



MEMORANDUM

TO: Marijuana Control Board DATE: February 20, 2019

FROM: Erika McConnell, Director RE: Regulations Project – Handler Courses
Marijuana Control Board

The board initiated this project in October of 2018. The proposed changes separate sections of regulations for handler permits (3 AAC 306.700) and handler permit education courses (new 3 AAC 306.701). The new section 3 AAC 306.701 for marijuana handler permit education courses maintains the same list of required topics, but adds a requirement for the course to be updated within 10 days of the effective date of a change to statute or regulations, a notification of said change to the board, a requirement for the board and the director to have continuous access to a course, and a \$500 fee for a new course or a three-year course review.

Options for the board:

- Put out for public comment as written
- Amend and put out for public comment
- Send back to staff for revisions
- Close the project without action

3AAC 306.700 is amended to read:

3 AAC 306.700. Marijuana handler permit (a) Each agent of the marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or a marijuana product, or who checks the identification of a consumer or visitor, and each licensee and employee must obtain a marijuana handler permit from the board before being licensed or beginning employment at a marijuana establishment.

(b) To obtain a marijuana handler permit, a person must complete a marijuana handler permit education course approved by the board, pass a written test demonstrating an understanding of the course material, and obtain a certificate of course completion from the course provider. [THE TOPICS THAT AN APPROVED MARIJUANA HANDLER PERMIT EDUCATION COURSE COVERS MUST INCLUDE

(1) AS 17.37, AS 17.38, AND THIS CHAPTER;

(2) THE EFFECTS OF CONSUMPTION OF MARIJUANA AND
MARIJUANA PRODUCTS;

(3) HOW TO IDENTIFY A PERSON IMPAIRED BY CONSUMPTION OF
MARIJUANA;

(4) HOW TO DETERMINE VALID IDENTIFICATION;

(5) HOW TO INTERVENE TO PREVENT UNLAWFUL MARIJUANA
CONSUMPTION; AND

(6) THE PENALTY FOR AN UNLAWFUL ACT BY A LICENSEE, AN
EMPLOYEE, OR AN AGENT OF A MARIJUANA ESTABLISHMENT.]

(c) To obtain a marijuana handler permit, a person who has completed the marijuana handler permit education course described 3 AAC 306.701 [UNDER (B) OF THIS SECTION] shall present the course completion certificate to the director. The director shall issue a marijuana handler permit card valid for three years from the date of issue of the course completion certificate. A person may renew a card issued under this section by taking a marijuana handler permit education course approved by the board and passing a written test demonstrating an understanding of the course subjects.

(d) A licensee, employee, or agent of a marijuana establishment shall keep the marijuana handler permit card described in (c) of this section in that person's immediate possession or a valid copy on file on the premises at all times when on the licensed premises of the marijuana establishment.

(e) Repealed / /. [THE BOARD WILL REVIEW AN APPROVED MARIJUANA HANDLER PERMIT EDUCATION COURSE AT LEAST ONCE EVERY THREE YEARS, AND MAY RESCIND APPROVAL OF THE COURSE IF THE BOARD FINDS THAT THE EDUCATION COURSE CONTENTS ARE INSUFFICIENT OR INACCURATE.]

(f) The board will not issue a marijuana handler permit to a person who

(1) has been convicted of a felony in the state and either

(A) less than five years have elapsed from the time of the person's conviction; or

(B) the person is currently on probation or parole for that felony,

(2) has within the two year period immediately preceding submission of an application, been convicted of a class A misdemeanor in the state involving a controlled substance other than a Schedule VIA controlled substance, under AS 11.71.190,

(3) has within the two year period immediately preceding submission of an application, been convicted of a class A misdemeanor in the state relating to selling, furnishing, or distributing marijuana; or,

(4) is currently under indictment for an offense listed in this section. (Eff. 2/21/2016, Register 217; am 5/23/2018, Register 226; am 9/7/2018, Register 227; am 2/21/19, Register 229; 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 306.701. Marijuana Handler Permit Education Course. (a) The board shall approve all marijuana handler permit education courses before a course provider may issue a marijuana handler permit.

(b) The topics that an approved marijuana handler permit education course covers must include

- (1) AS 17.37, AS 17.38, and this chapter;
- (2) the effects of consumption of marijuana and marijuana products;
- (3) how to identify a person impaired by consumption of marijuana;
- (4) how to determine valid identification;

(5) how to intervene to prevent unlawful marijuana consumption; and

(6) the penalty for an unlawful act by a licensee, an employee, or an agent of a marijuana establishment.

(c) An approved course provider shall update the course with any applicable change to AS 17.37, AS 17.38, and this chapter within 10 days of the effective date of the change.

Notification of a change to an approved course shall be provided to the board within 3 days of the change.

(d) The board will review an approved marijuana handler permit education course at least once every three years, and may rescind approval of the course if the board finds that the education course contents are insufficient or inaccurate.

(e) An approved course provider shall provide continuous access to the course to the board and the director for the purpose of reviewing course materials at any time.

(f) The fee for a new marijuana handler permit education course and for a three-year review of a marijuana handler permit education course is \$500. (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		