outlined, resolved, and moving forward.

Thank you,
Autumn Newby

From: Leah Levinton
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Public Comment on Onsite Consumption Endorsement
Date: Thursday, November 01, 2018 4:24:08 PM

Good afternoon,

My name is Leah Levinton, I am the co-owner of Enlighten Alaska (retail cannabis dispensary).

I support the onsite consumption endorsement.

The MCB and AMCO have been working diligently to help support regulations in our newly legalized cannabis industry. I believe we need to form and establish responsible regulations that protect the people who choose to consume cannabis.

Our retail shop has been open for almost two years now, and every summer, the influx of tourists never fail to ask where they can appropriately and legally consume the cannabis they purchase at our shop. As of right now, they do not have an outlet to consume legally. I support developing regulations that will allow them to safely consume without getting a citation or fine.

Also, many consumers live in apartment buildings or have families of which they do not want to expose to cannabis. Being forced to consume in private residencies does not support a responsibly regulated environment that allows our locals a safe place to consume and so that the health of other people is protected.

I'd like to address some of the specific components to the proposed regulations:

1) "sell marijuana and marijuana products, **excluding marijuana concentrates**, to patrons for consumption on the licensed premises..."

People should be able to purchase and consume concentrates with the onsite endorsement. If we are allowed to consume cannabis of all forms in the privacy of our own homes, we should allow consumption of concentrates in a safe and legal place. At our shop, well over 1/3 of our sales are comprised of concentrate products. Just because concentrates are higher potency in THC, doesn't necessarily mean this product will be abused. In fact, many of our customers prefer to consume concentrates via vaporizing because they view this as a healthier way to consume rather than the combustion of flower products.

2) "edible marijuana products in quantities not to exceed 10 mg of THC to any one person per day"

Please also consider allowing cannabis food/edibles to be served over 10mg. This is a great

option for people to consume who may not want to smoke flower or vaporize concentrates. It can be a great way for people to learn about correct dosing in a comfortable setting. 10mg is a fairly low dose and will not give many people the effects they desire.

3) "A marijuana consumption area shall have the following characteristics: (1) the consumption area shall be isolated from the other areas of the retail marijuana store, separated by walls and a secure door, **and shall have access only from the retail marijuana store**"

Entrances should be allowed from outside the retail store. There doesn't seem to have a point in requiring customers to enter through the retail.

Thank you so much for this opportunity to comment and your consideration.

Leah Levinton
Enlighten Alaska
2600 Spenard Rd.
(907) 717-9889

From: Lisa Coates
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Public Comment regarding 3 AAC 306 - Pubic Consumption
Date: Thursday, November 01, 2018 4:21:13 PM

Dear Marijuana Control Board,

I would like to start by commending you on your continued efforts to grow and evolve this industry. It is no easy task. I know it can feel like an uphill battle. You are appreciated.

I believe the board should vote in favor of public consumption for the following reasons:

1. Not allowing individuals to use cannabis in public—while still allowing them to smoke cigarettes and consume alcohol—adds to the stigma that marijuana is somehow worse for you. Although the state has legalized recreation use of cannabis, consumers are identified and isolated as wrongdoers. We need to work on eliminating this stigma.
2. By excluding cannabis consumers from public consumption, you create a double standard in relation to substances like tobacco and alcohol, which have been scientifically proven to be more harmful than cannabis. If marijuana is legal, it should be treated the same as other legal substances. Alcohol is a regulated product and there are plenty of establishments that serve alcohol and successfully keep it out of the hands of minors.
3. I think a lot of the negative comments regarding pubic consumption are out of fear that the marijuana users will be lighting up in front of children and the general pubic anytime they are out of there homes because of the term "Public" in public consumption. They do not realize that there would be established rules in place regarding where they can/cannot use cannabis, just like alcohol. With alcohol, You have to be at least 21 years old to purchase it, and there is a plethora of public spaces for you to legally consume it. There are bars, clubs, restaurants, sporting events, beer and wine festivals, etc. Rules should be similar.
4. Visitors to Alaska. We all know that cannabis sales tend to be much higher during the prime tourist season. Where are these tourists consuming? Let's give them the proper outlets.

As a side note, I do feel that the proposed rules regarding the public consumption of concentrates should also be revisited. Not all cannabis consumers want to light up a joint or smoke a bowl. They prefer concentrates as it can be a healthier way to consume.

Thank you for your time.

Respectfully,
Lisa Coates
Lisa@ljoutfitters.com
Herban Extracts

Jamie Tasha Grossl

35555 Kenai Spur Hwy. #255
Soldotna, AK 99669
907-398-1019
info@ladygraymedibles.com

November 1, 2018

Alaska Marijuana Control Board

I would like to say I endorse allowing on-site consumption and this project should be moving forward. There are numerous reasons I've already seen come through the marijuana mailbox but want to highlight two that I take personally:

1. We need an outlined way to keep cannabis away from children and out of the public view, not just for Alaskans (ie keeping it at home), but also for our huge tourism population. Allowing the sale of cannabis with no place to legally use it is ridiculous and we've already gone one tourism season in this foolish fashion. Allowing businesses to create places that are dedicated to cannabis enthusiasts fixes this.
2. Many opposed are citing second hand smoke issues, etc... Many of us aren't interested in seeing much of that brought into the mix because these are individual claims that we each need to individually study and weigh, deciding the best course of action for ourselves. According to the American Lung Association website, "While there is no data on the health consequences of breathing secondhand marijuana smoke, there is concern..." while the website goes on to include lots of scary language of "what could be." I'm not interested in the board taking these "studies" into account: who wrote them, who funded the studies, etc...? There are some claims I've read that I have dove into that don't hold up at all, or that have just has much of another side to them when looking into it - so to be basing these big decisions by taking into account actual opinions disguised as fact would be big mistake. The bottom line is on-site consumption would merely be an option, people choosing to exercise that option would be responsible for knowing the risks involved.

Thank you for allowing public comment on this issue.

Sincerely yours,

Jamie Tasha Grossl

From: Nadia Makki
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Cannabis consumption
Date: Thursday, November 01, 2018 4:17:08 PM

To whom it may concern, I support on site consumption of cannabis. As someone that uses cannabis regularly for medicinal and recreational reasons, I believe it is important for consumers and patients to be able to comfortably and safely consume cannabis. By not allowing on site consumption, tourists will be at risk of criminal repercussions.

Thank you,
Nadia Makki

Comments on proposed changes to the regulations of the Marijuana Control Board regarding the addition of an onsite marijuana consumption endorsement to the retail marijuana license

November 1, 2018

Dear Alaska Marijuana Control Board Members and Staff:

I am submitting the following comments as an individual and 27-year resident of Anchorage.

During the course of my recent Master of Public Administration studies at the University of Washington, I prepared the following policy analysis of the decision that the Board is currently facing. The content is relevant to your deliberations so I am submitting it to the public record.

Please note that the format of this analysis is to present competing models and analyze the benefits and risks associated with each one. If you read on to the final recommendation, you will see the justification for opposing onsite consumption entirely.

Also note that this policy analysis was written before passage of the new statewide smoke-free workplaces law, so references to smoke/aerosol entering adjacent businesses are no longer relevant. All data is current as of February 2018 when this work was submitted and reviewed by University of Washington faculty.

Based on my research, I remain deeply concerned about the issue of impaired driving.

For the reasons laid out in the following analysis, I oppose the current marijuana onsite consumption regulations.

Sincerely,
Emily Nenon, MPA
Anchorage

Marijuana Onsite Consumption Policy Considerations

Problem Statement & Purpose

What are the potential public health and safety harms to non-users if Alaska allows marijuana consumption (smoking, vaping, eating, or drinking) within marijuana retail locations? What regulatory approaches could help mitigate these harms?

The purpose of this analysis is to explore options to address public health and safety concerns for non-users, including employees, neighboring businesses, and the driving public, as related to consuming marijuana in retail stores.

Context

Legalization Background

Alaska legalized commercial cultivation and sale of recreational marijuana by ballot measure in 2014. The following year, the legislature created the Alaska Marijuana Control Board (MCB), with members appointed by the governor, to regulate this new industry. The ballot measure language, now statute, prohibits marijuana use in public. There is no standard definition of the term “public” in Alaska statute. The MCB is currently using a definition of public place that does not include marijuana stores.

As a result of their definition choice, the MCB is considering the possibility of allowing smoking, vaping, and/or consuming edible marijuana products in marijuana retail locations, referred to as “onsite consumption”. To date, draft regulations have not significantly addressed public health and safety concerns such as exposing non-users to secondhand smoke and impaired driving.

Alaska’s Unique Situation

Alaska is in a unique position facing decisions about use of marijuana in retail locations. All but one (Nevada) of the other states that have legalized sale of recreational marijuana already have a statewide smoke-free workplaces law. These states prohibit smoking inside all places of employment and public accommodation. Alaska is the first state to consider allowing the introduction of secondhand marijuana smoke into businesses. Some other states could potentially allow edible marijuana consumption in shops, but no state has yet taken this step.

Alaska cannot turn to the experiences of other states on this issue of onsite consumption. The state must figure out whether and how to allow and regulate use of marijuana in shops without any precedents from other states.

Health & Safety Evidence

Public Health Concern: Secondhand Smoke

The harmful and sometimes deadly effects of secondhand tobacco smoke have been researched and documented for many years. Diseases caused by secondhand smoke exposure include coronary heart disease, lung cancer, and stroke. In the fifty years after the 1964 Surgeon General’s report first linked smoking and cancer, exposure to secondhand smoke caused 263,000 lung cancer deaths and 2,194,000 coronary heart disease deaths in the US. (U.S. Department of Health and Human Services, 2014)

Because marijuana has been illegal until recently, studies of the impact of marijuana secondhand smoke are significantly more limited than those of secondhand tobacco smoke. It is well established, however, that marijuana smoke contains many of the same toxins and cancer-causing substances found in tobacco smoke. (Moir, et al., 2008) Additionally, both marijuana smoke and the aerosol emissions from marijuana e-cigarettes contain the fine and ultra-fine particulate matter common to super-heating and/or combustion of plant materials. This particulate matter is known to cause heart attacks. (Brook, 2010)

Newer research has begun identifying the mechanisms by which secondhand marijuana smoke presents health risks for those exposed. A 2016 study published in the Journal of the American Heart Association is titled with its conclusion: *One Minute of Marijuana Secondhand Smoke Exposure Substantially Impairs Vascular Endothelial Function*. (Wang, et al., 2016) This study found that the initial effects of secondhand tobacco and secondhand marijuana smoke exposure

impaired the endothelium (blood vessel lining) to the same degree. However, after the brief marijuana smoke exposure, endothelial dysfunction lasted at least 90 minutes, compared to complete recovery in 30 minutes after tobacco smoke exposure. The authors conclude that, “marijuana SHS [secondhand smoke] exposure may cause more cardiovascular harm than tobacco SHS”. (Wang, et al., 2016, p. 10)

Ventilation: Mitigating Health Risks

According to the US Surgeon General’s 2006 report *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, there is no safe level of exposure to secondhand smoke and ventilation cannot eliminate risk to nonusers. The report concluded that:

1. Current heating, ventilating, and air conditioning systems alone cannot control exposure to secondhand smoke.
2. The operation of a heating, ventilating, and air conditioning system can distribute secondhand smoke throughout a building. (U.S. Department of Health and Human Services, 2006)

In 2015, the nation’s ventilation standard setting body, the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE), updated its definition of secondhand smoke to include both e-cigarette emissions and marijuana smoke. ASHRAE continues to conclude that only smoke-free environments can be counted on to protect non-user health. (ASHRAE, 2015)

Ventilation can remove odors and visible smoke, but not the carcinogens and ultra-fine particles that cause disease. It is noteworthy that the smoke concentrations in the Wang study of endothelial dysfunction mentioned above “were low enough that the smoke was not visible during the exposures in the clear exposure chamber.” (Wang, et al., 2016) Research demonstrates that ventilation can neither mitigate serious health risks for non-users in the consumption area, such as employees, nor for those in other parts of a building, such as occupants of adjacent businesses.

Ventilation: Mitigating Intoxication

Setting aside the evidence that ventilation cannot prevent health harms from secondhand exposure, the question remains of whether ventilation can mitigate the possibility of intoxication in a non-user, or a so-called “contact high”. Like the health effects question, the issue of intoxication is relevant to employee exposure if smoking marijuana in stores is allowed.

To date, one study is known to have examined this issue. (Herrmann, et al., 2015) This study found that heavy secondhand exposure without ventilation resulted in positive drug tests (blood and urine) as well as impaired cognitive performance. Exposure in a ventilated room produced “much lower (in some cases undetectable) levels of cannabinoids in blood and urine and the absence of subjective and behavioral/cognitive effects.” (Herrmann, et al., 2015, p. 200) Results of this one study suggest that ventilation may be effective at mitigating intoxication of non-users, such as employees.

Public Safety Concern: Impaired Driving

Permitting marijuana consumption in retail locations raises the question of how patrons will get home after consuming, and whether impaired driving by patrons should be a concern. A Swiss study subtitled *fMRI, Behavioural, and Toxicological Investigations of How Cannabis Smoking Affects Skills Necessary for Driving* is particularly relevant to this question. The study compared brain function, blood levels of THC, subjective feelings of confusion, and ability to perform physical tracking tests. Of note is the finding that “the impairing effects of cannabis may happen

even with very low blood levels of THC". (Battistella, 2013, p. 1) Brain scans showing impaired function and qualitative personal feelings of confusion correlated with significant declines in tracking test abilities. These effects lasted three to four hours after smoking. THC blood levels, by contrast, peaked and dropped back down to one-sixth of that peak within 45 minutes of cannabis smoking. (Battistella, 2013, pp. 6, 8) The study authors conclude that THC blood levels are not an adequate measure for determining driver impairment. (Battistella, 2013, p. 1)

Lower-Risk Cannabis Use Guidelines published recently in the American Journal of Public Health recommend "that users categorically refrain from driving ... for at least 6 hours after using cannabis," further noting that, "This wait time may need to be longer, depending on the user and properties of the specific cannabis product used." The evidence grade given to this recommendation is "substantial". (Fischer, 2017, p. e4) Regarding ability to drive, the study states, "epidemiological studies have clearly established that acute cannabis impairment increases the risk of motor vehicle accident involvement, including fatal collisions". (Fischer, 2017, p. e6)

Meta-analysis review cited in the *Guidelines* article states that intoxication and cognitive impairments generally last three to six hours after consumption. The authors note that "ingested cannabis products (with an extended absorption period) can have more pronounced and persistent effects." (Fischer, 2017, p. e6) A study published in the journal *Clinical Pharmacokinetics* elaborates on the difference between inhaled and ingested cannabis consumption:

[The] psychotropic effects [of inhaled TCH] start within seconds to a few minutes, reach a maximum after 15-30 minutes, and taper off within 2-3 hours. Following oral ingestion, psychotropic effects set in with a delay of 30-90 minutes, reach their maximum after 2-3 hours and last for about 4-12 hours, depending on dose and specific effect. (Grotenhermen, 2003, p. 327)

The wide variation in time that a user may be cognitively impaired presents challenges for mitigating risk of impaired driving following consumption in a retail shop.

Regulatory Alternatives for Mitigating Risk

Criteria for Evaluating Options

If the Alaska Marijuana Control Board decides to allow onsite consumption in marijuana retail locations, it will take a combination of efforts to minimize the harm to non-users. Elements listed below should be evaluated by the extent to which they minimize health and safety risk to employees, patrons, and the driving public, as well as their practicality in real-world application. Elements are grouped by primary strategy to minimize harm.

Options for Reducing Risk

Testing Room Model: Minimize Time in Consumption Area

The goal of this strategy is to allow for product sampling while minimizing patron intoxication and employee SHS exposure. Elements should include the following:

- Have a separate area for smoking/vaping that is either part of a free-standing shop, or is a free-standing shelter if the shop is within a multi-purpose building. This will remove SHS health risk to tenants of other businesses. The consumption area should be ventilated to minimize employee risk of contact high. (Health risks from employee SHS exposure remain as they cannot be addressed by ventilation.)

- Limit incentives to stay onsite and become further impaired, including not allowing live entertainment and limiting food availability. This could reduce the level of impairment of drivers leaving a shop.
- Prohibit edibles, due to their delayed onset and longer-acting impairment. Risks of impaired driving are presumably increased with edibles because one may feel no effect for an extended period of time, and not plan for impairment later.
- Further limit THC content in products sold for sampling. Create “mini-joints” to prevent patrons from staying around to finish a larger quantity product, becoming further cognitively impaired.
- Limit daily transactions. The MCB’s draft regulations limit the amount of THC available per transaction, but the number of transactions also needs to be limited to one per day in order to minimize onsite intoxication. This daily limit will disincentivize patrons from staying longer and consuming higher quantities of marijuana, reducing some risk for impaired driving.

Club Model: Maximize Time in Consumption Area

The goal of this strategy is to incentivize staying onsite until patrons regain cognitive function and are safer to drive. This will require activities to keep people occupied until they regain function. Elements of this model should include:

- Limit daily transactions to allow for a recovery period.
- Provide more food options to distract and disincentivize continued marijuana use.
- Provide entertainment to encourage patrons to stay past their peak of intoxication.
- Limit smoking and vaping to shops in stand-alone buildings to eliminate risk of SHS exposure to neighboring businesses.
- Provide ventilation to prevent employee contact highs.

Hybrid Model: Both Types of Licenses

Another strategy to consider is to create two separate license types, one for a testing room and one for a club-type environment. Each license type would carry separate requirements, such as those suggested above. A possible added requirement could be:

- Require proof of transportation home before purchase. Examples include pre-ordering a cab, demonstrating ability to take public transportation, or having a designated driver. Ensuring that consumption patrons are not driving removes the added risk of impaired drivers coming from these shops.

Status Quo: No Onsite Consumption

Maintaining the current onsite consumption prohibition removes the risk of secondhand smoke and vape aerosol exposure to employees and other building tenants. It also removes the risk of intoxicated driving by patrons who consume at the shop and then drive away.

Analysis of Regulatory Alternatives

Baseline Consideration: Goal of Intoxication

Marijuana regulations are often compared to alcohol regulations, but this comparison breaks down when one considers that the underlying goal of any onsite consumption patron is to experience the psychoactive effects of marijuana. This is a significant baseline assumption to consider when weighing regulatory approaches. Goals of either product testing and/or socialization opportunities are secondary to intoxication for marijuana patrons. While many alcohol patrons may have the goal of experiencing mental status effects, it is also common to drink in moderation, such as with a meal, or to taste different products, without consuming to the point of driving impairment. The delayed peak cognitive effect times and longer duration of impairment with marijuana are also significantly different from the cognitive effects of alcohol.

Testing Room Model

Advocates of sampling rooms have stated in public comment to the MCB that they desire a place to compare products before purchasing a larger quantity. Unlike wine tasting, the goal of sampling marijuana strains is primarily to test psychoactive effects, so there is no way to eliminate cognitive impairment in this model. Restrictions on the amount of THC available for purchase would reduce the level of impairment, but not eliminate it entirely, so the risk of impaired driving still remains. Restrictions like stand-alone buildings would eliminate SHS exposure to other businesses. Since there is no safe exposure level to SHS, and even small amounts can have an immediate adverse effect on the cardiovascular system, employee health harms remain while they are monitoring the consumption area. The small-scale testing room model is easier to regulate and monitor than a more elaborate club environment.

Club Model

In the club model, with patrons staying longer and entertainment options to draw them in, there will be larger quantities of secondhand smoke and e-cigarette aerosol, hence the need to be in a stand-alone building. This increased SHS exposure becomes an increasing health hazard for employees, who will have to spend more time in the consumption area serving patrons. It also presents increased risk for the patrons themselves, who will be exposed to much more than their own smoke. Patron SHS exposure is of concern as it relates to public healthcare costs, even if the patron is personally willing to assume that risk.

In this model, it is questionable whether businesses can entice users of edibles to stay long enough to regain function, or even past the peak psychoactive effects, given the long metabolic cycle. Even with smoking, the recommendation of not driving for six hours makes it difficult to set store hours long enough and keep patrons occupied as they regain cognitive function. The social norm of sharing joints among marijuana users also complicates ability to restrict and monitor consumption.

The large scale of this model, with food and entertainment options, make it significantly more complex to regulate and monitor than the testing room model.

Hybrid Model

If the MCB favors the club model, it may consider allowing the tasting model as well. The bulk of regulatory administrative burden, as well as compliance monitoring, will be focused on the club environments. One drawback to this would be that testing rooms are much easier to set up than clubs, and therefore there will be more of them. The increased retail consumption locations would increase the number of impaired drivers leaving marijuana shops.

The idea of requiring proof of a ride home is much more practical to implement in urban Alaska than it is in smaller communities. For instance, in Valdez (pop. 3,862), which opened the state's first marijuana retail store, there is only one taxi cab for the town, and no ride services such as

Uber or Lyft. That said, if onsite consumption particularly of edibles is allowed, this provision should be seriously considered.

Status Quo

There are no implementation costs with maintaining the current practice. Similarly, keeping consumption out of retail locations eliminates SHS health concerns for employees and business neighbors. Current practice does not facilitate intoxication away from home, and therefore eliminates the added traffic safety risks of impaired patrons driving away from shops.

Recommendation

Recommendation: No Onsite Consumption

Given the significant public health and safety impact, the limitations of risk-mitigation strategies, and the regulatory challenges of implementation, the MCB should not start allowing consumption of marijuana within marijuana retail locations. Maintaining the status quo eliminates the need for government investment in a regulatory framework that can neither remove risk to the general public from increases in impaired driving nor remove SHS health impacts on marijuana shop employees, and potentially patrons and neighboring businesses.

It should also be noted that this option is popular among Alaska residents. In a 2016 survey by Dittman Research, 79% of Alaska voters supported inclusion of marijuana in a statewide smoke-free workplace law (Dittman Research, 2016, p. 6). Alaskans overwhelmingly do not want to see marijuana smoking brought into strip malls or restaurants/clubs.

The Dittman survey was specific to SHS, and did not address edible marijuana products. While secondhand exposure is not a concern here, the wide time-window of edibles' psychoactive effect creates significant regulatory challenges in addressing potential for impaired driving. The delayed onset of that psychoactive effect taking up to 90 minutes, time to peak effect taking up to 3 hours, and effect continuing for up to 12 hours are all factors that make it very difficult to manage potential driving safety concerns. For the safety of the driving public and ease of implementation, the MCB should not allow for consumption of marijuana edibles in marijuana retail locations.

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From: Mitch Jackson
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Public Comment on regulation changes for onsite marijuana consumption endorsements for retail marijuana establishments
Date: Thursday, November 01, 2018 4:11:36 PM

To Whom It May Concern:

I would like to thank the Marijuana Control Board, the onsite workgroup/committee and AMCO staff for the effort that they have put forward to develop the proposed changes to the onsite consumption endorsement regulations.

*I **support** the regulations as drafted, and believe at this time they are an important step in the right direction for the consumer and the industry in keeping the public safe.*

I do however hold hope that in future discussions, we would see concentrates added to the allowable consumption activities. It is known that many adults do not smoke, but prefer vaping a concentrate product, which has far less odor and fewer carcinogens.

We all share in the duty to protect our most valuable resource, children, and want to provide for them a strong wall of separation between what adults can do and what they cannot and should not do. So in also providing for a place for Alaskan adult parents to consume away from their shared spaces at home is paramount in my support of these regulations.

*Thank you,
Mitch Jackson*

From: phillip hornung
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Yes for on-site consumption
Date: Thursday, November 01, 2018 4:10:22 PM

To whom it may concern:

I would like to express my support in favor of on-site consumption. I have multiple reasons for on-site consumption. My first reason is so that tourists, travelers, and renters will have a place to consume this legal product without breaking the law. As is, it is illegal for these groups to consume because they do not own property in Alaska. My second reason for supporting on-site consumption is that I cannot drink alcohol. Because I cannot drink alcohol I don't have a good social spot. Hanging out at a location with alcohol is unappealing to me. If we had places where people could consume cannabis, I think it would be safe and positive for the community. These are the most important reasons for me to support on-site consumption. Thank you for your time and consideration.

-Phillip Hornung

From: Kevin Doyle
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Public Comment on regulation changes for onsite marijuana consumption endorsements for retail marijuana establishments
Date: Thursday, November 01, 2018 4:09:23 PM

To Whom It May Concern:

I would like to thank the Marijuana Control Board, the onsite workgroup/committee and AMCO staff for the effort that they have put forward to develop the proposed changes to the onsite consumption endorsement regulations.

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I do however hold hope that in future discussions, we would see concentrates added to the allowable consumption activities. It is known that many adults do not smoke but prefer vaping a concentrate product, which has far less odor and carcinogens.

We all share in the duty to protect our most valuable resource, children, and want to provide for them a strong wall of separation between what adults can do and what they cannot and should not do. So in also providing for a place for Alaskan adult parents to consume away from their shared spaces at home is paramount in my support of these regulations.

Thank you,

photo



Kevin Doyle

Cultivator, THC Alaska

[907-302-3535 ext 107](tel:907-302-3535) | [907-302-3537](tel:907-302-3537) | kevin@thcalaska.com

www.THCalaska.com



From: Naomi Hamb
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Public Comment on regulation changes for onsite marijuana consumption endorsements for retail marijuana establishments
Date: Thursday, November 01, 2018 3:55:57 PM

To Whom It May Concern:

I would like to thank the Marijuana Control Board, the onsite workgroup/committee and AMCO staff for the effort that they have put forward to develop the proposed changes to the onsite consumption endorsement regulations.

*I **support** the regulations as drafted, and believe at this time they are an important step in the right direction for the consumer and the industry in keeping the public safe.*

I do however hold hope that in future discussions, we would see concentrates added to the allowable consumption activities. It is known that many adults do not smoke but prefer vaping a concentrate product, which has far less odor and carcinogens.

We all share in the duty to protect our most valuable resource, children, and want to provide for them a strong wall of separation between what adults can do and what they cannot and should not do. So in also providing for a place for Alaskan adult parents to consume away from their shared spaces at home is paramount in my support of these regulations.

Thank you,

photo



Naomi Hamb

Head Cultivator, THC Alaska

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www.THCalaska.com





Alaska Marijuana Control Board

November 1, 2018

Re: Proposed Regulations Allowing Onsite Consumption

Dear Alaska Marijuana Control Board Members:

On behalf of the American Cancer Society Cancer Action Network (ACS CAN), I am writing to oppose the current draft regulations for onsite marijuana consumption.

Specifically, ACS CAN opposes onsite marijuana smoking or aerosolizing because of the health hazards to non-users. On behalf of ACS CAN, I have provided comments multiple times when this proposal was previously under review by the Marijuana Control Board (MCB).

Inconsistencies remain in the current draft regulations that do not serve to protect public health. Therefore, ACS CAN remains opposed to the current draft regulations.

In October of 2017, ACS CAN updated our recommendations to address both the state of the science and challenges posed by the draft regulations. Because many of these inconsistencies remain in the current draft, I am resubmitting the October 2017 comments for your review.

Sincerely,

Emily Nenon, MPA
Alaska Government Relations Director
American Cancer Society Cancer Action Network

October 2017

BACKGROUND

Health Effects of Exposure to Marijuana Smoke

Smoking marijuana poses significant risks to users and to those in close proximity to use. Factors including the illegal status of marijuana under federal law and co-occurring behaviors such as cigarette smoking have made research on the health effects of exposure to marijuana smoke challenging. What is known is:

- The most common way marijuana is used is through inhalation.¹
- Marijuana smoking affects lung function including inflammation of the large airways, increased airway resistance, and lung hyperinflation.²

- Marijuana smoke contains the same fine particulate matter found in tobacco smoke that can cause heart attacks.³
- Marijuana smoke contains many of the cancer-causing substances found in tobacco smoke. This raises the potential for marijuana smoke to potentially cause cancer, although few studies have been done to determine a link.⁴

CURRENT PROPOSAL RECOMMENDATIONS

Conflict with Local Requirements

Proposed 3 AAC 306.370 (a)(2)(A) includes language that addresses the relationship between onsite consumption and local ordinances or state law. It suggests that a local ordinance can prohibit onsite consumption of marijuana bud or flower within a particular jurisdiction, although it is not clear whether the intent of this language is to address only the quantity of how much can be consumed onsite. The language does not indicate that a local ordinance can prohibit onsite consumption of edible marijuana products. ACS CAN supports language that allows a local ordinance to prohibit onsite marijuana smoking (and aerosolizing). Following the logic of this recommendation, the MCB will presumably want to expand this local authority to include edible products.

ACS CAN recommends eliminating any potential confusion by redrafting this section to make it explicit that a local jurisdiction can act to prohibit onsite consumption by smoking (including aerosolizing), or as edibles, or as both within its boundaries. Language should be added to ensure this authority to preclude onsite consumption within its boundaries applies not only to municipalities, but to any unincorporated community as defined by state law. This authority is separate from the local option to prohibit marijuana establishments, or the language in proposed 3 AAC 306.370 (g) that provides a right of a local government to protest the issuance or renewal of an individual retail marijuana onsite consumption endorsement.

Onsite Use of Tobacco and Tobacco Products

Proposed 3 AAC 306.370 (b)(3) prohibits the onsite use of tobacco or tobacco products within a marijuana onsite consumption area. **ACS CAN fully supports this provision** and recommends the language be expanded to cover any non-marijuana e-cigarette or electronic smoking device or product. We are aware of other comments suggesting elimination of this provision and leaving it as a local choice. ACS CAN disagrees with this suggestion and notes that many jurisdictions in Alaska (including most second-class boroughs) do not possess health powers allowing the local regulation of tobacco use in public places or workplaces.

Ventilation Ineffective

The proposed regulations include several references to using ventilation as a means to reduce or eliminate impacts from onsite marijuana consumption by smoking. 3 AAC 306.370 (c)(B) requires a system that is “sufficient to remove visible smoke”, while 3

AAC 306.370 (f)(2) requires ventilation “adequate to reduce odor”. ACS CAN makes note of an internal conflict in the applicable standard for compliance.

Of greater concern is the lack of a standard to eliminate health hazards from exposure to secondhand marijuana smoke or aerosol. I note and appreciate the intent to protect employees both in the marijuana business and adjacent businesses. However, **this cannot be accomplished by “a secure door”**.

Ten years ago, the US Surgeon General released a comprehensive report entitled *The Health Consequences of Involuntary Exposure to Tobacco Smoke*. **The Surgeon General concluded that separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposure of nonsmokers to secondhand smoke.** The only effective way to fully protect nonsmokers from exposure to secondhand smoke is to completely eliminate smoking in indoor public spaces.⁵

The American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) affirmed in 2010, and re-affirmed in 2013, that the only means of effectively eliminating the health risk associated with indoor exposure is to prohibit smoking activity.⁶ More recently, **ASHRAE has added both secondhand marijuana smoke and electronic cigarette aerosol to its definition of secondhand smoke.**

According to ASHRAE:

- No other engineering approaches, including current and advanced dilution ventilation or air cleaning technologies, have been demonstrated or should be relied upon to control health risks from secondhand smoke exposure in spaces where smoking occurs.⁷
- While some engineering measures may reduce secondhand smoke exposure and some of the corresponding odor and irritation, smoke-free air cannot be accomplished with any engineering or other approaches besides prohibiting smoking.⁷

Local Government Right to Protest

Proposed 3 AAC 306.370 (g) grants the right of a local government to protest the issuance of individual endorsements. There is language requiring the MCB to deny an application if the local government objects unless the board finds the objection is “arbitrary, capricious or unreasonable”. No definition of this term is included. 3 AAC 306.370 (h) anticipates the possibility of local conditions that can be imposed on an individual endorsement, subject to the same standard that such conditions are not “arbitrary, capricious or unreasonable”. Again, this term is not defined.

ACS CAN suggests this should be changed to require an affirmative action of support by the local jurisdiction to allow such an endorsement under (g), thereby eliminating the need to determine whether or not such a decision is “arbitrary, capricious or

unreasonable". We also suggest a similar change in (h) to allow a local jurisdiction authority to impose conditions as determined by that jurisdiction.

ACS CAN makes note of the same question about broadening this authority to unincorporated communities, not just local municipalities. We suggest amending both (g) and (h) accordingly.

Summary

Addressing the issue of marijuana use more broadly, the American Cancer Society supports the need for more scientific research on cannabinoids for cancer patients, and on better and more effective therapies that can overcome the often debilitating side effects of cancer and its treatment.

Smoking marijuana poses significant harms to users and those in close proximity. Although smoked marijuana delivers THC and other cannabinoids to the body, it also delivers harmful substances to users and those around them, including many of the cancer-causing substances found in tobacco smoke.

ACS CAN, as the American Cancer Society's advocacy affiliate, has not taken a position on legalization of marijuana for medical purposes because of the need for more scientific research on marijuana's potential benefits and harms.

However, ACS CAN opposes the smoking or aerosolizing of marijuana and other cannabinoids in public places, including any workplace, because the carcinogens in marijuana smoke pose numerous health hazards to others in the user's presence.

Thank you for your consideration of these comments.

Sincerely,



Emily Nenon
Alaska Government Relations Director
American Cancer Society Cancer Action Network

References:

¹ Volkow, ND et al. Adverse Health Effects of Marijuana Use. The New England Journal of Medicine 370 (23); June 5, 2014.

² Volkow, ND et al. Adverse Health Effects of Marijuana Use. The New England Journal of Medicine 370 (23); June 5, 2014.

³ Brook, R.D., Rajagopalan, S., Pope, C.A., 3rd, Brook, J.R., Bhatnagar, A., Diez-Roux, A.V., Holguin, F., Hong, Y., Luepker, R.V., Mittleman, M.A., Peters, A., Siscovick, D., Smith, S.C., Jr., Whitset, L., and Kaufman, J.D. (2010). Particulate matter air pollution and cardiovascular disease: An update to the scientific statement from the American Heart Association. Circulation 121: 2331-78.

⁴ National Institute on Drug Abuse; National Institutes of Health; U.S. Department of Health and Human Services.

⁵ U.S. Department of Health and Human Services (HHS). *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.

⁶ Americans for Nonsmokers' Rights. Ventilation and Air Filtration: What Air Filtration Companies and the Tobacco Industry Are Saying. August 2005. Available at <http://www.no-smoke.org/document.php?id=267>.

⁷ ASHRAE, 2013.

From: Courtney Guerra
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Support for Onsite Consumption
Date: Thursday, November 01, 2018 3:55:20 PM

To Whom It May Concern:

Over the past decade I have had the pleasure of working directly with tourists whom regularly visit Alaska each year. Since cannabis was legalized in Alaska, tourists have been looking for a safe and legal place to consume cannabis, and there simply isn't a solution at this time. We desperately need to create sound regulations to protect individuals who choose to consume cannabis.

It's also challenging for locals that live in apartments or buildings that do not allow smoking. In the same sense, locals that are forced to consume in the privacy of their own home may be restricted if they have family members that they do not want exposed to second hand smoke.

Thank you for your consideration. I support onsite consumption.

Regards,
Courtney Guerra

From: Evan Levinton
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: I support On-site consumption
Date: Thursday, November 01, 2018 3:48:40 PM

I support On-site consumption for numerous reasons. As a parent having a safe place to smoke away from my kids and own person house hold would benefit me and so many others with the same problem. Also it would prevent more people from consuming on the streets or in their vehicles with a safe place to consume. It's beneficial for both parties, it gives the people a safe place to smoke while also generating more money for the state. I support On-site consumption!

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From: amanda.enlightenak
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: On-site Consumption
Date: Thursday, November 01, 2018 3:46:42 PM

To Whom it may concern,

My name is Amanda Hart and I work for Enlighten Alaska. I'm writing today to address the concern of on-site consumption. Current cannabis laws only allow for consumption on private property. While this law works for some people, it doesn't work for everyone.

As a parent of 3 children, I choose not to consume indoors, because of the risks of second hand smoke exposure to children. I choose not to expose my children to cannabis in general, because they're not the ones consuming cannabis.

Current law also allows landlords to prohibit their tenants from consuming cannabis in rental homes, which could prevent people from seeking out cannabis as an alternative medicine.

I'd also like to mention that tourism is one of the largest industries in Alaska, and a lot of tourists have been choosing to consume cannabis while visiting. On site consumption would give tourists a safe, legal space to consume cannabis, while also bringing in extra revenue for the state.

Thank you for your time and consideration.
-Amanda Hart

From: Winston Montecillo
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: I Support Onsite Consumption
Date: Thursday, November 01, 2018 3:45:46 PM

Dear AMCO,

As a life-long resident of Alaska and worker in the marijuana industry, I support the onsite consumption endorsement.

We are one of the first states in our nation to pass initiatives to establish a recreational marijuana industry and I believe it is our obligation to set standards and regulations that enhance the profitability of this industry and protect residents and visitors who consume cannabis in Alaska.

Without onsite consumption, Alaska visitors and residents must consume cannabis in public places or private residences, impacting the lives of our families and Alaska's visitors.

Onsite consumption licensing gives Alaska business owners the opportunity to create spaces that create a more safe industry of both users and non-users.

Alaska is in a once in a statehood position to be an example to the rest of the our Nation for what a safe and thriving cannabis industry looks like.

This is why I support onsite consumption.

Kindly,

An Alaskan Resident

From: Aaron Ralph
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: On site consumption
Date: Thursday, November 01, 2018 3:41:16 PM

To whom this may concern;

My name is Aaron Ralph. I am the owner of Alaska Cannabis Exchange.

I support onsite consumption for a few reasons.

First is to enable tourists and resident alike to not be forced to break the law in order to consume.

We passed the marijuana initiative to create an industry that is healthy for Alaska. One that brings wealth and prosperity to the State and small business owners. One that brings health and wellness into the hands of people who choose to consume cannabis. It is our duty as Alaskans to continue to shape this industry to protect the well being and health of people that live and visit this state. It is important to not look at this through an anti-cannabis lens or anti-smoking lens, but a lens that creates sound regulations to protect people who choose to consume cannabis.

We voted to regulate Marijuana like alcohol and bars and restaurants serve Alcohol for public consumption. Why should Cannabis be any different.

It is important to not make our tourists criminals. People visiting this state have no option or outlet to consume marijuana. We need regulations in place that allow them to consume.

Without creating safe places for residents to consume cannabis, people are forced to smoke in their private residences. This not only has the potential to expose others involuntarily to second hand smoke, family members will be exposed to people under the influence of cannabis. This is not a question of if cannabis should be legal in Alaska, it is a question of how to make cannabis safe to consume, so peoples health and well being are protected.

People are purchasing and consuming cannabis in Alaska. Offering onsite endorsements is not only safest for our residents that consume, it also best for our visitors and our families.

Below are a few more comments I have to the specific proposed regulations:

" sell marijuana and marijuana products, **excluding marijuana concentrates**, to patrons for consumption on the licensed premises..."

People should be able to purchase and consume concentrates with the onsite endorsement.

Why would it make sense for people to be able to purchase and consume concentrates in their homes but they wouldn't be allowed to in a venue where cannabis consumption is allowed? I am a cannabis business owner. The concentrate market makes up 40% of our sales. This is the preferred method of ingesting for a large percentage of the population. Just because concentrates have a higher amount of THC does not mean an individual is more likely to abuse it or become more intoxicated when ingesting concentrates. Many of customers vaporize concentrates with handheld battery powered devices. This allows them to consume cannabis as it vaporizes at a much lower temperature and before it combusts like when burning flower. For many, they view this as a better, healthier way to ingest cannabis instead of smoking.

"edible marijuana products in quantities not to exceed 10 mg of THC to any one person

per day"

I think it is also important to allow cannabis food/edibles to be served over 10mg. This is a great way for people to consume who may not want to smoke flower or vaporize concentrates. It can be a great way for people to learn about cooking with cannabis and the correct dosing, in a comfortable setting. 10mg is a very low dose and will not give many people the effects they desire.

"A marijuana consumption area shall have the following characteristics: (1) the consumption area shall be isolated from the other areas of the retail marijuana store, separated by walls and a secure door, **and shall have access only from the retail marijuana store**"

Entrances should be allowed from the outside. I don't really see the point of having to enter through the retail.

Thank you,
Aaron Ralph

Sent from my iPhone

From: Jim Dyer
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Comments - Onsite Consumption
Date: Thursday, November 01, 2018 3:36:40 PM

AMCO / MCB:

Please approve "On-Site Consumption" with the following goals in mind.

- Give Alaskan residents and tourists places to consume marijuana and socialize without feeling like criminals.
- Keep people from feeling forced to consume in public parks, on the street, and other public venues.
- Prevent tourists from sneaking around, trying a puff in their hotel rooms and onboard cruise ships.
- Avoid second hand smoke issues in private residences by providing alternative locations for family members to consume.
- Treat marijuana the same as alcohol to the greatest extent practical, which was the idea behind Ballot Measure 2.

Thank you for your kind attention to this important matter.

Sincerely, Jim

Jim Dyer
JKD Brands, LLC
10289 Nigh Road, Unit 11
Anchorage, AK 99515
Tel. 907-929-5838

From: Jackson Ursin
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite consumption
Date: Thursday, November 01, 2018 3:36:00 PM

Dear AMCO,

As a life-long Alaskan and current worker in the industry, I support the onsite consumption endorsement. There are a lot of people who come into our store and wish that they could safely smoke at home. Unfortunately, for some of these people, they are renting their home or have a family at home. Most of these people want a safe area to smoke and to feel like they are not a criminal. Also, some people who come in here aren't allowed to drink and providing a onsite consumption area would allow them to have some sort of social place rather than a bar or club.

Another impact of onsite consumption would be allowing for our tourist to have a safe place to consume. Unfortunately right now, tourist feel like criminals smoking in public. Allowing for a place to smoke onsite will be a huge step in recreational use, and for our tourist business.

Thank you so much for reading through my email.

Jackson Ursin

From: Larry O'Kelley
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite consumption
Date: Thursday, November 01, 2018 3:15:55 PM

To whom it may concern,

I would like to officially advocate for onsite consumption of cannabis in a retail setting in the Anchorage municipality. The reasons are as followed:

We want to keep our tourists from becoming criminals for consuming in public. These folks are here to enjoy the state which includes our cannabis and without a facility to consume we are exposing them to a risk of fines and citations.

We need to protect renters, not being able to own your own home should not disqualify you from making your personal choice to consume.

As a new parent I would like a safe space to consume away from my children as to not expose them to second hand smoke.

Thank you for your consideration

Larry O'Kelley

From: Sam Hachey
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor On-Site Consumption
Date: Thursday, November 01, 2018 3:12:37 PM

Greetings,

Thank you for taking your time to read my opinion about On-Site Consumption.

We believe that having a safe place to consume Cannabis will only help our industry. Creating awareness, a safe place & expanded tourism are a few of the positives of public consumption.

Create a new provision into the existing law that any retail cannabis business with proper ventilation could apply for the endorsement.

Remove the attached building constraint. Most retail locations are attached to another building and keeping that provision would create an unfair advantage to a few current businesses.

Vote Yes for on-site consumption.

Remove the detached building guideline.

Let our industry grow!!

Thank you for your time,

Sam Hachey

Operations
Tanana Herb Company
(907) 888-9696
TananaHerbCompany.com

From: Rick Hinkey
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Opposing Onsite Consumption
Date: Thursday, November 01, 2018 3:04:42 PM

I oppose onsite consumption for many reasons.

Current research, as scarce as it may seem in comparison to tobacco, shows that regular cannabis consumption is detrimental to developing brain health (between birth and 25 years old). Marijuana impairs short-term memory and judgment, and distorts perception. It can impair performance in school or at work and make it dangerous to drive. Regular use by teens may have negative and long-lasting effects on their cognitive development, putting them at a competitive disadvantage and possibly interfering with their well-being in other ways (<https://www.cdc.gov/marijuana/health-effects.html>)

Nick Miller stated explicitly, at the August MCB meeting in Fairbanks, that his personal goal was not only cannabis cafes but that eventually it would be legal to hold public events where marijuana and alcohol could be consumed together. All of that after the industry, using regulatory language in 2014 stated explicitly that public consumption of marijuana would remain illegal.

In plain and simple language, Alaskans were not expecting public consumption of Marijuana to be an issue when they voted to legalize and commercialize it. Yet, the MCB has brought forth regulations at four separate meetings to invite public comments on a regulation that would allow it.

Most of us lead busy lives. Taking notice of regulatory processes locally is challenging enough, let alone regionally and nationally.

Keep this in mind: Substance use, abuse and addictions affect negatively Alaska Natives, American Indians, the LGBTQ community, and the behavioral health community at a significantly higher rate than the national average.

I applaud the decriminalization and legalization of marijuana. I think that is a justice issue as much as anything. I understand the commercialization of it. Regulating the industry makes sense.

Public consumption, from a community, public health and public safety perspective makes no sense at all.

In addition, it seems that research on the neurological, psychiatric, and medicinal effects of marijuana is growing exponentially at a rate equal to, or greater than the rate of legalization and commercialization. <https://www.marijuanamoment.net/marijuana-research-is-exploding-in-the-age-of-legalization-new-study-finds/>

If research proves that marijuana consumption is safe for the public, then it might make sense to consider onsite/public consumption. Definitely not before.

I urge the MCB to exercise patience and good judgement in the pursuit of helpful and protective regulations that will help Alaskans, not hurt them.

Sincerely,

--

Rick Hinkey
M.Div, MNA

Tel. (907) 750-4477

From: greenyogi
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: On site consumption
Date: Thursday, November 01, 2018 3:02:37 PM

Hello,

I am emailing in favor of on site consumption!

It is time that Alaskans have the security in their ability to consume a product in a public space that has been legal for several years now without the threat of law enforcement or criminal fine.

It is my opinion that some of the proposed regulations need revising as they are quite an overreach. As well as the expected application fees for existing and possible new establishments. The cannabis industry has made vast improvements to this community including but not limited to the hundreds of new jobs that were generated but also the tax revenue brought in and should be given the respect and freedom that this community has fought for.

Thank you

From: Elliott Womack
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Support for onsite consumption regulations
Date: Thursday, November 01, 2018 2:32:56 PM

To the Alaska Marijuana Control Office and Marijuana Control Board,

My name is Elliott Womack, and I am a resident of Juneau. I have long been a proponent for marijuana legalization for both state and federal levels, and a key part of the success for our local and state market, in my opinion, is to allow for onsite consumption of all legal products. As a consumer, having a safe and reliable place to consume my product away from minors is a great way to ensure that children and minors are not introduced to marijuana or otherwise in contact with it or its effects. As someone working within the cannabis industry, I believe that having such areas are not only good for business, but also benefits and safeguards public safety.

I work with the public regularly through a bar and find that I am more concerned about people walking the streets inebriated on alcohol, rather than someone who smokes or vapes a product. The concerns I do have, however, stem from not having a place that someone can safely imbibe a cannabis product other than their own home. As alcohol is available in places outside the home, with locations provided for the express purpose of purchasing and consuming the product, I find it hypocritical and against the spirit of what Alaskans expressed through the ballot initiative to regulate marijuana like alcohol. Providing a safe place for onsite consumption for all legally sold and purchased products, which would be overseen and held to the existing and future standards as set in the regulation, would be more in line with what the public overwhelmingly called for through that vote.

I also want to touch on the fact that without a legal place to consume marijuana, the only recourse is the home, which puts parents and other adults who live with children in a potentially dangerous situation. The intent of the industry is to keep these products away from children and minors, but not allowing for consumption outside the home negates that intent. Instead, disallowing such consumption puts children and minors at risk for getting into an otherwise responsible adults' personal possessions or otherwise in contact with cannabis products. The way that the current regulations are worded excludes a major component of the market, the concentrate; to disallow concentrate product consumption in a retail store with an authorized onsite consumption endorsed space means that legal users are expected to imbibe their product in the home, which, again, potentially introduces or exposes children and minors to those products.

I believe that allowing for regulated, safe consumption benefits the public in that there will be less potential for minors to have contact with cannabis products and their residue, as well as benefiting the public in that people who are consuming on the street will have a place to legally consume their purchased products. As it stands, I see a lot of legal buyers smoking or otherwise consuming their products in public on the street, in alleys between buildings, in their cars, and in other areas considered public. By only approving certain types of products, the board is only potentially lessening the occurrence of this public consumption, rather than redirecting it to a legal setting.

I want to thank the board and the State for their progress in this matter, but I believe that consumption regulations will be incomplete and not as effective if they do not include the

express permission and allowance of consuming concentrates in these authorized spaces. Edibles are already made using various concentrates and are allowed under the proposed regulations change; I believe it is logical to allow for the use and consumption of concentrated cannabis products in these endorsed areas.

My primary concern is for safety, both of the individual and of the public at large. As a private citizen and as an industry employee, I believe that adding concentrates to the proposed regulations change facilitates a better way to ensure the safety of our families, customers, and neighbors.

Thank you,

Elliott Womack

From: Chelsea Foster
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite consumption- let's get this going
Date: Thursday, November 01, 2018 2:26:28 PM

Hello AMCO I am chelsea foster and I am writing you today to say yes please adopt current regs for onsite consumption. While they seem to not allow adults to be adults and be self aware of their consumption it's been 4 years. We need to roll this out not only because we as voters asked for it 4 years ago but for our many tourists whom would benefit from a safe place to consume. As well as our Alaskans year round some of whom are tenants, have kids , or a spouse who prefers they consume off premises. Now they can have a safe warm place to go. I however do not suggest the proposed changes to 3AAC.306.355. Changing the dialogue from "a single transaction" to capping the amounts one can purchase for a single day. That's gonna be tough on businesses as they don't have the consumers personal information stored. It's tough and unfair on the businesses whom are already working their asses off to stay compliant.

Thank you for your time,
Chelsea Foster
Keefin it Real

From: Jessica Kerr
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite consumption public comments
Date: Thursday, November 01, 2018 2:10:27 PM

As a leader in this new industry I have been at the forefront of being able to create the first Alaskan Cannabis Magazine. The Alaska Cannabist is now being given out statewide and we have covered the AMCO board meetings, AMIA and concerns through out the entire Cannabis community. I personally have toured the facilities, retail shops, and extraction labs and feel like I have a bit of knowledge on the subject. I would compare this to drinking responsibly at a lounge where legally 2 drinks may be consumed and still able to operate a vehicle legally and get home safely ! With any regulations parameters need to be set into place in order to make sure that guidelines are followed .

I do not see why this is still a topic of discussion honestly, after you fined the Cannabis Classic and Hempfest, of which I attended both, I found your over reach excessive ! We are talking about our basic rights not about how you can funnel more money out of the industry by making more fines and more applications. We don't need a permit to have an event, you are not the police ! Let the law enforcement do their job which this has already been established, a \$100 fine is already in place that can be applied to anyone breaking this law, it's not your job to enforce it in anyway. AMCO is starting to over reach just like big gov. Looking at the industry as a paycheck and a way out of your governments fiscal irresponsibility. Instead why don't you start looking at the possibility of lowering the tax burden on the growers, they are being hit the hardest and without them there is no industry ! Public consumption done properly is just the next step in the evolution of legal Cannabis! We are trend setting here in Alaska and many other states after us will look back on this process and see what was done correctly and what needed improved upon. We can all be proud Alaskans when you decide to honor our basic rights and allow us everyday Normal rights that are given to all adults over the age of 21 whom can consume a few beverages, which in my opinion is far more dangerous, and still be responsible for their actions, and if not let the police officers do their job and you stick to doing yours !

Sincerely,

Jessica Kerr

AlaskaCannabist@gmail.com
907-987-5160

From: kolton leishman
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: A safe place.
Date: Thursday, November 01, 2018 2:08:58 PM

To Whom It May Concern:

I would like to thank the Marijuana Control Board, the onsite workgroup/committee and AMCO staff for the effort that they have put forward to develop the proposed changes to the onsite consumption endorsement regulations.

I support the regulations as drafted, and believe at this time they are an important step in the right direction for the consumer and the industry in keeping the public safe. I do however hold hope that in future discussions, we would see concentrates added to the allowable consumption activities. It is known that many adults do not smoke but prefer vaping a concentrate product, which has far less odor and carcinogens.

We all share in the duty to protect our most valuable resource, children, and want to provide for them a strong wall of separation between what adults can do and what they cannot and should not do. So in also providing for a place for Alaskan adult parents to consume away from their shared spaces at home is paramount in my support of these regulations.

Thank you.

From: dylan carleton
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite consumption
Date: Thursday, November 01, 2018 2:07:54 PM

To Whom It May Concern:

I would like to thank the Marijuana Control Board, the onsite workgroup/committee and AMCO staff for the effort that they have put forward to develop the proposed changes to the onsite consumption endorsement regulations.

I support the regulations as drafted, and believe at this time they are an important step in the right direction for the consumer and the industry in keeping the public safe. I do however hold hope that in future discussions, we would see concentrates added to the allowable consumption activities. It is known that many adults do not smoke but prefer vaping a concentrate product, which has far less odor and carcinogens.

We all share in the duty to protect our most valuable resource, children, and want to provide for them a strong wall of separation between what adults can do and what they cannot and should not do. So in also providing for a place for Alaskan adult parents to consume away from their shared spaces at home is paramount in my support of these regulations.

Thank you,
Dylan Carleton
Handler#12473
907-723-2619

Sent from my iPhone

From: Karen Perdue
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Comments on draft regulation onsite consumption
Date: Thursday, November 01, 2018 2:00:42 PM

I have revised my comments and would ask that this version be considered my formal comments.

My name is Karen Perdue and I have commented several times previously regarding regulations that would authorize onsite consumption in Alaska as an endorsement on a retail license. Onsite consumption is really a marijuana bar- as the industry has asked to be regulated like alcohol that is an appropriate name. These regulations do not provide anywhere near the regulatory oversight over such a significant category of new business.

I oppose the adoption of these regulations as I have previously in my comments for the above reasons and many more.

I am grateful that the Alaska State Legislature and the Governor enacted a smoke free workplace law this year that regulates all smoking in public places. This is a step forward in regulating the second hand smoke issue.

Still, the pending regulations would make Alaska the first place in the nation and I believe in North America to authorize marijuana bars. Colorado's governor vetoed a measure that would have moved that state in this direction. Its not simply good enough to say that Canada will get there or Colorado will get there. It is not simply good enough to say "our tourists need this". I do not believe the Board has had a substantive discussion on the necessary regulatory structure needed to monitor consumption and over consumption, impairment, necessary sanctions and fines for non compliance, lack of rules that prevent overconsumption like entertainment etc.

These business settings could represent a significant or majority portion of the revenue of a retail store but the regulations anticipate this as a minor business activity auxiliary to the retail activity. Is a non compliant licensee at risk of losing their retail or other licenses for lack of compliance on the endorsement.

My community the City of Fairbanks has banned onsite consumption and I'm familiar with several other communities that have done so. Many communities in Alaska have banned the importation and sale of alcohol. Do the regulations allow unincorporated jurisdictions the full range of local option decisions?

I hope each and every board member still has an open mind about these regulations and will seriously look at the public health and regulatory issues seriously rather than looking at the business profit aspect. The State of Alaska's Division of Public Health and Behavioral Health are both on record opposing adoption of these regulations.

Thank you for your attention to this matter.

Karen Perdue

Sent from my iPad

From: Jennifer Canfield
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Support for onsite consumption regulations
Date: Thursday, November 01, 2018 1:56:09 PM

To Whom It May Concern:

I would like to thank the Marijuana Control Board, the onsite workgroup/committee and AMCO staff for the effort that they have put forward to develop the proposed changes to the onsite consumption endorsement regulations.

I **support** the regulations as drafted, and believe at this time they are an important step in the right direction for the consumer and the industry in keeping the public safe. I do however hold hope that in future discussions, we would see concentrates added to the allowable consumption activities. It is known that many adults do not smoke but prefer vaping a concentrate product, which has far less odor and carcinogens.

We all share in the duty to protect our most valuable resource, children, and want to provide for them a strong wall of separation between what adults can do and what they cannot and should not do. So in also providing for a place for Alaskan adult parents to consume away from their shared spaces at home is paramount in my support of these regulations. Thank you, Jennifer Canfield Green Elephant Juneau, Alaska

From: ezra freedude
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: on-site consumption
Date: Thursday, November 01, 2018 1:40:43 PM

I support on-site consumption!

From: Caleb Saunders
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite Consumption Public Comment
Date: Thursday, November 01, 2018 12:29:57 PM

Greetings,

My name is Caleb Saunders and I am writing in support of the Onsite Consumptions regulations project. I do believe it has areas that can be improved such as the lack of concentrate consumption. I, however, can understand and can support that as our starting place. Without knowing what is to come it can be nerve-wracking to take the first steps into something that has not been done previously in our state. I believe the current project will allow us to very cautiously take those first steps into Onsite consumption.

So far we have done a great job to send out a message of WHY we need “Responsible Use” both as a State and as an Industry. I see onsite consumption as or next message of HOW adults can comply with that message.

If we give adults in Alaska a place to consume responsibly I have faith that we will continue to promote the mindset of “Responsible Use.” I also believe we find onsite consumption venues to be very calm places that will help to promote community bonds as well.

Thank you for your time.
Caleb Saunders
CEO – Green Jar
President - MVCBA

TURNAGAIN COMMUNITY COUNCIL

c/o Federation of Community Councils
1057 West Fireweed Lane, Suite 100
Anchorage, Alaska 99503

TO: Members of the Marijuana Control Board
FROM: Turnagain Community Council
DATE: November 1, 2018
RE: **Updated Comments on Proposed Regulations for Onsite Marijuana Consumption**

Note: these comments were originally approved by Turnagain Community Council (TCC) at the October 5, 2017 meeting with a vote of 9 yes, 0 no.

Because the regulations have been modified and re-released for public comment, the TCC Executive Board brought the original comment letter to the Council at its September 6, 2018, meeting, to seek guidance from the membership about any revisions to the letter. The Council discussed minor revisions to the letter to reflect the current proposed regulation, and updating any references to smokefree indoor air laws, reflecting the passage of Senate Bill 63 in May 2018. Submitting this revised letter was approved by Turnagain Community Council at the September 6, 2018 meeting with a vote of 16 yes, 0 no.

Members of the Marijuana Control Board:

Thank you for the opportunity to provide written comments on the proposed regulation (3 AAC 306.370) to allow onsite consumption of marijuana at retail stores.

While Turnagain does not currently have any marijuana retail establishments, we are interested in voicing our concerns, as potential impacts from onsite consumption may affect all neighborhoods — not just those immediately adjacent to a retail establishment — and these retail onsite consumption sites will be in areas where Turnagain residents choose to work or visit within our city.

Also, our neighborhood is adjacent to Spenard Road and just down the road from Midtown, where several retail stores already operate and which may have spillover impacts into our neighborhood, such as drivers under the influence heading home on Northern Lights Blvd. or Spenard Rd., or spillover crime that may occur as a direct result of onsite consumption at retail sites.

The Turnagain Community Council (TCC) is concerned about the public safety and public health impacts of this proposal as well as increased costs for implementing this new license activity, as expressed in the following comments, and OPPOSES ADOPTION OF THIS REGULATION.

1. TCC is concerned about the implications of the Assembly endorsing the state's proposal to allow onsite consumption of marijuana at retail stores, and in the process weakening or undoing the current smokefree indoor air ordinance (AMC 16.65.010) and/or the new statewide smokefree indoor air law (AS 18.35.301).

Keeping our public places, including bars, restaurants and similar establishments, free of tobacco smoke is a critically important health protection for the public and in particular for workers at these establishments. Permitting smoking of marijuana, which involves combusting

plant material similar to the process of smoking cigarettes, could re-open public discussion about the smokefree ordinance or invite legal challenges from the tobacco industry by creating an inconsistent policy about indoor smoke. Many other states and cities around the U.S. already recognize that smokefree laws benefit everyone, including businesses, and we are glad to live in a smokefree community in Anchorage.

We are also glad that the Alaska Legislature passed, and the Governor signed, the statewide smokefree indoor air law (SB63) earlier this year. The proposed regulation appears to have been updated to be compatible with this new law by limiting this activity to freestanding buildings, but this does not address the health impacts to workers within the facility itself, or the inconsistent treatment of smoke in the law.

The draft regulation requires the business to maintain a smokefree area for employees to monitor the consumption area, but it is unrealistic to require the business to keep employees away from smoke during their entire work shift, and workers would still be exposed to marijuana smoke when they enter the consumption area. This undermines the goals of the smokefree ordinance and new smokefree law, and in the absence of evidence that marijuana smoke is not harmful, would treat two similar substances differently.

While the science on health effects of marijuana is still limited, there are studies demonstrating that tobacco and marijuana smoke have similar carcinogenic properties, which suggests that exposure to secondhand smoke from either product poses health risks to customers, workers and others in nearby areas where secondhand smoke is released into the air.

2. The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) publishes national indoor air quality standards, and has for several years stated that there is no acceptable level of environmental tobacco smoke (ETS) to be considered having safe indoor air. They find that there is no existing ventilation system that can sufficiently remove these particles from the air, and that an indoor smoking ban is much more effective to ensure adequate air quality. More recently, ASHRAE added marijuana smoke and e-cigarette vapor to this list.

The current proposal includes ventilation requirements for establishments that allow smoking, which may reduce or eliminate odors within or outside of the consumption area, but ventilation will not address the health impacts of marijuana smoke and would therefore not be effective protection against secondhand smoke.

3. The proposed regulations also allow for an outdoor onsite consumption area — TCC is concerned about the impacts of exposure/inhalation to outdoor areas, including surrounding businesses, sidewalks, parking lots, and neighborhoods. While smoke would dissipate faster outdoors, it would still expose others to the odor and secondhand smoke in the surrounding area, and it is unclear how this could be adequately controlled while remaining an unenclosed, outdoor area.

Allowing outdoor consumption on premises would also not be consistent with the intent of the Municipality's smokefree ordinance, passed 10 years ago, or the new state law.

4. TCC is also concerned about what happens to customers after leaving the consumption area, particularly if they are inexperienced with marijuana use and/or have over consumed:

Will intoxicated customers drive home after taking a large dose? What about consuming edibles, which can take several hours to work through a person's system? The regulation allows consumption of one gram of marijuana in one sitting, which is a significant amount for one person in the space of two hours. What public safety impacts will the Municipality of Anchorage Police Department have to deal with from drugged driving, given that most people use vehicles to get around, and there may be many inexperienced people trying these products? TCC is concerned that without the equivalent of a Breathalyzer to establish whether someone is driving under the influence of marijuana, it will be difficult for police to accurately and fairly assess drivers' level of intoxication.

We are also concerned about the possibility of problems around marijuana consumption location closing time, similar to "bar break," when alcohol establishments close for the night. While marijuana seems less likely to produce violent behavior, several people leaving an establishment who are still feeling its effects could create higher risk of behavior from intoxication, such as involvement in a vehicle accident.

5. **Another potential public safety concern is exposure to secondhand smoke for police, fire department, and EMS staff who may need to enter a marijuana establishment designated consumption area for a consumption-related incident or an unrelated incident.**

If this smoke has sufficient potency to create a "buzz" from inhaling, this could impact their ability to do their jobs, or require wearing ventilation equipment. See Alaska Journal of Commerce, "Homer City Council will reconsider marijuana business on spit," September 10, 2017. <http://www.alaskajournal.com/cannabis#.WbYtta2ZOuV>

6. **TCC is concerned about the increased cost of implementing a new marijuana onsite consumption license activity as well as who would have to cover this additional expense to the community.**

Unfortunately, the community (in our case, the Municipality of Anchorage and its residents) would likely bear many of these implementation expenses. In this current, tight budget climate, asking local government to cover higher enforcement costs related to onsite marijuana consumption will put more of a strain on our limited community resources. This situation is already contemplated in an earlier section of the regulations (3 AAC 306.060(b), page 4 in the draft) that a local government is responsible for enforcing any conditions it recommends to be imposed on a license.

7. **Ballot Measure 2, passed in 2014 legalizing commercial production and sales of marijuana, included a specific list of licenses, none of which were intended to allow onsite consumption, and specifically banned marijuana consumption in public places.**

There does not appear to be a legal basis for creating a new license activity in regulation where it is not supported in statute, and in conflict with the public consumption ban, with the definition of a "public place" including indoor establishments like bars and package stores. TCC requests that the Marijuana Control Board seek a legal opinion on this matter — and provide this opinion to the public — to avoid creating a regulation not supported in statute.

TCC concludes our comments with the following:

Turnagain Community Council

A public opinion survey conducted for the American Cancer Society Cancer Action Network by Dittman (2015-16) posed a question about Alaska passing a law prohibiting smoking indoors in public places — *including prohibiting the smoking of marijuana*. **Results were 79% in Favor, 18% Opposed, 3% Unsure.** This strong public support was critical to the passage of SB 63, and also indicates the strong public support for protecting against the impacts of secondhand smoke, for both tobacco and marijuana.

Again, thank you for the opportunity to comment on the proposed regulation. TCC hopes you give serious consideration to this important health and safety issue for our State.

Sincerely,
Cathy L. Gleason

Turnagain Community Council President

Supporting documents:

- Alaska Department of Social Services, Division of Public Health in May 2017 presentation about the health harms of marijuana smoke and the ineffectiveness of ventilation against indoor smoke.
- CDC's letter citing collected evidence to date about marijuana and health.
- "Alaskan Opinions Regarding Statewide Smoke-Free Workplace Law" Dittman survey (December 2015-January 2016)

From: Ben Wilcox
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Public Comment on regulation changes for onsite marijuana consumption endorsements for retail marijuana establishments
Date: Thursday, November 01, 2018 11:35:46 AM

To Whom It May Concern:

I would like to thank the Marijuana Control Board, the onsite workgroup/committee and AMCO staff for the effort that they have put forward to develop the proposed changes to the onsite consumption endorsement regulations.

I **support** the regulations as drafted, and believe at this time they are an important step in the right direction for the consumer and the industry in keeping the public safe. I do however hold hope that in future discussions, we would see concentrates added to the allowable consumption activities. It is known that many adults do not smoke but prefer vaping a concentrate product, which has far less odor and carcinogens.

We all share in the duty to protect our most valuable resource, children, and want to provide for them a strong wall of separation between what adults can do and what they cannot and should not do. So in also providing for a place for Alaskan adult parents to consume away from their shared spaces at home is paramount in my support of these regulations. Thank you, Lacy Wilcox Top Hat Cannabis Juneau, Alaska

Thank you,

Ben Wilcox
Top Hat Cannabis
Juneau, Alaska

Sent from [Mail](#) for Windows 10

From: Lacy Wilcox
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Public Comment on regulation changes for onsite marijuana consumption endorsements for retail marijuana establishments
Date: Thursday, November 01, 2018 11:34:46 AM

To Whom It May Concern:

I would like to thank the Marijuana Control Board, the onsite workgroup/committee and AMCO staff for the effort that they have put forward to develop the proposed changes to the onsite consumption endorsement regulations.

I **support** the regulations as drafted, and believe at this time they are an important step in the right direction for the consumer and the industry in keeping the public safe. I do however hold hope that in future discussions, we would see concentrates added to the allowable consumption activities. It is known that many adults do not smoke but prefer vaping a concentrate product, which has far less odor and carcinogens.

We all share in the duty to protect our most valuable resource, children, and want to provide for them a strong wall of separation between what adults can do and what they cannot and should not do. So in also providing for a place for Alaskan adult parents to consume away from their shared spaces at home is paramount in my support of these regulations. Thank you, Lacy Wilcox Top Hat Cannabis Juneau, Alaska

From: virgil bean
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite consumption
Date: Thursday, November 01, 2018 11:24:27 AM

Please allow for onsite consumption as its safer than alcohol. Thanks for yur time.
Virgil Bean

Sent from my LG Mobile

From: John S Nemeth
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Public Comment on regulation changes for onsite marijuana consumption endorsements for retail marijuana establishments
Date: Thursday, November 01, 2018 11:15:24 AM

To Whom It May Concern:

I would like to thank the Marijuana Control Board, the onsite workgroup/committee and AMCO staff for the effort that they have put forward to develop the proposed changes to the onsite consumption endorsement regulations.

*I **support** the regulations as drafted, and believe at this time they are an important step in the right direction for the consumer and the industry in keeping the public safe.*

I do however hold hope that in future discussions, we would see concentrates added to the allowable consumption activities. It is known that many adults do not smoke but prefer vaping a concentrate product, which has far less odor and carcinogens.

We all share in the duty to protect our most valuable resource, children, and want to provide for them a strong wall of separation between what adults can do and what they cannot and should not do. So in also providing for a place for Alaskan adult parents to consume away from their shared spaces at home is paramount in our support of these regulations.

Sincerely,

John

photo



John S Nemeth

President / Owner, THC Alaska

(907) 302-3535 ext 101 | (907) 290-3433

john@thcalaska.com | www.THCalaska.com



From: Ocea Austin
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite consumption
Date: Thursday, November 01, 2018 11:11:04 AM

To whom it may concern,

I support onsite consumption. Please adopt.

Sincerely,
Ocea Austin

From: woolsherpahat
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite Marijuana Consumption
Date: Thursday, November 01, 2018 11:09:23 AM

Hello,

Please accept this public comment as support for a permitting structure that allows on-site consumption of marijuana.

Ballot Measure 2 states the intent of the initiative was to regulate and tax marijuana in a manner similar to alcohol and since there are a large number of establishments where alcohol can be consumed on-premise it seems only fair in keeping with the ballot initiative that a similar option is available to marijuana consumers.

Thank you.
Kevin Elliott

From: Kruzof
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Public comment as noted on additional section 306.370 to be added
Date: Thursday, November 01, 2018 10:52:37 AM

Hello, Please consider my comments regarding the following;

- (10) 3 AAC 306.370 adds a new section for onsite consumption endorsements for retail marijuana stores
- (11) 3 AAC 306.990(b) is amended to add relevant definitions

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alcohol & Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at amco.regs@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 4:30 pm on November 1, 2018.

Oral comments may also be submitted at a hearing to be held on December 19, 2018, at 4805 Dr. MLK Jr. Avenue, Anchorage, AK 99507. The hearing will be held from 1 p.m. to 4 p.m. and might be extended to accommodate those present by 1 p.m. who did not have an opportunity to comment.

As a citizen, among many others I know, who becomes nauseated at the smell of both tobacco and Marijuana, I am concerned with the endorsement request for on site consumption being proposed. Even without this endorsement, consumers are already smoking in front of store fronts, public parks and places with little to no discretion. Like tobacco, the off-gassing of MJ is significantly odiferous and unpleasant. Its very annoying while paying patronage to various stores and you can't avoid the skank smell of MJ. This does not bode well with business or other residential neighbors.

Regarding the above and while constructing this section of the regs, I request the following points be faithfully addressed;

- 1). On site consumption will be host to a cluster of pot smokers, therefore a potential launch pad for inebriated drivers who may take hours to sober. Precautions should be implemented by facility to protect the public from such imbibing patrons.**
- 2). The endorsed facility should be equipped with adequate exhaust systems to rid smell from what is exhumed into public air space.**
- 3). Mandate and Employ as many options possible to maintain a smoke and scent free surrounding of facility hosting such consumption.**
- 4). Control measures should be placed on owners and patrons of facility to prevent over-consumption.**
- 5). Consumption limits of specific THC strength and volume should be enforced at the endorsed facility.**

6). Patron and public loitering around the facility should be prevented?

7). Public notice and a comment period should be offered to general local of the facility. Then considerations, if any, should be taken prior to issuing endorsement to a facility?

Thank you for your considerations.

Sincerely,

**Rhonda A. Hubbard
P.O. Box 3302
Seward, Ak 99664
HP (907) 224-5584
MP (907) 362-1813**

From: Katie Steffens
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Opposed to Onsite Consumption
Date: Thursday, November 01, 2018 10:50:04 AM

To the Alaska Marijuana Control Board:

I am a **strong opponent** of onsite consumption of marijuana in any form, including smoking, vaping, and eating.

There is currently no test that can measure impairment after immediate consumption, that is needed when someone is driving high. Allowing this product to be publicly consumed would put pedestrians and drivers alike at risk.

Onsite consumption of marijuana is a literal and legal headache for the future, especially if smoked or vaped. Ventilation systems are not able to completely remove second-hand smoke from the air whether it's from marijuana, tobacco, or vapes. Onsite consumption would go against Alaska state law of smokefree indoor workplaces.

Alaska would be making the right choice by not allowing onsite consumption of marijuana products. We will be healthier and safer because of it.

Thank you for your time and consideration,
Katie Steffens

From: Jennifer Woods
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite consumption
Date: Thursday, November 01, 2018 10:29:19 AM

I believe the regulations proposed to not be in line with what the Alaskan people want. I would like to sit down and share a joint with my friend, in a public relaxed setting. Not one where its sterile and boring. Monitoring, fine, but not from a cage so I feel like a creature. Study the culture of the people you are regulating. They are normal people who want normal atmospheres to consume in. Some people think any onsite consumption makes room for more. I say let us have it all. Let me walk down the street with my joint. When I've actually done something wrong then you can take away my rights! Your griping about public safety when for years the homeless inebriated have walked into traffic right out in daylight on fifth street! You of the MCB have the avenue to change public opinion and set new standards. Please start doing that instead of promoting Refer Madness with your archaic stance on Cannabis. Free the Plant! Thank you for your time.

Sincerely, Jennifer Woods
A concerned consumer.

Sent from my iPhone



Marijuana Policy Project
P.O. Box 77492
Washington, DC 20013
p: (202) 462-5747 • f: (202) 232-0442
info@mpp.org • www.mpp.org

“We change laws.”

November 1, 2018

Alcoholic Beverage Control Board
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501

Dear Chairman Springer and Members of the Board:

These comments are offered in support of the proposed rules for on-site cannabis use, currently under consideration by the board. We believe the proposal will establish a sensible approach that will serve Alaska and its communities and residents by providing cannabis consumers a place to consume apart from private residences. These proposed rules will also serve as an important model for other states facing similar challenges.

We believe the fees are reasonable and support the proposed rules' local approval process, which allows communities to decide whether to allow regulated on-site consumption locations. Draft provisions would allow entities with on-site endorsements to offer non-alcoholic beverages and food, which is critically important, and we strongly support this approach. Without that provision, the establishments would be entirely dependent on cannabis sales to remain in operation, and there could be financial pressure to rush customers out of the facility before the effects of cannabis have worn off. We also find the daily limit amounts, health and safety precautions, designation of a consumption area, and precautions that are similar to alcohol establishments sensible and fair. We ask the board to adopt the proposed regulations, with suggestions for clarity.

Clarifying “smoke-free”

Subsection 3 AAC 306.370(c)(2) requires that those with an on-site endorsement maintain a “smoke-free” area for employees to monitor the marijuana consumption area.

It is possible that those with endorsements may simply prohibit smoking and allow patrons to consume using vaporizers. Generally, combustion of cannabis plant material takes place at around 450° F or greater, resulting in smoke. Vaporizers, which heat cannabis material to temperatures ranging from around 315° to 415° F, are specially designed to avoid combustion while still releasing active ingredients found in the plant. Considering the possible additional expense businesses might incur to accommodate worker needs around individuals smoking cannabis, we ask regulators to consider allowing vaporization to meet this smoke-free standard without additional costly measures.

Monitoring over-consumption

Workers would be required to monitor guests for over-consumption and avoid serving those who have already consumed more than perhaps they should. As the market matures and regulators and businesses gain experience, it would be beneficial to provide guidance to licensees and their staff on what those standards might be. While there are not clearly established criteria currently available, it should be something the state monitors and develops over time. Fortunately, because cannabis is not as harmful as other substances such as alcohol, it is likely this area is not as pressing as it might be with other substances.

Responsible adults who visit Alaska should have access to regulated locations where they may safely consume cannabis products without violating local or state laws on consumption in public. Similarly, some adult residents, including those with children, may prefer an alternative to consuming at home — or they may simply want to meet with other adult consumers in a social setting — and they should also have this option. We strongly urge the board to adopt the proposed rules.

Sincerely,

A handwritten signature in blue ink that reads "Chris Lindsey". The signature is written in a cursive, slightly stylized font.

Chris Lindsey
Senior Legislative Counsel
Marijuana Policy Project

From: Gregory Smith
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor On-Site Consumption
Date: Thursday, November 01, 2018 10:00:04 AM

Dear AMCO,

I strongly support On-Site consumption. Please continue your endeavors of having On-Site Consumption become a reality in Alaska...

From: lewisavivabus
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Against on site consumption of marijuana at shops
Date: Thursday, November 01, 2018 9:27:59 AM

I am an Anchorage resident. I am strongly against authorizing marijuana shops to allow consumption on site.

First, vehicular accidents have increased significantly in those states which have legalized marijuana use. It seems obvious, to me at least, that on site consumption will increase those rates to yet higher levels.

Second, I shop at these stores for CBD oil for my pet, but do not consume myself, especially as I work for the federal government. I did not want to be subjected to second hand smoke in shops. Obviously if the regulations only allow for consumption of marijuana in food or beverage items, second hand smoke wouldn't be an issue.

Than you for your consideration.

Audrey Lewis

Sent via the Samsung Galaxy S7, an AT&T 4G LTE smartphone

From: RONALD HAND
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: on site consumption
Date: Thursday, November 01, 2018 8:00:44 AM

Dear AMCO members,

The on site consumption should approved, since we as a community voted to make recreational use legal. AMCO's job should be to help this budding new business here in Alaska grow, and thrive, not to stifle and hinder what should be the normal operations of this industry. Not to mention the ever increasing tourist industry, were are all the visitor to our great state, suppose to enjoy the true benefits of cannabis (legally). Please make room for on site consumption, lets make it a legal activity, please work with the industry as you have in the past, on this very important issue.

Thank You Very Much for your time,
AK BEST BUDS LLC
Ron Hand

From: Michelle Snowden
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: on site smoking
Date: Thursday, November 01, 2018 7:58:24 AM

I would like to express my support for onsite smoking in Alaska. Smoking on site would be a great effort to regulate marijuana as a recreational product instead of a class one drug. If smoking on site is allowed, regulations can still be in place to control its consumption. We can control limits bought and consumed on site. We can allow cities and boroughs to decide if they want to allow onsite marijuana consumption.

Alaska is missing out on a very large market to sell marijuana to tourists. How can tourists legally buy and consume marijuana in Alaska if there is no place for them to consume it?

Thanks,

Michelle Snowden

From: kat Hu
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor On-Site Consumption
Date: Thursday, November 01, 2018 2:19:57 AM

It would open up more business opportunities. I would like to see some coffee/tea/smoke cafes.

From: drazen hill
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: On site consumption
Date: Thursday, November 01, 2018 12:25:14 AM

I support on site consumption!!

From: Will Schneider
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Public Comment on Onsite Consumption Endorsement
Date: Wednesday, October 31, 2018 11:53:12 PM

Hello, my name is Will Schneider. I am the CEO and Founder of Catalyst Cannabis Co.

I support the onsite consumption endorsement.

We passed the marijuana initiative to create an industry that is healthy for Alaska. One that brings wealth and prosperity to the State and small business owners. One that brings health and wellness into the hands of people who choose to consume cannabis. It is our duty as Alaskans to continue to shape this industry to protect the well being and health of people that live and visit this state. It is important to not look at this through an anti-cannabis lens or anti-smoking lens, but a lens that creates sound regulations to protect people who choose to consume cannabis.

It is important to not make our tourists criminals. People visiting this state have no option or outlet to consume marijuana. We need regulations in place that allow them to consume.

Without creating safe places for residents to consume cannabis, people are forced to smoke in their private residences. This not only has the potential to expose others involuntarily to second hand smoke, family members will be exposed to people under the influence of cannabis. This is not a question of if cannabis should be legal in Alaska, it is a question of how to make cannabis safe to consume, so peoples health and well being are protected.

People are purchasing and consuming cannabis in Alaska. Offering onsite endorsements is not only safest for our residents that consume, it also best for our visitors and our families.

Below are a few more comments I have to the specific proposed regulations:

" sell marijuana and marijuana products, **excluding marijuana concentrates**, to patrons for consumption on the licensed premises..."

People should be able to purchase and consume concentrates with the onsite endorsement. Why would it make sense for people to be able to purchase and consume concentrates in their homes but they wouldn't be allowed to in a venue where cannabis consumption is allowed? I am a cannabis business owner. The concentrate market makes up 40% of our sales. This is the preferred method of ingesting for a large percentage of the population. Just because concentrates have a higher amount of THC does not mean an individual is more likely to abuse it or become more intoxicated when ingesting concentrates. Many of customers vaporize concentrates with handheld battery powered devices. This allows them to consume cannabis as it vaporizes at a much lower temperature and before it combusts like when burning flower. For many, they view this as a better, healthier way to ingest cannabis instead of smoking.

"edible marijuana products in quantities not to exceed 10 mg of THC to any one person per day"

I think it is also important to allow cannabis food/edibles to be served over 10mg. This is a great way for people to consume who may not want to smoke flower or vaporize concentrates. It can be a great way for people to learn about cooking with cannabis and the

correct dosing, in a comfortable setting. 10mg is a very low dose and will not give many people the effects they desire.

"A marijuana consumption area shall have the following characteristics: (1) the consumption area shall be isolated from the other areas of the retail marijuana store, separated by walls and a secure door, **and shall have access only from the retail marijuana store**"

Entrances should be allowed from the outside. I don't really see the point of having to enter through the retail.

Thank you so much for this opportunity to comment.

Kindly,
Will Schneider

--

Will Schneider
FOUNDER

ANCHORAGE, ALASKA
907-205-1181

CatalystCannabisCo.com



From: Brian K Kerley
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite consumption
Date: Wednesday, October 31, 2018 6:13:14 PM

I am in favor of onsite cannabis consumption both for the progression towards an enlightened society as well as for the contribution to the economy from the commerce and revenue generated from these businesses.

Brian K. Kerley
PO Box 1004
Tok, Alaska 99780
907-883-4295

From: kevin james schwan
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor On-Site Consumption
Date: Wednesday, October 31, 2018 5:47:46 PM

Concerning On-Site Consumption for the State of Alaska. This is a very necessary aspect of recreational Cannabis for the State Alaska and Cannabis Tourism. The number one question for tourist in Alaska looking to participate in the legal cannabis market is, "Where can we smoke legally"? This can be very difficult for travelers who are staying at hotels that have a zero tolerance for cannabis possession and usage on there properties. Also, many are here to visit our plethora of National Parks where it is illegal to posses cannabis. Tourist need a space to participate in a safe, fun and lawful way. Residents voted for recreational cannabis to be regulated like alcohol. With alcohol there are liquor stores and bars. Cannabis should be no different with recreational retail stores and onsite consumption spaces. The people who are so worried about how society will unravel if Alaska had such establishments will soon be surprised to see that nothing changed anymore than when we legalized in the first place. I am fully confident that the Great State of Alaska can allow on-site consumption in a responsible and regulated way for the multitude of travelers coming to enjoy all aspects of tourism the state has to offer.

Thank you.

From: Preston Sly
To: [CED AMCO REGS \(CED sponsored\)](#)
Date: Wednesday, October 31, 2018 5:47:38 PM

To whom it may concern,

Tourism is the main reason that I am in favor of onsite consumption. Alaska is a state that relies heavily on the tourism industry. Tourists make their way to this great state for many reasons, one of which is to enjoy legal cannabis. Once they have made their legal purchase they are faced with the issue of finding a legal place to enjoy it. We all know that they are enjoying this legal cannabis in parks and other public spaces, where they could possibly be fined for consuming in public. It is your responsibility as members of the MCB to give us the opportunity to provide these consumers with state licensed and approved areas to consume the cannabis and cannabis products that they are purchasing.

In addition, if we are treating cannabis like alcohol, there should be areas where people can join together to consume cannabis socially. Alcohol is served in bars. Cannabis should also be available to consume in a similar setting. Residents of this state are now able to enjoy legal cannabis and should have access to venues to socialize with other cannabis connoisseurs. It is much needed.

Sincerely,

Preston Sly

From: Angela Stewart
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor On-Site Consumption
Date: Wednesday, October 31, 2018 5:47:07 PM

I need for my back pain

Sent from my iPhone

From: Lance Roberts
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Comments on onsite consumption draft regulations
Date: Wednesday, October 31, 2018 4:22:52 PM

- 1) The voters didn't not vote for onsite consumption of marijuana; in fact, they specifically voted for a fine for any public smoking.
- 2) We do not need to be an experiment.
- 3) There needs to be explicit direction on the ability of patrons to "drive" away. There isn't a much more unsafe concept that people consuming a mind-altering drug and then driving. With a smoking facility, there is no way to have a designated driver.

Lance Roberts
Fairbanks, AK

From: Joe Byrnes
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Comments on the onsite consumption endorsement to the retail marijuana license
Date: Wednesday, October 31, 2018 4:12:41 PM

October 22, 2018

Erika McConnell
Alcohol and Marijuana Control Office
550 W. 7th Avenue, Suite 1600
Anchorage AK 99501
amco.regs@alaska.gov

RE: Comments on the onsite consumption endorsement to the retail marijuana license

I am submitting the following comments on the Marijuana Control Board's proposed regulation changes in 3 AAC 306 regarding an onsite marijuana consumption endorsement for retail marijuana establishments.

My comments today largely echo the ones I registered in 2016 and in 2017 when similar proposals were brought forward by the board.

I preface my comments with my concern that this proposal, like the last ones, is inconsistent with the language in statute and the initiative. According to the Public Notice, the statutory authority for these regulations are found in AS 17.38.010; AS 17.38.070; AS 17.38.121; AS 17.38.150; AS 17.38.190; AS 17.38.200; AS 17.38.210; AS 17.38.300; AS 17.38.340; AS 17.38.900. I can find nothing in those statutes that would authorize consumption on the premises of a retail marijuana establishment.

AS 17.38.020(4) states that while consumption of marijuana is allowable for personal use, "nothing in this chapter shall permit the consumption of marijuana in public." AS 17.38.040 bans public consumption and imposes a \$100 fine for doing so. AS 11.81.900(53) defines "public place" as a "place to which the public or a substantial group of persons has access and includes highways, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, and hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence." While "public" is not defined in Title 17, a consistent approach to the term in statute would indicate that consumption in a location, other than a private residence, is unlawful.

Furthermore, in AS 17.38.070(a), the statutes defining the lawful operations of a retail marijuana establishment, there is no mention of the sale of marijuana to consumers for onsite consumption. In Title 4, if an alcohol establishment is allowed to sell alcohol for onsite consumption of product, that activity is specifically mentioned in the authorizing statute for that license. The language in Title 17 is exclusive in nature by listing activities that would not be an offense, thus an expansive reading would be incorrect. The creation of regulations that allow onsite consumption bypasses the legislative process. Nothing in the authorizing legislation for the Marijuana Control Board (Chapter 4 SLA

15) gave them the MCB the express authority to create endorsements that fundamentally change the character of a license. Any peripheral references to onsite consumption (such as in AS 17.38.084(c) or AS 18.35.301(h)(3)) are not expressed authority. If the MCB possesses the ability to create endorsements, it sets a troubling precedent about the expansive powers of the board to in effect allow new business models under the concept of an "endorsement."

Regardless of what proponents of onsite consumption say, this seems to me to be a gross misrepresentation of what advocates of the initiative stated during the 2014 campaign and goes beyond what is expressly allowed by law. If it is the desire of the marijuana industry to have onsite consumption, then it needs to go through the legislative process.

I think it is also worth noting that Alaska would be the only state to allow on-site consumption. While the initiative itself brought the state into relatively new waters, this particular activity is very untested. In the Netherlands, where onsite marijuana consumption is tacitly allowed in "coffee shops," there are new efforts by the Dutch government to curtail that activity due to the public nuisance caused by patrons, particularly tourists (Mike Corder, "As US states allow pot sales, Dutch reverse course," Denver Post, March 7, 2014, http://www.denverpost.com/marijuana/ci_25294755/us-states-allow-pot-sales-dutch-reverse-course). Furthermore, Governor Hickenlooper recently vetoed a measure in Colorado that would have allowed for marijuana tasting rooms in their state due to health and safety concerns (Jesse Paul, "Hickenlooper vetoes first-in-the-nation bill that would have allowed marijuana "tasting rooms" in Colorado," Denver Post, June 4, 2018 <https://www.denverpost.com/2018/06/04/marijuana-tasting-room-bill-veto/>).

While the public nuisance and other societal effects are notable, public safety is of the greatest importance and must be kept in perspective with any actions taken by the board. New research by the Insurance Institute for Highway Safety (IIHS) has shown that crashes are up in states that have legalized marijuana and found that about 14 percent of drivers under the influence of marijuana had a child in their vehicle (<https://www.nbcnews.com/business/consumer/legalized-marijuana-linked-sharp-rise-car-crashes-n921511>). The 2017 Washington State Marijuana Impact Report found that there has been a 122 percent increase in incidents involving marijuana-impaired drivers in Washington between 2010 and 2014. AAA made similar observations as well, finding that of all of the THC-positive drivers involved in fatal crashes about a third had neither alcohol or other drugs in their systems.

For these reasons, not only do I believe an onsite consumption "endorsement" has no basis in law, but it also a highly problematic public policy. Marijuana consumption is safest if done within the home of the user.

That said, I acknowledge that this present iteration of on-site consumption regulations is a vast improvement over previous proposals, particularly in its attempt to reduce impacts to surrounding residents and businesses. However, stronger protections for neighboring residents and businesses should be adopted than are proposed. My specific comments about individual provisions of the proposal are as follows:

Proposed local control protections are good

The proposed change to 3 AAC 306.200 to allow local governments to create specific operational restrictions is a good addition over previous proposals because it provides municipalities options on how to curtail on-site consumption is conducted in their jurisdiction.

Restricting service to intoxicated individuals

The proposed amendment to 3 AAC 306.310(b)(4) to not allow intoxicated or drunken persons to enter or remain on the premises is a good safety measure to prevent the further impairment of already intoxicated individuals. The prohibition on serving inebriated patrons should also be contained within the list of restricted practices for a licensed marijuana store found in 3 AAC 306.370(b).

Excluding marijuana concentrates

The inclusion of this provision is a good measure carried over from the 2017 proposal. Concentrates have a vastly magnified effect on physiology and restricting their consumption onsite advances public safety.

Limitations on sale amounts

The addition of changing the sale limitation from a single transaction to "any one person per day" (3 AAC 306.355) and no more than 10 mg of THC of edible products (3 AAC 306.370(a)(2)) is a good change that reduces my concern that a patron may continue to return and purchase increasing amounts of marijuana in one ounce increments in separate transactions. I am curious about how this information would be tracked.

Reduction of the quantity of the intoxicant a consumer can possess helps avoid over intoxication and is similar to existing restrictions on distillery tasting rooms. However, with the limitations on sale amounts, it is concerning that there is no accompanying regulation on THC potency within non-edible products. Even a small quantity of marijuana can be very potent. Quantity limitations will only cause the market to create increasingly potent products to circumvent the limitation. We've already seen a higher market demand of marijuana strains that are considered to be more THC potent.

Removal of unused marijuana product purchased for consumption

With the exception of wine bottles, removal of unused product is not allowable with alcohol establishments and this provision has the potential to promote consumption in public or while driving.

Other limitations and requirements are good steps

I agree with the limitations that are outlined in 3 AAC 306.370(b), particularly the limitations on consuming marijuana not purchased at the store, forbidding employees from consuming marijuana while working, and forbidding games or contests that involve consumption. All of these activities promote excessive intoxication which could pose a public safety hazard.

Required consumption area characteristics still are concerning

While I'm glad that there is the inclusion of ventilation requirements that would filter out

visible smoke and eliminate odor at the property line, I'm still concerned about odor emanating from an outdoor consumption area. It is unclear how the board will handle objections from neighbors. Also, there does not appear to be any recourse for a person who might own a business or residence that is outside of the 250-foot boundary, but is able to detect odors while traveling to the business or residence. These issues should be addressed in the regulations to ensure that surrounding residents and businesses are not negatively impacted. Furthermore, within the proposed required operating plan (3 AAC 360.370(d)), the ventilation plan should include information on how the business proposes to mitigate and eliminate odors.

Besides the odor issues, I also would note that the requirements for a "sight-obscuring wall or fence" (3 AAC 306.990(b)) should be more than six feet in height given that there are many individuals who exceed six feet and the consumption area should be kept as inconspicuous as possible.

Transportation of patrons to and from the premises

There is nothing mentioning how consumers will leave the establishment. Depending on the product, THC content, and the user, the effects of marijuana differ from person to person and even with the sale limitations, a person could consume enough marijuana to make him or her unsafe to drive for a significant period of time. While it's the legal responsibility of the user to make good judgment on operating a motor vehicle, the sort of behavior being enabled in the draft regulations are a serious public safety risk to fellow motorists that should be addressed in some practical manner such that patrons who have imbibed should not leave in a motorized vehicle under their control.

Firearms on premises

One thing I noticed which was not in the regulations was the possession of firearms. I'm unsure if this appears in another area of the regulations. Beyond the federal issues of possessing a firearm as a user of a federally controlled substance, under state statute it is a misconduct involving a weapon in the fifth degree (AS 11.61.220(2)) to knowingly possess a loaded firearm on the person in any place where intoxicating liquor is sold for consumption on the premises (emphasis added). The intention of this statute is clear: persons who are not mentally cognizant should not handle a firearm. Marijuana legalization (and onsite marijuana consumption) undoubtedly was not contemplated when the statute was created. A ban on weapons in onsite consumption locations should be considered by the board.

Regards,
Joe Byrnes

From: Ashley Lambert
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Comment on proposed regulation changes
Date: Wednesday, October 31, 2018 4:00:02 PM

Hello, I'm writing on behalf of the proposed changes to marijuana consumption. I do not support public use of Marijuana. While in some studies it has shown therapeutic benefit, no complete studies have been conducted on the 400 compounds within Marijuana. I recently attended the International Addiction Nursing Conference in Denver, Co and the increase in marijuana addiction is rising due to THC being a psychoactive drug. No regulations are being done on the manufacturing of Marijuana to prevent use of pesticides, mold, etc. I work with clients recovering from substance use disorder and they would suffer greatly from being exposed to marijuana around every corner. Not to mention our upcoming generations are at such high risk for substance use disorder.

From: Darrick rumfelt
To: [CED AMCO REGS \(CED sponsored\)](#)
Date: Wednesday, October 31, 2018 3:46:50 PM

Please vote Yes for on site consumption

It will give tourists a safe place to consume mj plus bars do it. I believe it just makes sense

From: Camille Drewry
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: On-site consumption for cannabis
Date: Wednesday, October 31, 2018 3:46:23 PM

Good afternoon,

I support on-site consumption for Alaska! Please work together to be the first in the industry to make this move! I understand the concerns, however, I would put my vote for keeping alcohol bars and cannabis consumption places separate. I strongly believe that it will create a peaceful environment(s) for our community to share our love for this plant and how it brings all different walks of life together. Unity.
Thank you.

Camille J Drewry

From: M A Tunley
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor On-Site Consumption
Date: Wednesday, October 31, 2018 3:43:47 PM

Hello,

As a lifelong Alaskan I believe that onsite consumption of cannabis products is a critical component of the success of the burgeoning cannabis industry. I also believe that onsite consumption falls right in line with voters' wishes to regulate cannabis "like alcohol".

I believe that onsite consumption will prove to facilitate exponential growth and acceptance of the cannabis industry, particularly as it relates to visitors to our state (eg. tourists). I also believe that the onsite consumption rule should include provisions specifically allowing limited sales as well as consumption at B&Bs and scenic tour type bus/limo operations.

In short, I support approving onsite consumption of cannabis.

Thank you,
Michael Tunley
2368 Success Dr.
Anchorage, AK 99504
907.545.3199

From: Kiara Kaitchuck
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Public Comment: Onsite Consumption
Date: Wednesday, October 31, 2018 3:40:02 PM

To whom it may concern,

I am a voter in the Anchorage area and I support on site consumption regulations for the cannabis industry. This is the next step to truly regulating like alcohol and it is a wonderful sign of growth for this young but promising economic contributor. Please adopt these regulations!

Thank you,

Kiara Kaitchuck

From: Miss Priss
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite Consumption
Date: Wednesday, October 31, 2018 2:47:43 PM

I support onsite consumption, it would benefit the community tremendously.

Thank you for your time

From: Aubree B
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: My thoughts on On-Site Consumption
Date: Wednesday, October 31, 2018 2:47:37 PM

I support on site consumption! Please allow on-site consumption!

Sincerely,
Aubrianna Bright

From: Jens Email
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor On-Site Consumption
Date: Wednesday, October 31, 2018 2:22:28 PM

Hello AMCO representatives,

This email is to show support regarding the consideration of onsite consumption. As a resident of Seward, I believe that with the level of tourism we get in our area it will be important to have a safe environment where folks can congregate with their use of cannabis products. Please consider that if onsite consumption is not allowed then people will not have a place to go to use their recent purchases of cannabis therefore use it wherever THEY consider it acceptable. Having onsite consumption will be a proactive way to regulate where cannabis can be consumed.

Please add my email to the list in favor of onsite consumption.

Thank you,

Jennifer Wells

Sent from Jen's iPhone

From: Randy Wells
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor of On-Site Consumption
Date: Wednesday, October 31, 2018 2:11:58 PM

AMCO

This email is to show my support for on-site consumption of all Cannabis products. As a business owner and resident of Seward I believe we need onsite consumption of Cannabis products for multiple reason.

So that Seward tourist will have a safe and legal place to consume Cannabis

Increased sales tax revenue

Additional full time jobs

While you are considering the fate of “on site consumption” please add my email to the “All For It” pile of public comments.

Thank you,

Randy

Randy Wells
907-947-3349 office

Fish Seward Alaska Inc.

https://urldefense.proofpoint.com/v2/url?u=http-3A__www.fishsewardalaska.com&d=DwIFaQ&c=teXCf5DW4bHgLDM-H5_GmQ&r=4M-EnMjk-bwCuHbOOAciFdymXBxfJ4ojVwApzxlAloQ&m=d-McczbchtMnDVfLhWEinZQagu01w2wbhBLaZicAraU&s=xPptvQY08UDnoKhKOWxYauR6mhXIsH5ECod3Wro1al8&e=

Oregon Fishing Adventure

https://urldefense.proofpoint.com/v2/url?u=http-3A__www.oregonfishingadventure.com&d=DwIFaQ&c=teXCf5DW4bHgLDM-H5_GmQ&r=4M-EnMjk-bwCuHbOOAciFdymXBxfJ4ojVwApzxlAloQ&m=d-McczbchtMnDVfLhWEinZQagu01w2wbhBLaZicAraU&s=QrbrPeKXx1w9p5fqVTW6yVaq9Yf_kgg8ilZ9gsR7N6o&e=
Alaska Shuttle Service

https://urldefense.proofpoint.com/v2/url?u=http-3A__www.alaskashuttleservice.com&d=DwIFaQ&c=teXCf5DW4bHgLDM-H5_GmQ&r=4M-EnMjk-bwCuHbOOAciFdymXBxfJ4ojVwApzxlAloQ&m=d-McczbchtMnDVfLhWEinZQagu01w2wbhBLaZicAraU&s=0jJmx-EMbr_nCF0uRpT-9U03aZVxcs758WAaH7VVix0&e=

Lunker Junkies TV.

https://urldefense.proofpoint.com/v2/url?u=http-3A__www.lunkerjunkies.com&d=DwIFaQ&c=teXCf5DW4bHgLDM-H5_GmQ&r=4M-EnMjk-bwCuHbOOAciFdymXBxfJ4ojVwApzxlAloQ&m=d-McczbchtMnDVfLhWEinZQagu01w2wbhBLaZicAraU&s=j862y42mExuX9eP673HKOy26lAiuuSD03WXI8RPvCIQ&e=

From: M Steele
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor On-Site Consumption
Date: Wednesday, October 31, 2018 2:11:42 PM

I am in favor of on-site consumption.

Mariam Swanson

From: Bruce Greer
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: On site use seems reasonable to me
Date: Wednesday, October 31, 2018 2:04:00 PM

I think cannabis use at the point of sale poses far less risk than alcohol consumption, which has long been available at many locales. It would provide more café style venues for the public, and would be an additional enhancement to the visitor industry, and contributes additional business revenue for communities.

Sent from [Mail](#) for Windows 10



AMIA Public Comment on regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with onsite marijuana consumption endorsements for retail marijuana establishments

October 30, 2018

To Whom It May Concern:

The Alaska Marijuana Industry Association (AMIA) would like to thank the Marijuana Control Board, the onsite workgroup/committee and AMCO staff for the effort that they have put forward to develop the proposed changes to the onsite consumption endorsement regulations.

The AMIA is supportive of the regulations as drafted, and believe at this time they are an important step in the right direction for the consumer and the industry in keeping the public safe.

We appreciate the robust debate that has occurred around this subject over the last several years and hope to work with regulators and concerned public to only improve the outcomes of allowing regulated consumption areas.

We feel better knowing that the regulations would:

- ~ Allow for a safe place to consume for Alaska's many adult visitors
- ~ Monitor over-intoxication, thus providing for the public health & safety
- ~ Monitor diversion to youth, thus providing for the public health

- ~ Get smoke and use off the sidewalks and general public areas, thus providing for the public health
- ~ Monitor black market diversion, thus providing for the public safety

As made clear, we support the regulations as drafted and want to see them become adopted. We do however hold hope that in future discussions, we would see concentrates added to the allowable consumption activities. It is known that many adults do not smoke but prefer vaping a concentrate product, which has far less odor and carcinogens.

We all share in the duty to protect our most valuable resource, children, and want to provide for them a strong wall of separation between what adults can do and what they cannot and should not do. So in also providing for a place for Alaskan adult parents to consume away from their shared spaces at home is paramount in our support of these regulations.

Sincerely Submitted,

AMIA Executive Board on behalf of the State Association Members

From: Andrew Campbell
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: On-site consumption
Date: Wednesday, October 31, 2018 1:51:42 PM

Dear Amco,

I support on-site consumption. Plus all of the people that I talk to on a daily basis support it as well. Including all of the tourist that support our state with their tourism dollars. Allow them a place to consume as well.

Andrew Campbell

From: Angela Endicott
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In Favor On-Site Consumption
Date: Wednesday, October 31, 2018 1:40:39 PM

I am in the medical field and strongly believe in the STUDYING and continued decriminalization of marijuana. I am in favor of this on-site consumption. Thank you!

To: Marijuana Control Board

Re: Public Comment, On-Site Consumption

Our Company, Alaska Fireweed supports on site consumption. In fact, we were granted an onsite consumption endorsement when we first established our license in 2016.

Our main store is right in tourist central. We need to provide a place for the tourist to use cannabis.

I would like to request the board to consider a third option for public consumption.

A café style onsite consumption where smoking would not be allowed.

As the industry is growing and evolving, the market is shifting from smoking flower to other ways to utilize cannabis in a healthier form.

A café style license would provide the consumer as well as employees the ability to enjoy cannabis in a smoke free environment. This would be a place where tourist, and locals could gather, enjoy nonalcoholic beverages, and socialize, and not be behind closed four walls, but in a more open atmosphere while still follow all the security, and current marijuana regulations. This would also eliminate the need for a separate ventilation system as there is little to no smell associated with edibles.

As we all know most of Alaska is built with the strip mall mentality, which was designed to hold down construction cost. Having to put in a separate ventilation system, would be cost prohibited for edibles only.

I want to personally thank the board for all the hard work they have done to get the industry off and running.

Commerce, Community, and Economic Development is where the AMCO department resides. Let's continue to support the Community and Economic Development of the Cannabis Industry.

Respectfully submitted,

Susan Nowland

Owner Alaska Fireweed #10307

From: Alan Scoggins
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Consume on premise (NOT)
Date: Wednesday, October 31, 2018 12:47:16 PM

I don't think it's a good idea to consume drugs at the place you bought them from. It will be like Amsterdam and people become targets for crime. Why can't you be happy just having it legal and consume in privacy of home. Not In Public places. Thanks and best Regards, Alan
Sent from my iPhone

From: Carolyn Dobbs
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite Consumption
Date: Wednesday, October 31, 2018 12:06:51 PM

To whom it may concern,

Tourism is the main reason that I am in favor of onsite consumption. Alaska is a state that relies heavily on the tourism industry. Tourists make their way to this great state for many reasons, one of which is to enjoy legal cannabis. Once they have made their legal purchase they are faced with the issue of finding a legal place to enjoy it. We all know that they are enjoying this legal cannabis in parks and other public spaces, where they could possibly be fined for consuming in public. It is your responsibility as members of the MCB to give us the opportunity to provide these consumers with state licensed and approved areas to consume the cannabis and cannabis products that they are purchasing.

In addition, if we are treating cannabis like alcohol, there should be areas where people can join together to consume cannabis socially. Alcohol is served in bars. Cannabis should also be available to consume in a similar setting. Residents of this state are now able to enjoy legal cannabis and should have access to venues to socialize with other cannabis connoisseurs. It is much needed.

Sincerely,
Carolyn Dobbs

From: Ashley Peltier
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Against On-Site Consumption
Date: Wednesday, October 31, 2018 12:02:32 PM

I am writing to voice my opposition to on-site marijuana consumption. As the regulations are written, there is no way to fully protect workers from exposure to secondhand marijuana smoke. I also have concerns about the lack of tools to measure impairment levels, which could result in consumers driving while impaired.

I urge the Marijuana Control Board to keep the law the way it was passed. It clearly states that no public consumption would be allowed.

From: Rorie Watt
To: [CED AMCO REGS \(CED sponsored\)](#)
Cc: [Mila Cosgrove](#)
Subject: Onsite Consumption Regulation Comments
Date: Wednesday, October 31, 2018 9:48:10 AM

The City and Borough of Juneau takes no position on the draft onsite consumption regulations that are out for public comment. We currently have no opinion on whether onsite consumption of marijuana and marijuana produces would be a desirable for Juneau.

However, if the regulations are to be adopted, we strongly support the continued inclusion of the provision allowing local option discretion for onsite consumption.

Thank you for considering this input.

Rorie Watt
City and Borough of Juneau Manager
(907)586-5240

From: Linden Anson
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Onsite Consumption
Date: Wednesday, October 31, 2018 8:54:03 AM

Dear Erika and Board,

I wanted to take a minute to chime in about the public consumption regulations. Alaska really needs these regulations for several reasons.

1) Senior citizens who live in assisted living or government funded housing are not allowed to smoke in their homes. (or in a hospice situation) Our elders deserve a place to come together to sample and consume cannabis. Most elders who use cannabis do so because they are seeking a homeopathic wellness solution, and many turn to cannabis for relief.

2) Cannabis is a non toxic substance. Other, toxic substances are served at other venues, such as alcohol, and often times to the point of excess. Drunk driving is a serious public safety issue, while in comparison, cannabis related fatalities are extremely rare. Besides that, we have a murder trend that occurs at some of these venues. When have you ever heard of a murderous stoner? The reason I bring this up, is because I feel the main argument opposing onsite consumption is the concern over public safety.

3) I predict that the number of impairment related fatalities will decrease with the passing of this legislation for two reasons. 1) People will have an alternative to alcohol when they want to go out and do something social. 2) the state is suggesting limits to the amount of cannabis that can be bought for consumption at one time, so people will be limited on "how high" they can get.

Thank you for reading,
Linden Anson



Virus-free. www.avg.com



MIDNIGHT GREENERY

To the Marijuana Control Board.

Oct 28th 2018

I am writing today in regards to the regulations packet for Onsite Consumption. I do believe we have long passed the time for adopting some regulations to allow for consuming cannabis outside someone's private residence. As we are all aware, and have discussed multiple times over the last 4 years, there are so many who are not able to consume in their homes for whatever reason that may be, children, landlords, government assisted housing, its maddening. Then if you add in the need for those who are coming to our state as tourists, the need for a safe place to consume jumps even more.

It has been 4 years that we have been batting this topic back and forth with no real movements made forward. That's getting beyond ridiculous, It's time to actually adopt some regs that can be navigated by the industry that has already shown it is willing and able to do what it takes to prove the legitimacy of this industry.

Having said that, there is one point that I believe needs to be absolutely stricken from the proposed regulations, and if i'm not mistaken, this can be done without once again having to send them out for public comment, as they are focused on regulations that are already adopted, signed by the Lt.Governor, and currently in place.

The one I believe that is the most problematic that I can foresee is the changes proposed to 3 AAC 306.355(a) changing the words "from a single transaction" to capping the amounts 1 person can purchase Per Day. It is simply un-enforceable, as no personal information is allowed to be kept of the patrons of a retail marijuana establishment.

This is done to maintain the protection of personal information and CANNOT be changed, however, It would absolutely need to be changed if we are to expect that a retail establishment is to keep records of daily purchases per patron. That is too much of a undue burden on the retail establishments, and goes against AS 17.38.190(b) which states "in order to ensure that individual privacy is protected, the board shall not require a consumer to provide a retail marijuana store with personal information other then government issued identification to determine the consumers age, and a retail marijuana store shall not be required to acquire and record personal information about consumers."

To strike this would not require being sent back out for public comment, as it is already a regulation that is currently in place.



MIDNIGHT GREENERY

These proposed regulations are far from perfect, but I do believe with this one point stricken, they are able to be navigated AS A START!

Please strike this change, and adopt these regulations, we are long overdue to get this process into the active stage. Also be prepared to revisit these often, as changes will need to be made as we go.

Thanks you for your time and consideration,

Sincerely,
Tina M. Smith
CEO Midnight Greenery

From: Girdwood Board of Supervisors
To: [CED AMCO REGS \(CED sponsored\)](#)
Cc: ["gbos.medgington@gmail.com"](mailto:gbos.medgington@gmail.com)
Subject: Girdwood Board of Supervisors input regarding proposed On-Site Marijuana Consumption Endorsement
Date: Wednesday, October 31, 2018 12:06:32 PM
Attachments: [LUC October 2018 minutes draft.doc](#)
[GBOS October 2018 Minutes draft rev 10.19.doc](#)
[2018-17 Marijuana on site consumption.doc](#)

The topic of On-Site Marijuana Consumption Endorsement has been discussed both at the Girdwood Land Use Committee and the Girdwood Board of Supervisors.

The Land Use Committee voted to recommend a GBOS resolution be writing in support of the proposal, see LUC October 2018 Minutes draft, Item #1809-05.

The Board of Supervisors requested that one of their members draft such a resolution, see GBOS October 2018 minutes draft, item #14.

This Resolution has been drafted and awaits signature on November 19, see 2018-17 Marijuana On-Site Consumption document. We will forward the final once it is signed in November.

Please add this to the public comments received on this issue.

Thank you,

Margaret Tyler
Girdwood Administrative Officer
907-343-8373

Municipality of Anchorage



P.O. Box 390
Girdwood, Alaska 99587
<http://www.muni.org/gbos>
Ethan Berkowitz, Mayor

GIRDWOOD VALLEY SERVICE AREA BOARD OF SUPERVISORS
Jerry Fox & Robert Snitzer, Co-Chairs
Eryn Boone, Mike Edgington, Christina Hendrickson

Resolution 2018-17 Of the Girdwood Board of Supervisors

RESOLUTION OF SUPPORT

A Resolution of the Girdwood Board of Supervisors Requesting the State Of Alaska Marijuana Control Board to Adopt Regulations Allowing On-Site Consumption of Marijuana Or Approve Designated Areas For On-Site Consumption In Licensed Retail Marijuana Establishments.

WHEREAS, the Alaska Marijuana Control Board (AMCB) is considering whether or not to adopt proposed regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with onsite marijuana consumption endorsements for retail marijuana establishments; and

WHEREAS, currently consumption of marijuana on, in or upon any public place is prohibited by Alaska Statute 17.38.040 and Anchorage Municipal Code section 8.35.300; and

WHEREAS, under state law, consumption of marijuana or a marijuana product on the premises of a licensed retail marijuana store may not be allowed, except in a designated area on the licensed premises as authorized with prior approval of the AMCB and when purchased on the licensed premises (3 AAC 306.305(a)(4) and 3 AAC 306.310(b)(2)), yet the AMCB has not authorized on-site consumption anywhere in the state to date; and

WHEREAS, Anchorage Municipal Code subsection 10.80.310B.2. does not allow consumption of marijuana on the premises of a licensed retail marijuana store, but the Anchorage Assembly reserved AMC subsection 10.80.305A.4 in the Code for potential future amendment to allow on-site consumption consistent with any action by the AMCO authorizing it; and

WHEREAS, on-site consumption has been an issue and concern among stakeholders, tourists, and residents for consumers to have a safe and legal space to smoke socially, promote cannabis culture and integrate recreational cannabis into their communities; and

WHEREAS, on-site consumption of alcohol is common under a beverage dispensary or restaurant or eating place liquor license, there are no comparable marijuana retail establishment licenses allowing consumption of on-site only of products purchased on the premises; and

WHEREAS, when authorization for on-site consumption at designated areas on licensed premises is provided, it would mitigate the risk and potential for illegal consumption of marijuana in public or on licensed retail premises where it is not authorized; and,

WHEREAS, on July 11, 2017 the Anchorage Municipal Assembly approved a resolution, AR No. 2017-251(S) titled, "A Resolution of the Anchorage Municipal Assembly Requesting the State Of Alaska Marijuana Control Board to Adopt Regulations Allowing On-Site Consumption of Marijuana or Approve Designated Areas For On-Site Consumption in

Licensed Retail Marijuana Establishments; now,

THEREFORE BE IT RESOLVED:

That the Girdwood Board of Supervisors supports adoption of regulations and approval of designated areas for on-site consumption on the licensed premises of retail marijuana stores located in Anchorage to legitimize such use for tourists, visitors, residents and patrons as soon as possible.

PASSED AND APPROVED by a vote of 5 to 0 this 29th day of October, 2018.

Mike Edgington , GBOS Land Use Supervisor

Date

Attest

Date

Municipality of Anchorage



P.O. Box 390
Girdwood, Alaska 99587
<http://www.muni.org/gbos>

Ethan Berkowitz, Mayor

GIRDWOOD VALLEY SERVICE AREA BOARD OF SUPERVISORS

*Jerry Fox & Robert Snitzer, Co-Chairs
Eryn Boone, Mike Edgington, Christina Hendrickson*

October 15, 2018 GBOS Regular Meeting Minutes Draft Revised 10.19.18 7:00 p.m. Girdwood Community Room

Call to Order 7:00 p.m. Jerry Fox

Attending are: Jerry Fox, Robert Snitzer, Eryn Boone, Christina Hendrickson, Mike Edgington

Agenda Revisions and Approval

October 15, 2018 Agenda Approved	RS/ME	5-0
Addition of funding capital projects in old business		
September 17, 2018 Meeting minutes approved	EB/CH	5-0
September 24, 2018 Special Meeting Re: Bonding and Grisham v MOA CH/EB		4-0
Fixed language about injunction		

Announcements:

- Coffee with Cops is scheduled for the Girdwood Picnic Club on SAT October 20 from 10A-12PM
- MOA/GBOS Quarterly meeting is scheduled for MON October 29 at 4PM in the Girdwood Community Room.
- GBOS/GFR Biannual meeting is scheduled for MON November 19 at 6PM in the Girdwood Community Room.

Introductions, Presentations and Reports:

1. Presentation from Turnagain Herb Co (Seth Molen) re: Marijuana Retail License and request for GBOS to update the existing 2016 MOU.

Turnagain Herb Co has just received a manufacturing license for their facility in Anchorage, and will now be focusing on the retail store in Girdwood. MOU needs to be updated with current GBOS contact info, there are also some clerical changes to the document, but no changes to the site plan or operations plan for the business.

Margaret Tyler will make changes to the MOU and will provide to Jerry Fox for signature.

2. Sub-Committee Reports:

a. Trails Committee – Carolyn Brodin

November 6 meeting will be held at the Alyeska Daylodge. Girdwood Mountain Bike Alliance will present conceptual plans for additional mountain bike flow trails in the bike park area inside the 5K loop. GTC applied for \$75,000 RTP grant for work on the Lower Iditarod National Historic Trail. Decision will be made in January/February. KMTA approved \$17,000 matching grant for construction of a new bridge over California Creek on the Lower INHT also. If weather allows, this project will be completed this winter. Thank you Alpine Air for donating flight time for this project. Hand tram will close the first of November. GTC is creating a list of projects for work next summer and in future years. Add your ideas to the list by emailing Margaret: tylerms@muni.org.

b. Girdwood Area Plan Update – Lewis Leonard

Meeting on September 27 focused on creating questions for the survey, which will be launched in January, 2019. October 24 meeting will focus on public involvement plan.

GBOS Meeting Agendas and minutes are available on line: <http://www.muni.org/gbos>



c. Land Use Committee – Brian Burnett

Seeking more consistent updates from HLB Commission meetings. Little Bears rebuild project has ordered as built survey. Housing committee has formed. LUC voted to recommend Letter of Non-Objection for liquor license renewals, except for the Girdwood Brewing Co, which they voted to recommend for a Resolution of Support due issues during last legislative session, when legislators considered restrictions on on-site consumption at breweries and distilleries. LUC also voted to recommend a Resolution of Support for on-site marijuana consumption at licensed retail stores. This is currently under consideration at the State level. LUC heard request from commercial fishermen in Prince William Sound and moved this item to old business, voting to recommend a GBOS Resolution of Support for hatchery release. Under new business, they heard from the Herbal Cache, LLC, which is now starting process for a marijuana retail license as the original owners did not renew their existing license.

3. Legislative Report –J. Johnston, C. Giessel, J. Weddleton, S. LaFrance

Senator Giessel discussed her efforts to create legislation to bring down health care costs by removing surprise “out of network” fees when patients are not able to select in network providers, such as emergency room visits. She is also working on Behavioral Health legislation, which is fairly simple and would allow a patient’s regular practitioner to oversee treatment, however this is getting tied to other legislation and is moving slowly. Finally, she’s working on legislation that would allow Physician Assistants, Occupational Therapists and Physical Therapists to work via telemedicine.

Adam Lees for Suzanne LaFrance and John Weddleton advises that the Stream Setbacks item was passed unanimously, after a month long delay to allow Eagle River to review the proposal. SAP changeover caused clerical error, however MOA is in an operational surplus. Suzanne LaFrance and Fred Dyson are working on a new Health Committee, which is exploring banning flame retardants, and working to slow the rate of infectious diseases by building community immunity. MLP sale to Chugach Electric will be a topic at Assembly meetings in November and December.

Jerry Fox requests that Adam check on the status of including Glacier Valley Transit funding in the Areawide budget.

4. Gerrish Library Report – Claire Agni

Free Flu shots at the library on November 14 from 2-6PM. Book sale last weekend earned \$924.17 for the Gerrish Library. Upcoming programs include Dryer Balls on SAT at 1:30PM; Kids programs on October 24 and 25, when there are half-days of school; and Halloween program on October 27 at 1PM. Kids gaming now offers Xbox 360 as well as Wii.

5. Girdwood Manager Report - Kyle Kelley

Parks and Rec:

Bears and Moose are in the valley. Be bear and wild aware. Please don’t use public bear cans for residential trash. Summer contracts are complete. We’re removing annuals and cutting back perennials. Have moved perennials in to garden beds and have planted bulbs for next spring. Currently collecting leaves from play areas so that they are ready for winter shutdown and easy to open in the spring. Playground assessment provided a punchlist of projects for the playground. Thank you John Gallup for lots of volunteer hours and work in the playground. Tennis Court volunteers removed the wind screens. Skate Park volunteers will meet October 16 to discuss projects for 2019. Trails received grant of \$17,000 for reconstruction of the California Creek Bridge and has nearly closed out the grant for \$50,000 for the Lower Iditarod NHT. Staff has applied for \$75,000 in RTP funding to continue trail work through the industrial park land. Call if you notice downed trees on trails: 343-8373. Hand tram will close on November 1. Tram cart will stay on site, but sheaves will be removed to repack them. Cemetery meeting on October 16 at 1PM will focus on plans for Jack Goodnoe, cemetery designer, site visit on October 29.

Roads:

Summer projects complete, prepping for winter with fall sweep of the asphalt roads and fixing potholes, grading gravel roads. Received 800 tons of echips for winter sanding.

Large projects:

Fire station phones are installed. Remaining item is the automatic shutoff of outdoor lights. Project has moved to warranty phase.

Little Bears is the next project. As-built survey was completed on Friday.

Girdwood tax structure: Girdwood pays 12.73 mills for areawide and GVSA services, which is 5th lowest in the MOA and the lowest of all areas with all services (parks and rec, roads, fire, police). Downtown the mill rate is 16.4. 2019 mill rate is 5.47, which is lower than anticipated because IGC’s dropped by 9%. The Areawide mill rate is negative amount.

Budget:

Roads spent \$43,000 through mid-September and is at 60% of budget, likely surplus at the end of the year could be moved to the roads 406 savings account if requested by GBOS at first Quarter revisions.

Parks and Rec is at 45% of budget, with bills still to be paid.

Police are at 49%; Fire is at 77%.

6. Supervisor Reports

- A) Public Safety – Robert Snitzer: Cops on Call has brought great qualified police in to help with training and filling positions temporarily. 1 position has been filled, recruiting for one more full-time position. CERT Programs upcoming. Coffee with a cop on October 20 at 10AM hosted by Girdwood Picnic Club. Police Report – Interim Chief Greg Russell: Officers are working to be high profile in AM when kids are on their way to school. All cars are now marked. 3 DUI's in the last month. Please lock doors. Thefts are occurring, thieves are seeking easy targets. Mark Hager is out of town for wedding. New officer will start in November. This officer is already fully certified and experienced. PSAC Report – PSAC representative. No report.
- B) Roads and Utilities – Eryn Boone: Sale of ML&P to Chugach Electric will be discussed at November 7 and December 4 Assembly meetings.
- C) Parks and Recreation/Cemetery – Christina Hendrickson: No additional report
- D) Fire Department – Jerry Fox: GFR Board of Directors meeting on THU at 7PM.
Update of GVFD – Chief Michelle Weston: October is Fire Prevention month. GFR is hosting kids programs at the station. Check Smoke detectors, CO detectors and fire extinguishers. Discuss with your family how to exit your home and where to meet up after exiting. Fire drill last week in the library/community room showed there are no fire alarm pull stations at the exits, which is unusual. EKGs can now be transmitted to hospital while patient is in route. 5 new firefighters with GFR. Lots of training on-going. GFR will host some trainings also, bringing students to Girdwood. In Sept/Oct 2020 Girdwood will co-host State Fire Conference with 300 attending. Recent issue with the Public Safety Access Point (PSAP) communications will be researched. Cordova dispatchers will be coming to Girdwood and Whittier soon to tour our communities. Hope Fire Dept experiencing delay in getting licensed to transport patients. Mutual aid agreement with Girdwood is for code red emergencies only, but right now Hope can't transport anyone. MOA working on mutual aid agreement to reimburse for Whittier code red transports also. CERT training scheduled with goal of getting more residents training to be help in case of emergency. October 22 training is regarding emergency preparedness. October 28 training is first aid/CPR sign off.
- E) Land Use – Mike Edgington
Update on T21 Ch9 review re: Parking requirements: In the data gathering phase. Not finding any formal parking studies for Girdwood.
Update on Housing Committee: Surveying the housing problems in Girdwood, long discussion regarding financing housing developments at the last meeting. Next meeting is November 13 at 7pm. HLB: Robin Ward presents that Industrial Park is almost complete, remaining is connecting electricity to the street light. No HLBAC meeting in October, the next one is in November.

Public Comment:

Bridget Galvin for Alyse Galvin, running for US Representative against Don Young.

Tommy O'Malley: Coffee with Cops on October 20 at 10AM at Girdwood Picnic Club

Mike Edgington: Candidates Forum on October 29 at 6:30PM in the Girdwood Community Room

OLD BUSINESS:

7. Letter to DOT regarding sweeps on the Alyeska Highway Pedestrian Safety Corridor (Christina Hendrickson). Christina has drafted a letter and is now editing with Eryn Boone.

8. Bear Issue in Girdwood (Alayna DuPont).

Alayna presents that bear committee goals are to:

- Increase awareness and education to broad base of stakeholders
- Become a local resource for people having problems or questions about bears via web page, facebook, and instagram
- Encourage waste management support with enforceable requirements for trash/food handling

Bear Committee asks for GBOS to help by:

- promote ordinances requiring bear resistant cans throughout Girdwood, both for curbside service and those who take trash to the dump. This impacts 10-30 customers not currently using bear resistant cans. Alaska Waste indicates that about 86% of their customers do have bear resistant cans
- seek limit on how long before pick-up trash can be left at the curb
- review staffing hours and days at the Girdwood Transfer Station.

Chief Russell adds that a bear recently killed in Whittier had plastic and trash in its stomach, and was likely in pain due to this. Solving the trash problem is safer for bears. Brian Burnett adds that dumpsters need to be addressed as well. Lids need to be reinforced to be effective, and housing units need to have adequate trash facilities for number of residents or they are left overflowing.

Mike Edgington to draft resolution of support language and confer with Assembly representatives regarding bear resistant cans and consolidation of code to create enforceable fines/penalties and make a request to Solid Waste Services to consider alternate schedule at the Transfer Station.

9. Discuss and vote on Girdwood 2020 recommendation for GBOS to write a Resolution of Support for design and construction of an improved interchange at the Alyeska Highway/Seward Highway intersection as part of the current MP 75-90 road and bridge project. Tabled. Diana Livingston and Dave Parrish to review request for edits from Mike Edgington.

10. Review and vote on recommendation from Girdwood Trails Committee for Multi-Use Forest Park Loop Trail
Eryn Boone reminds the GBOS that Girdwood Nordic Ski Club first introduced this new trail concept two years ago, and in April 2018 a subcommittee was created. Group worked throughout the summer and produced a report and recommendation that has been reviewed and amended by GTC, and is now brought to GBOS for approval.

Public Comments:

Brenden Raymond-Yakoubian: Request for GBOS not to approve the trail as planned. Issues include that the creation of this trail will damage the trail user experience of Stumpy's Trail, the proposed trail is too wide and requires substantial gravel acquisition and placement. Second access route is unnecessary, and access to wild areas that are appreciated also by members of the public will be damaged.

Julie Raymond-Yakoubian: Request not to approve. GNSC is not trusted to develop this trail as they failed in remediation of the Nordic 5K. Subcommittee recommendation is inaccurate and has falsehoods that should be fixed. Committee did not allow all to participate. GBOS has failed in stewardship of the 5K loop.

Eryn Boone states that the comments from all who attended the subcommittee and trails meetings were listened to and some changes were made based on their comments.

Deb Essex states that remediation of the Nordic 5K is an on-going project, she will supply a report from recent meeting with HLB on October 16.

Motion:

Girdwood Board of Supervisors moves to approve the Multi-Use Forest Loop Trail report as presented.

Motion by Eryn Boone, 2nd by Mike Edgington

3 In favor, 1 opposed, Eryn Boone Abstains

GBOS discusses abstention and re-votes:

4 in favor, 1 opposed

Motion carries

11. **Agenda Item LUC 1809-04:** Review liquor licenses up for renewal in order to request public hearing. If public hearing is requested, it must be done through resolution received no later than Oct 15, 2018

664	2 Go Mart #54	Package Store
1551	Double Musky Inn	Beverage Dispensary-Public Convenience AS
5518	Girdwood Brewing Company	Brewery
5210	Sakura Asian Bistro	Beverage Dispensary-Tourism Duplicate
3558	Silvertip Grill	Restaurant/Eating Place
5211	The Pond Café	Beverage Dispensary-Tourism Duplicate
3449	The Sundry Shop at Alyeska	Package Store

LUC recommended LONO for all renewals, except for the Girdwood Brewing Company, which they recommend for a GBOS Resolution of Support, due to action last spring in State Legislature to change brewery and distillery on-site consumption.

Motion:

GBOS approves a Letter of Non Objection for the 2 Go Mart #54, Double Musky Inn, Sakura Asian Bistro, Silvertip Grill, Pond Café, and Sundry Shop at Alyeska.

Motion by Mike Edgington, 2nd by Eryn Boone

Robert Snitzer declares he will abstain, as a manager at Alyeska Resort with liquor licenses under review.

4 in favor, 0 opposed, 1 abstention.

Motion carries

Mike Edgington reads Resolution 2018-14: Resolution of Support for the Girdwood Brewing Company, in to the record.

Motion:

Girdwood Board of Supervisors moves to approve Resolution 2018-14 as presented.

Motion by Mike Edgington, 2nd by Eryn Boone

5 in favor, 0 opposed

Motion carries

12. Discuss agenda topics for the GFR/GBOS Semi-Annual Meeting, which is tentatively scheduled for November 19 at 6PM in the Girdwood Community Room. Topics proposed at 9.17.18 meeting are:

- Role of GFR as a non-profit. Is this the best structure for them?
- Budget
- Roles of GBOS and GFR BOD and how to work together
- EMS funding

No changes to existing list of topics. Jerry Fox will present this list to the GFR BOD when they meet this Thursday.

13. Discuss Agenda Topics for MOA/GBOS Quarterly Meeting MON October 29 at 4PM in the Girdwood Community Room. Topics proposed at 9.17.18 meeting are:

- Bonding & other methods of raising funds for capital projects, such as creating capital projects mill rate.
- EMS funding
- APD contract
- Economic Development
- Changes in trash handling re: bears

No changes to existing list of topics.

14. **Agenda Item LUC 1809-05:** Discuss proposed addition of onsite consumption endorsement to the Retail Marijuana License. This item is being discussed at the State level, and, if passed, will come to city and local level later on. LUC recommended that GBOS write a Resolution of Support at this time, to register the community's support for on-site consumption. Both retailers in Girdwood have stated that onsite consumption is not within their business plans.

Motion:

Girdwood Board of Supervisors moves to have Mike Edgington draft language for a Resolution in Support of On-site Marijuana Consumption endorsement to the Retail Marijuana License, to be presented at the November 2018 GBOS meeting.

Motion by Mike Edgington, 2nd by Robert Snitzer

5 in favor, 0 opposed

Motion carries

15. Discuss Resolution of Support for Valdez Fisheries Development Inc Solomon Gulch Hatchery a permitted increase of 20 million Pink salmon eggs. (Mike Durtschi, presenting)

Girdwood is home to many commercial fishermen, fish hatcheries bring in funds to the state and local economy. Hatcheries are well-managed. Fish and Game has recommended the amount of hatchery fish, but the Board of Fish, who are politically appointed, are being lobbied by the Kenai River Sportfish Association to lower the amount of hatchery eggs to be released. Other coastal communities have already sent in Resolutions of Support. Board of Fish is meeting today and tomorrow to discuss.

Jerry Fox states that LUC recommended GBOS resolution, however the studies on hatcheries are not conclusive, and this is an area not strictly within the GBOS oversight. It is unusual for GBOS not to take the recommendation of LUC, as they are the body in Girdwood that offers full democratic one person, one vote.

Christina Hendrickson: Does not support this motion. This benefits commercial fishermen more than others, GBOS is not the right forum for this.

Eryn Boone: after reading the suggested information for and against the issue, she realized how little she knew about a very complex issue. Since it is not something we can become experts on in a short time period, perhaps it is not the board's place to vote on and that it should be left up to the biologists.

Julie Raymond-Yakoubian states that GBOS should not take action on this item. More fish is not necessarily better, little is known about the impact of so many fish in the ocean.

Christina Hendrickson reads GBOS Resolution 2018-15: Resolution of Support for the Alaska Salmon Hatchery Program in to the record.

Motion:

GBOS Moves to approve Resolution 2018-15.

Group discusses removing language stating GBOS affirms support of Alaska's salmon hatchery programs

Amended Motion:

GBOS moves to remove paragraph regarding affirmation of support for Alaska's salmon hatchery programs

Motion by Mike Edgington, 2nd by Christina Hendrickson

4 in favor, 1 opposed

Motion Carries

Motion:

GBOS moves to approve Resolution 2018-15 as amended.

Motion by Christina Hendrickson, 2nd by Mike Edgington

3 in favor, 2 opposed

Motion carries

16. Review information on current status of Grisham v MOA and request of GBOS from Girdwood Forest Fair to encourage MOA not to settle this matter.

GBOS met with Municipal attorneys last month and discussed that settlement had been offered by Grisham's attorney, but they did not accept the terms of this settlement offer. This item is under litigation, so not much can be discussed in detail.

Tileigh Love, representing the Forest Fair, states that Forest Fair is happy to hear that the settlement had not been accepted.

17. **Agenda Item LUC 1808-05:** Discuss proposed GAP Operating procedures

GAP has not finalized their proposed procedures. Item is tabled.

18. Discuss Girdwood Governance Association (GGA) as a private and independent organization, unconnected with the existing Girdwood representative government.

Girdwood Governance Association is fundraising for economic studies to consider independence from MOA and for the possibility of creating a Prince William Sound Borough. There has been confusion in other towns and within Girdwood about whether GGA is representative of Girdwood.

GBOS Motion:

GBOS moves to extend the meeting time past 10PM.

Motion by Christina Hendrickson, 2nd by Eryn Boone

Motion carries 5-0

Jerry Fox presents draft language explaining what GBOS is and what GGA is, Christina Hendrickson reads this in to the record. This statement is only intended to clarify what these two entities are. GBOS members express interest in the report generated by the study. Statement, once approved, would be sent to the coastal communities involved in the Prince William Sound Borough and others who have been included in communications, Coastal newspapers, as well as to GGA.

Motion

GBOS moves to amend the statement language.

Motion by Jerry Fox, 2nd by Christina Hendrickson

motion carries 5-0

Motion

GBOS moves to approve the language as follows:

Girdwood Governance Association (GGA) is a group of people exploring the idea of creating Girdwood as a separate city from Anchorage.

GGA is not part of Girdwood's actual representative government and is in no way associated with the existing elected governmental structure in Girdwood. While GGA has done a survey, there has been no formal community discussion on this topic. The Girdwood Governance Association does not represent the community of Girdwood.

In looking into separating from Anchorage, GGA has found they will need to form a new borough. GGA has been in discussion with Cordova and Whittier on the topic of forming a new incorporated borough. In talking with these communities, they are doing so as a group of interested citizens of Girdwood and should not be mistaken as representing Girdwood as a whole.

Girdwood's actual representative government is not looking at separating from Anchorage or forming a new borough at this time.

Motion by Eryn Boone, 2nd by Mike Edgington

5 in favor, 0 opposed

Motion carries.

19. Discuss bonding and other options for structuring GVSA budget for capital projects.

Girdwood can bond within the tax cap, however the tax cap was created before Parks and Rec, Cemetery, and Police Services were added to the responsibilities of the GVSA. It is likely that Girdwood will hit the tax cap with anticipated increasing costs of policing and fire department functions. In addition, more infrastructure has been added to the service area, in the form of paved roads, lights, fire station, community room, etc. Funds for capital projects for those existing resources have been set aside in 406 savings accounts, however with effort to maintain a flat budget in recent years with increasing costs of services, contributions to those savings accounts have stagnated or been relatively under-funded. Finally, there are improvement projects that Girdwood needs to take on, including fish

passage culverts, new little bears facility, and a re-structuring of the soccer fields and parking area off Arlberg Road. State CIP funding is unlikely to provide funds for these projects. In order to make progress on these projects, Girdwood will need to find funding.

Staff are looking in to grants for fish passage culverts, and will need matching funds.

Kyle presents that Eagle River has separate mill rates, one for operating budget and one for capital projects. He recommends that GBOS request more information on this structure for Girdwood, so that the community can save more effectively for projects they want to undertake.

NEW BUSINESS:

20. **Agenda Item LUC 1810-05:** The Herbal Cache, LLC application for business license with new ownership, seeking LUC recommendation for GBOS Resolution of Support. (Brent Carse, presenting).

Brent introduces that he is the former manager of the Herbal Cache, and is seeking a new marijuana retail license as the old one was not renewed by the original owners, due to a management dispute. Brett will complete the steps to create The Herbal Cache, LLC.

21. Discuss starting Request for Proposal process for the Crosswalk light at Alyeska Highway/Egloff/Hightower intersection.

Plan is to put the RFP out for bid in January. The Boutet Co. recommends that there are some changes to the language in the RFP, in to create a different outcome in bidding. A special meeting may be required in November for GBOS to discuss this item in depth.

Action Item Updates as assigned:

Request for Executive Session:

None

Other:

None.

Adjourn 10:30PM

Girdwood Land Use Committee

Notice of Meeting on October 8, 2018

Minutes Draft Revised 10.9.18

Agenda Item LUC 1810-01:

Call to order Brian Burnett 7:02PM

Agenda Approved for October 8, 2018 Regular Meeting

LL/ME

Minutes Approved from September 10, 2018 Regular Meeting

LL/ME

LUC Officer reports

Announcements & Presentations:

Girdwood Trails Committee is applying for a 2019 RTP grant to work on Phase 2 section 2 of the Girdwood Lower Iditarod National Historic Trail. Phase 2 will span approximately 3/4 mile from the California Creek Bridge to the Northeast corner of the Industrial Park (Ruane/AWWU corner). Address comments or concerns to staff: kellykt@muni.org or tylerms@muni.org.

The MOA/GBOS Quarterly meeting is scheduled for Monday, October 29, 2018 at 4PM in the Girdwood Community Room.

Presentation from Turnagain Herb Co (Seth Molen) re: Marijuana Retail License and request for recommendation that GBOS update the existing 2016 MOU:

Seth announces that the only section to be changed is the GBOS point of contact. Turnagain Herb Co has completed their facility in the Tudor area of Anchorage, and is awaiting MOA inspection and license for that facility shortly thereafter. Once that part of their project is complete, group will begin work on the Girdwood project. Public asks if on-site consumption would become part of their business model, if available. Seth states that Turnagain Herb Co would stand by their commitment to neighbors that they would not pursue on-site consumption.

Agenda Item LUC 1810-02: Public Comment (3 minutes each)

None

Agenda Item LUC 1810-03: Committee reports, 3 minutes each:

GBOS Report (Mike Edgington):

Stream setback item is on the Assembly agenda for 10.9.18.

Krystal Hoke provided presentation on the Girdwood Governance Association to GBOS.

Christina Hendrickson is drafting a letter to DOT regarding the Alyeska Pedestrian Safety Corridor (bike path) sweeps.

Bear group has formed and is working on proactive education and information campaign.

GBOS voted on amounts to be granted through the non-profit rec grant program.

GBOS approved their Capital Improvement Project list for 2019.

GBOS reviewed the GNSC Forest Loop Trail project and GTC/GNSC subcommittee report on the trail and will vote on this item on October 15

GBOS received request for Resolution of Support for Solomon Gulch Hatchery release of 20 million pink salmon eggs. Item was referred to LUC for public input and vote, and it appears on the agenda later tonight.

GBOS received request from Forest Fair Committee to review the Grisham v MOA lawsuit and encourage MOA not to settle.

This was discussed at a Special Meeting with the MOA Attorneys and in an Executive Session.

MOA attorneys clarified that the injunction was signed by the judge prior to the deadline that been agreed upon.

MOA has not agreed to settlement.

GBOS discussed funding methods for capital projects, including bonding and Inter-government loans.

Trails Committee Report (Kate Sandberg):

GTC received grant funding to help with construction of the California Creek Bridge on Lower Iditarod National Historic Trail; group hopes to build the bridge this fall.

GMBA will present concept for additional trails within the Nordic 5K loop area at the next GTC meeting on November 6.

GTC is working on a list of projects for 2019 and a list of goals for upcoming years.

Girdwood Area Plan Update Committee (Lewis Leonard):

Meeting on September 27 focused on review of survey questions with Holly Spoth-Torres and Adam Hays, who are contracted to assist with the public engagement. Group will receive updated survey questions in October and will revisit that topic at their November meeting. Survey will launch in January. October 24 meeting will focus on the Public Involvement Plan.

Girdwood Land Use Committee Meeting Agendas and minutes are available on line: <http://www.muni.org/gbos>



Title 21, Chapter 9 Review Committee (Mike Edgington)
Meeting held earlier tonight. Continuing to gather data on parking.

Cemetery Committee (Kyle Kelley for Tommy O'Malley)
Next meeting on October 16 at 1PM will initiate Strategic Design Study with CRW. Jack Goodnoe, Cemetery designer, will come to Alaska for site visit October 29, and then is scheduled to return in January for public meeting.

HLB Commission Report (Ron Tenny):
Ron is out of town, last meeting was held in Girdwood September 12. Brian Burnett to request Ron attend the next LUC meeting for an update on HLB.

Little Bears Re-build project (Kyle Kelley)
Karen Zaccaro and Kyle Kelley met with Little Bears board to discuss the basic design for the new building. Kyle has ordered an as-built of Tract A1. Next the group will work on the code restrictions related to child care on the property.

Housing Committee (Mike Edgington)
13 people attended the meeting last month, next meeting is tomorrow, October 9. Focus of this meeting will be to review other communities' solutions to similar housing issues.
Diana Livingston states that an Urban Designer is the speaker at the Lecture Series on October 25. Plans are under way to have him meet earlier in the day with members of the community.

Old Business:

Agenda Item LUC 1808-05: Discuss proposed GAP Operating procedures
Topic tabled.

Agenda Item LUC 1809-04: Review liquor licenses up for renewal in order to request public hearing. If public hearing is requested, it must be done through resolution received no later than Oct 15, 2018. LUC is asked to vote to recommend GBOS support of, objection to, or no comment on, these license renewals.

664	2 Go Mart #54	Package Store
1551	Double Musky Inn	Beverage Dispensary-Public Convenience AS
5518	Girdwood Brewing Company	Brewery
5210	Sakura Asian Bistro	Beverage Dispensary-Tourism Duplicate
3558	Silvertip Grill	Restaurant/Eating Place
5211	The Pond Café	Beverage Dispensary-Tourism Duplicate
3449	The Sundry Shop at Alyeska	Package Store

LUC does not request public hearing on any of these liquor licenses.

Motion:
Girdwood Land Use Committee moves to recommend that the GBOS write a letter of non-objection for the 6 package store/dispensaries liquor licenses as presented.
Motion by DL/2nd by LL
8 in favor, 0 opposed, 2 abstentions
Motion carries

Motion Amendment:
Girdwood Land use Committee moves to recommend that the GBOS write a Resolution of Support for the Girdwood Brewing Company.
Amendment by ME/2nd by LL
8 in favor, 0 opposed, 2 abstentions
Motion Carries

Discussion: Mike Edgington states that breweries have been subject of some efforts to restrict them in the State Legislature. This is an opportunity to provide additional support to brewery.

Agenda Item LUC 1809-05: Discuss proposed addition of onsite consumption endorsement to the Retail Marijuana License.
This item is currently in discussion at the State level, and has not reached the municipal level yet.

Motion:
Girdwood Land Use Committee moves to recommend to the GBOS that they comment to the State of Alaska supporting on-site marijuana consumption endorsement.
Motion by LL/2nd by SC
5 in favor, 1 opposed, 3 abstentions
Motion carries

Discussion: Although early in this process, those attending want the city and state to know that LUC is in favor of providing an on-site consumption option to consumers.

Susan Carse states that consumption is highly regulated and is not viable for The Herbal Cache. Another element within the MOA is the non-smoking ordinance.

New Business:

Agenda Item LUC 1810-04: Discuss request for LUC recommendation for a GBOS Resolution of Support for Valdez Fisheries Development Inc Solomon Gulch Hatchery a permitted increase of 20 million Pink salmon eggs. (Mike Durtschi & Nathan Tueller, presenting).

Mike Durtschi states that the Dept of Fish and Game has managed the fishing resources in Prince William Sound effectively for many years, and they support the release of the 20 million pink salmon eggs. The Board of Fish is a political body and has been lobbied by the Kenai River Sportfish Association and others to cut the number of eggs to be released by this number. Hatchery fish are a renewable resource in Prince William Sound, and the source of significant economic impact in Girdwood. Other communities have provided Resolutions supporting the release of the 20 million eggs, including Valdez and Cordova. The Anchorage Assembly is also expected to write a Resolution supporting this.

Public Comment will have closed on this prior to the GBOS action, however action is still requested to show support for hatchery release in the future and LUC is requested to act on this tonight so that GBOS can submit a letter soon.

Mike Edgington states that scientific study seems inconclusive on the negative or positive impact of hatchery release. He asks why not stay with the permitted release. Mike and Nathan respond that Fish and Game approves of the full release.

Letter from Christina Hendrickson in opposition to the release is read in to the record. Her concerns are that the resolution supports one segment of the population over many others; that the subject matter experts at Fish and Game should be the opinion that carries in this discussion; and that fishery management decisions should be made with all fishers in mind.

Mike Durtschi explains that the release as they are requesting it matches the recommendation by Fish and Game.

Motion:

Girdwood Land Use Committee moves to allow this item to be voted on this evening, as it is time sensitive, although it is new business on the LUC agenda.

Motion by ME/2nd by DL

11 in favor, 0 opposed, 2 abstentions

Motion carries

Motion:

Girdwood Land Use Committee moves to recommend that the GBOS write a Resolution of Support for Valdez Fisheries Development Inc Solomon Gulch Hatchery a permitted release of 20 million Pink Salmon eggs.

Motion by NT/2nd by DL

9 in favor, 0 opposed, 4 abstentions

Mike Durtschi and Nathan Tueller to provide language for the Resolution of Support to Margaret Tyler, who will send it to GBOS co-chair to review prior to Monday night GBOS meeting.

Agenda Item LUC 1810-05: The Herbal Cache, LLC application for business license with new ownership, seeking LUC recommendation for GBOS Resolution of Support. (Brent Carse, presenting).

Brent Carse is working on new marijuana retail license as the Herbal Cache did not renew their original license due to a partnership dispute that culminated in shutting down the business this summer.

Brent was a manager at the original Herbal Cache, he is confident in his ability to run the business meeting all legal requirements and maintain the businesses positive reputation in the community. He will change the structure of ownership from a partnership to an LLC, and is currently working thru the State licensing and public comment and will seek an MOU with the GBOS once he has gotten through the State Requirements.

Other:

Brian Burnett states that he will not be able to attend the next LUC meeting, which is scheduled for November 12.

Adjourn 8:25PM

Submitted By	Comment
<p>11/1/2018 2:49:07 PM Salt Lake City, UT, US Anonymous User</p>	<p>One site consumption should be approved for the safety and comfort of all Alaska residence and visitors. With the booming tourism industry there is a need for spaces for visitors to consume. As the law is now, it leaves visitors to find there own location to consume and with most hotels not allowing it on their properties this is a problem for business owners as well as people can be "sneaking around" trying to find a safe place to consume. If on-site consumption was approved it would be a controlled environment. It would also bring more revenue to the states in the form of licensing, not to mention the increase in tourist revenue as Alaska would be the first state with this measure, even more reason to visit this great state!</p>
<p>11/1/2018 2:32:40 PM Crystalyn Lemieux crystalyn.lemieux@gmail.com Anchorage, AK, US Anonymous User</p>	<p>I don't believe this is wise because if they are consuming on site this can lead to people driving while under the influence. Plus it sounds like there is more research needed to make informed decisions.</p>
<p>11/1/2018 2:15:34 PM Emily Davis edavis@searhc.org Sitka, AK, US Anonymous User</p>	<p>Hello, I have listed my concerns about marijuana on-site consumption below. Allowing on-site consumption of marijuana would expose employees and the public to second-hand cannabis smoke and take away their right to breathe smoke-free air. Secondhand marijuana smoke contains many of the same carcinogens and toxic chemicals as secondhand tobacco smoke and there is no safe level of secondhand smoke. The guidelines should not include requirements for ventilation systems as they do not clean the air and do not make it safe to breathe, therefore they do not address the health hazards of secondhand smoke. On-site consumption of marijuana could decrease the perception of harm for marijuana in youth and also lead to the “normalization” of recreational marijuana use. We need to protect our youth and make the health of our children and communities a priority. Thank you, Emily Davis</p>
<p>11/1/2018 1:46:17 PM</p>	<p>NO. We should not make it even harder on</p>

Submitted By	Comment
Seattle, WA, US Anonymous User	marijuana businesses.
11/1/2018 8:56:38 AM Michelle Cleaver weeddudessitka@gmail.com Sitka, AK, US Anonymous User	Dear AMCO Board, I own Weed Dudes, a Marijuana Retail Store in Sitka. We are a town of 8000 that gets almost 1 million cruise ship passengers that visit between May and September. I would like to do the most responsible thing and offer those visitors a safe and legal place to smoke. But I can't do that, I legally sell them product and send them on their way. When they leave my shop, they have been educated about the smoking in public, as well as the laws and the fines associated with smoking marijuana outside . I believe an educated customer is a responsible consumer. I know they are going to smoke that joint between my shop and the cruise ship. Why are we turning our guests into banditos? I realize that the Clean Air Act recently passed in Alaska will prohibit a consumption lounge, but I believe that each town can decide it's own fate when it comes to smoking cannabis. I myself would educate our community and then hold an election to allow marijuana consumption as long as it meet the State requirements. Please create the framework that would allow us to responsibly smoking pot in public. Thank You, Michelle Cleaver Weed Dudes
11/1/2018 8:35:26 AM Tiffani Bishop denaliscache@gmail.com Salt Lake City, UT, US Anonymous User	I'd like to publicly support the regulation change to allow onsite consumption. Working in the industry in Denali, we have many tourist customers. We're able to legally sell them marijuana but they often ask where they can consume. Many hotels and lodges are not yet friendly to cannabis. I feel that it would be the responsible thing to do, to give them an opportunity to consume in an open and safe space where they can truly enjoy their experience instead of trying to sneak around like during the black market days. It would help to prevent people from consuming in vehicles, creating problems at their hotel, and prevent people from wondering onto private property in search of a place to consume.
11/1/2018 8:34:11 AM	I do not support this. On site consumption

Submitted By	Comment
<p>Ben Murray Benjaminmurray@gmail.com Modesto, CA, US Anonymous User</p>	<p>unnecessarily normalizes the practice solely for some individuals profit and pleasure. I have unfortunately seen a normalization of the consumption by minors as an employee of schools. Also, I have been previously fired from contractor employment after a federal background check for clearance into a facility asked if I've consumed a federally labeled illegal drug in the past five years. It's worth considering the risk to employment all federal employees in our state face by normalizing the consumption of marijuana.</p>
<p>10/31/2018 4:56:50 PM Lee Fisher Ashburn, VA, US Anonymous User</p>	<p>After all the hard work many Alaskans did over the past several years to enact the Alaska's Smokefree Workplace Law, please do not allow the power of this state law to erode by allowing smoking in retail shops within the State of Alaska.</p> <p>Please work to maintain safe and smokefree working conditions afforded by the requirements of the law consistently to all businesses and public spaces throughout the state as currently written.</p> <p>Thank you for your support.</p>
<p>10/30/2018 6:04:45 PM Beverly Wooley wooleybk@gmail.com Wasilla, AK, US Anonymous User</p>	<p>Subject: Comment on onsite consumption endorsements - Opposing inhaled consumption of marijuana at licensed retail marijuana stores in 3 AAC 306.365</p> <p>Dear Marijuana Control Board:</p> <p>I strongly oppose all sections of the currently proposed regulation 3 AAC 306.365 allowing for onsite inhaled consumption of marijuana at licensed retail marijuana stores. Everyone has the right to breathe smoke-free air.</p> <p>Currently proposed regulation 3 AAC 306.365, allowing for onsite marijuana consumption, will greatly undermine years of hard work by Alaskans to secure passage of local comprehensive clean indoor air laws in their communities. These laws protect the health of workers, patrons and visitors by ensuring the right of all citizens to breathe clean, smoke-free air in businesses and public places. I live in Anchorage and have worked in public health in Alaska for over 30 years. I have seen firsthand and health research has clearly shown - the devastating consequences of secondhand</p>

Submitted By	Comment
	<p>smoke. I voted in favor of Ballot Measure 2, in part, because I believed legalizing edible marijuana provides more accessible smoke-free consumption options for marijuana users and a healthier alternative to inhaling marijuana smoke, including secondhand.</p> <p>I strongly oppose provision 3 AAC 306.365(d)(1) that would allow “sell for consumption on the premises (1) marijuana bud or flower ...“. Allowing consumption of marijuana bud or flower on the premises of the retail marijuana stores puts workers, patrons and visitors at increased risks of the adverse health effects of inhaling secondhand marijuana smoke. No person should have to choose between their health and a good job.</p> <p>Science has repeatedly documented the health damage and costs of secondhand smoke from tobacco. Recent studies have demonstrated that secondhand marijuana smoke contains many of the same cancer-causing substances and toxic chemicals found in secondhand tobacco smoke as well as fine particulate matter. Exposure to fine particulate matter can cause lung irritation, asthma attacks, increased likelihood of respiratory infections, and worsened health problems especially for people with respiratory conditions like asthma, bronchitis, or COPD. Secondhand marijuana exposure also impairs blood vessel function. Secondhand marijuana smoke likely has similar harmful health effects as secondhand tobacco, including atherosclerosis (partially blocked arteries), heart attack, and stroke.</p> <p>Ventilation requirements proposed in 3 AAC 306.365 (e)(2) to “maintain a ventilation system that directs air from the onsite consumption area to the outside of the building through a filtration system adequate to reduce odor;” is not adequate to protect the health of workers and patrons. Ventilation system may work to remove the smell of smoke, but even high-quality ventilation systems have proven ineffective in keeping the hazardous toxins in marijuana smoke, vapor or aerosol from traveling throughout a building. Prohibiting onsite inhaled consumption of marijuana in</p>

Submitted By	Comment
	<p>retail marijuana stores in needed to protect employees, patrons and visitors from the negative health effects caused by secondhand smoke.</p> <p>In summary, I oppose allowing inhaled consumption of marijuana in retail marijuana stores because of the devastating effects of secondhand smoke, the inability of ventilation systems to effectively remove the hazardous toxins and particles from the smoke, and the right of all people to breathe clean air. Please protect the health of all Alaskans – ensure their right to smoke-free businesses.</p> <p>Please support smoke-free, clean air for workers, patrons and visitors in businesses – prohibit onsite inhaled consumption of marijuana in retail marijuana stores. Thank you for your consideration regarding this important health issue.</p> <p>Beverly K Wooley 2073 Dimond Drive Anchorage, AK 99507</p>
<p>10/30/2018 6:04:43 PM Beverly Wooley wooleybk@gmail.com Wasilla, AK, US Anonymous User</p>	<p>Subject: Comment on onsite consumption endorsements - Opposing inhaled consumption of marijuana at licensed retail marijuana stores in 3 AAC 306.365</p> <p>Dear Marijuana Control Board:</p> <p>I strongly oppose all sections of the currently proposed regulation 3 AAC 306.365 allowing for onsite inhaled consumption of marijuana at licensed retail marijuana stores. Everyone has the right to breathe smoke-free air.</p> <p>Currently proposed regulation 3 AAC 306.365, allowing for onsite marijuana consumption, will greatly undermine years of hard work by Alaskans to secure passage of local comprehensive clean indoor air laws in their communities. These laws protect the health of workers, patrons and visitors by ensuring the right of all citizens to breathe clean, smoke-free air in businesses and public places. I live in Anchorage and have worked in public health in Alaska for over 30 years. I have seen firsthand and health research has clearly shown - the devastating consequences of secondhand smoke. I voted in favor of Ballot Measure 2, in part, because I believed legalizing edible</p>

Submitted By	Comment
	<p>marijuana provides more accessible smoke-free consumption options for marijuana users and a healthier alternative to inhaling marijuana smoke, including secondhand.</p> <p>I strongly oppose provision 3 AAC 306.365(d)(1) that would allow “sell for consumption on the premises (1) marijuana bud or flower ...“. Allowing consumption of marijuana bud or flower on the premises of the retail marijuana stores puts workers, patrons and visitors at increased risks of the adverse health effects of inhaling secondhand marijuana smoke. No person should have to choose between their health and a good job.</p> <p>Science has repeatedly documented the health damage and costs of secondhand smoke from tobacco. Recent studies have demonstrated that secondhand marijuana smoke contains many of the same cancer-causing substances and toxic chemicals found in secondhand tobacco smoke as well as fine particulate matter. Exposure to fine particulate matter can cause lung irritation, asthma attacks, increased likelihood of respiratory infections, and worsened health problems especially for people with respiratory conditions like asthma, bronchitis, or COPD. Secondhand marijuana exposure also impairs blood vessel function. Secondhand marijuana smoke likely has similar harmful health effects as secondhand tobacco, including atherosclerosis (partially blocked arteries), heart attack, and stroke.</p> <p>Ventilation requirements proposed in 3 AAC 306.365 (e)(2) to “maintain a ventilation system that directs air from the onsite consumption area to the outside of the building through a filtration system adequate to reduce odor;” is not adequate to protect the health of workers and patrons. Ventilation system may work to remove the smell of smoke, but even high-quality ventilation systems have proven ineffective in keeping the hazardous toxins in marijuana smoke, vapor or aerosol from traveling throughout a building. Prohibiting onsite inhaled consumption of marijuana in retail marijuana stores is needed to protect employees, patrons and visitors from the</p>

Submitted By	Comment
	<p>negative health effects caused by secondhand smoke.</p> <p>In summary, I oppose allowing inhaled consumption of marijuana in retail marijuana stores because of the devastating effects of secondhand smoke, the inability of ventilation systems to effectively remove the hazardous toxins and particles from the smoke, and the right of all people to breathe clean air. Please protect the health of all Alaskans – ensure their right to smoke-free businesses.</p> <p>Please support smoke-free, clean air for workers, patrons and visitors in businesses – prohibit onsite inhaled consumption of marijuana in retail marijuana stores. Thank you for your consideration regarding this important health issue.</p> <p>Beverly K Wooley 2073 Dimond Drive Anchorage, AK 99507</p>
<p>10/19/2018 4:04:47 PM Greg Lebeau gregfbks@gmail.com Anchorage (North Star), , US Anonymous User</p>	<p>The State recentl passed a Alaska Smoke Free Workplace Law effective First of October 2018. This law includes smoking of Marijuana. Approve Marijuana smoking lounges is against the law. Favor Marijuana smokers over tobacco smokers which could be consider discrimination I feel current Marijuana laws are perfect gleveau</p>
<p>10/16/2018 2:49:37 PM Petersburg, AK, US Anonymous User</p>	<p>I feel marijuana should not be smoked in public. It is not safe or kind and and hope this does not get passed.</p>
<p>10/16/2018 2:35:42 PM Petersburg, AK, US Anonymous User</p>	<p>Smoking of any kind, including marijuana should be prohibited in any place with employees, volunteers, nonsmokers.</p>
<p>10/11/2018 11:24:49 AM Anchorage, AK, US Anonymous User</p>	<p>I am concerned about the health risk of exposure to secondhand marijuana smoke around workers and the pubic. In addition, I am also concerned for the public safety since drugged driving is a huge concern.</p>
<p>9/18/2018 6:04:28 PM Paul Moyer moyerpj12@startmail.com Wasilla, AK, US Anonymous User</p>	<p>I am against the allowing of public consumption of marijuana. Marijuana is known to affect a person's ability to drive, and it is in fact against the law in Alaska to operate a vehicle under the influence of marijuana. I live in the Matsu where there is a significant problem and risk to the public from impaired drivers. Allowing on-site consumption will in my estimation only</p>

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	increase the risk to the public unless regulations are drafted requiring the owners of the establishments to ensure customers either do not drive or are not impaired. Until then I am firmly against any regulations allowing for on-site consumption.
8/28/2018 10:03:18 PM Anna Weiss Anna.weiss@yahoo.com Palmer, AK, US Anonymous User	As a registered voter who votes, I am totally opposed to any public use of marijuana. There are many people with health problems that will experience problems from smoke. Cigarettes are not allowed in bars and restaurants for the health of all concerned, both employees and customers. Why would having some other burning plant even be considered?
8/28/2018 12:10:52 AM leeana backlin leeana.backlin@gmail.com Wasilla, AK, US Anonymous User	If this were to become something to vote on, i would approve. Alcohol is allowed for onsite consumption, bartenders and security can help people if they drink too much. Budtenders and security could be trained for marijuana consumption, sort of like a bar. People who already consume, do it where ever, in the parking lot, while driving, etc, if we allowed onsite consumption it would make that less common.
8/27/2018 3:19:56 PM Caroline Lamborn ijklamborn@mtaonline.net Wasilla, AK, US Anonymous User	With the substance abuse already at epidemic levels, I fail to see how this would add to the quality of life for Alaskans