



## MEMORANDUM

TO: Marijuana Control Board                      DATE: November 13, 2019

FROM: Erika McConnell, Director              RE: Regulations Project – Infants on  
Marijuana Control Board                      Premises

The board opened this regulations project at the May 2019 meeting. The purpose of this project is to allow infants on licensed premises so that new mothers employed at marijuana facilities may bring their infants to breastfeed and otherwise care for them.

The proposal would allow infants up to the age of one year to be in a restricted access area of a licensed premises, which does not include public areas of licensed premises (in retail stores) or onsite consumption areas. I recommended the exception stop at one year because after that, a child is more mobile and likely to grab something and put it in its mouth.

The American Academy of Family Physicians “recommends that all babies, with rare exceptions, be breastfed and/or receive expressed human milk exclusively for the first six months of life. Breastfeeding should continue with the addition of complementary foods throughout the second half of the first year. Breastfeeding beyond the first year offers considerable benefits to both mother and child, and should continue as long as mutually desired.”

This proposed regulations change was put out for public comment for 40 days, closing on October 30. Six comments were received and are attached.

Options for the board:

- Vote to adopt as written
- Amend; if amendment is significant, put out for public comment
- Send back to staff for revisions
- Close the project without action

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

3 AAC 306.710(c) is amended to read:

(c) In a restricted access area, a licensee, employee, or agent of the marijuana establishment shall wear a current identification badge bearing the person's photograph. A person **who is over one year of age and** under 21 years of age may not enter a restricted access area.

Any visitor to the restricted access area **who is 21 years of age or older** must

(1) show identification as required in 3 AAC 306.350 to prove that person is 21 years of age or older;

(2) obtain a visitor identification badge before entering the restricted access area;  
and

(3) be escorted at all times by a licensee, employee, or agent of the marijuana establishment.

(Eff. 2/21/2016, Register 217; am \_\_\_/\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

<b>Authority:</b>	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:** [Karen Perdue](#)  
**To:** [CED AMCO REGS \(CED sponsored\)](#)  
**Subject:** Infants in restricted areas  
**Date:** Wednesday, October 30, 2019 3:31:25 PM

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My name is Karen Perdue. I have grave concerns about infants being exposed to fumes or smoke from plants, or plant material in growing or consumption areas or byproducts/smoke in consumption areas. Please ensure this does not happen.

Karen Perdue  
204 Front Street  
Fairbanks Alaska 99701

Sent from my iPhone



Caleb L. Saunders  
CEO – Green Jar  
907-887-3684  
[csaunders@greenjarak.com](mailto:csaunders@greenjarak.com)

October 25, 2019

Greetings Marijuana Control Board Members,

I would like to thank you for putting out for public comment the section for Employees and infants on premises. I am in support of this regulation. I am a Father of 2 daughters, 11 almost 12 and 5. My wife and I are both owners of Green Jar and both of us work there. We also home school our children with the help of supplemental homeschool programs. Our children know exactly what we do and hear many our business discussion that end up needing to happen at home in those passing moments when we are both there. I have seen my oldest do an “inspection” for my youngest and hand her a pretend license.

It is my belief that over the last 2 ½ years regulation vs prohibition has proven to be a far more effective form of Cannabis oversight. We have had no major events, no increase in crime while we have had an increase in tax funds that the state and local government are bringing in. All of this is possible because we have used regulation to provide a responsible way for cannabis consumers to exist rather than prohibiting their existence and punishing those that are caught.

I appreciate that rather than falling back on good old fashion prohibition techniques the section was put out for public comment so we can discuss how through regulation there are avenues to allow for people to be responsible consumers. It is no longer acceptable to treat cannabis consumers like they are criminals. Consumers are not irresponsible parents simply because they consume cannabis. We should let go of the concept that if a child sees a plant then they will be ruined when we allow those children watch alcohol consumed openly in almost all aspects of our community including movie theaters, arcades, the fair, music events, weddings, etc.

I would again like to express my support and thank you for putting the section out for public comment. Alaska Statute ends prohibition and allows for a pathway to be legal consumers. Regulations need to allow for a pathway to be a responsible consumer without being treated like the behavior is still criminal or uncouth.

I want to thank the board for all the volunteer hours they put it.

Caleb L. Saunders

**From:** [Christopher Giddings](#)  
**To:** [CED AMCO REGS \(CED sponsored\)](#)  
**Subject:** Infants on premise  
**Date:** Saturday, September 28, 2019 3:01:45 PM

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I strongly believe parents should be able to bring their infants on site, the cannabis industry should not be treated differently from other industries. As long as there is an office/break room or really any area that is separate from any cannabis products then what would be the harm?

Sent from my iPhone



October 25, 2019

Via email

Subject: Public Comment on 3 AAC 306 of the Alaska Administrative Code, dealing with Infants on Premises

Dear Honorable Marijuana Control Board Members,

Thank you for the opportunity to comment on the proposed regulations.

The Alaska Marijuana Industry Association generally supports the proposed regulation change dealing with Infants on Premises, which was released for public comment on September 20.

We believe the proposed change will allow parents and caregivers employed in the industry freedom to continue work during the precious early stages of child rearing. This proposed regulation will also allow cannabis businesses that are able to do so the opportunity to provide parents and guardians an on-site location to feed their children.

Although the AMIA acknowledges this proposed regulation change is a step in the right direction, we also strongly believe that it does not go nearly far enough to end discrimination against parents involved in the cannabis industry. The allowance of children in restricted areas should be extended to all school-aged children.

Further, customers that visit retail locations should be allowed to have their children accompany them into the retail space when shopping. The AMIA has received reports from retailers of parents leaving children unattended in vehicles while shopping at retail cannabis locations. Unfortunately, this is occurring commonly enough to be a significant public safety issue.

This issue can easily be addressed by removing the restriction that prohibits school-aged children from entering a licensed retail facility with their parent or guardian. If this regulation was removed, licensees could create their own opt-out policies (similar to the concept of a "house policy" in the alcohol industry) regarding whether to allow school-aged children at the licensed businesses.

Compare with alcohol rules that state persons under the age of 21 may not enter or remain on licensed premises unless accompanied by a parent, legal guardian or spouse over the age of 21 years. Notwithstanding this rule, licensees may exclude underage persons from licensed premises at any time.

There is also a technical error observation that 3 AAC 306.325 needs to be amended, as there is still a blanket under 21 prohibition under that section.

We commend the Alaska Marijuana Control Board for proposing regulations that positively impact the lives of Alaskans employed in the cannabis industry. We also thank the Alcohol and Marijuana Control Office for their work on producing this draft. We hope that the Marijuana Control Board will continue to help improve workplaces in the cannabis industry by taking this regulation further by removing additional barriers for parents and caregivers.

Thank you for your consideration,

Alaska Marijuana Industry Association  
Board of Directors

**From:** [Tina](#)  
**To:** [CED AMCO REGS \(CED sponsored\)](#)  
**Subject:** Proposed Regulations change comments  
**Date:** Wednesday, October 30, 2019 2:25:04 PM



Here are the public comments for the Proposed Regulation changes from Midnight Greenery CEO and Director of AKCannaED Tina Smith.

**OWNERSHIP OF MARIJUANA TESTING FACILITIES (3 AAC 306.015)**  
I am NOT in support of ANY outside marijuana related business types at this time.

**APPLICATION AND RENEWAL DATES (3 AAC.306.025, 3 AAC 306.035)**  
I am in general support of these regulation changes.

**INFANTS ON PREMISES (3 AAC 306.710)**  
I am in complete favor of these regulation changes

**OVERLAPPING PREMISES (3 AAC 306.405, 3 AAC 306.705 3 AAC 306.710, 3 AAC 306.990)**  
I am in general favor of these regulation changes

**TESTING OVERSIGHT (3AAC 306.100, 3 AAC 306.620, 3 AAC 306.635, 3 AAC 306.640)**  
I am in general favor of these proposed regulation changes

**UMBRELLA CATEGORIES (3 AAC 306.520, 3 AAC 306.525, 3 AAC 306.990)**  
EXCEPT for specifically 306.525 (e)(1) I am in general favor of these proposed regulations .  
306.525(e)(1) can be problematic for individual business book keeping and product labeling inside business records as well as waiting for the board to give them those numbers before being able to produce and distribute product to the retail establishments. I would suggest allowing the businesses themselves to assign the product numbers they choose, while being required to share those numbers along with the rest of their plan for each product being created..

Thank you for your time and consideration regarding smart business practices and regulations for our ever growing industry.  
Sent from my iPad



**From:** [Emily Nenon](#)  
**To:** [CED AMCO REGS \(CED sponsored\)](#)  
**Subject:** Public Comment on Proposed Regulation Change 3 AAC 306.710(c)  
**Date:** Wednesday, October 30, 2019 3:31:49 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)

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Dear Alaska Marijuana Control Board Members:

I am writing regarding the proposed regulation change 3 AAC 306.710(c) which would allow infants into restricted areas of marijuana businesses.

The proposed regulation needs to be amended to make it clear that infants are not allowed inside any building where onsite marijuana consumption is occurring. There is no scenario where it is appropriate to subject an infant to secondhand smoke of any kind. As the Board has previously discussed, ventilation systems are not capable of eliminating health risks from secondhand smoke exposure. Children are particularly vulnerable to these health risks.

Respectfully Submitted,  
Emily Nenon

**[Emily Nenon, MPA](#)**

Alaska Government Relations Director  
907.273.2097 | f: 907.273.2073

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American Cancer Society Cancer Action Network, Inc.  
3851 Piper St Suite U240  
Anchorage, AK 99508  
[fightcancer.org](http://fightcancer.org) | 1.800.227.2345



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