



Course Orientation

Before you begin your course please review this brief orientation.

Course Navigation:

You will find the course accessible online through common internet browsers for both PCs and MACs.

For an optimal experience we recommend the use of Firefox web browser.

Your course consists of an Orientation, eight (8) Lessons, eight (8) Quizzes and one (1) Final Exam. 1) YOU MUST COMPLETE ALL LESSONS 2) YOU MUST PASS FINAL WITH 70% (TWO RETAKES ALLOWED) -

Student requirements are graded online and reviewed for compliance.

Each lesson contains some or all of the following: informational slides, video presentations, interactive activities, key points and a lesson quiz.

Each lesson has a key point review(s) and some key words emphasized in bold. The lessons are progress markers and practice for the final-they are not pass or fail like the Final.

All lessons, corresponding materials and quizzes must be successfully completed in order to proceed through the course.

You can find a button to "email" or print ("PDF") out the lesson located on the lower left portion of the lesson near the "Complete" button.

To navigate through the course use the navigation buttons located in the lower portion of the course pages or directly from the lesson and quiz list located on the lower portion of the Course Description page.

Lesson & Quiz Navigation

1) Once you complete the lesson click the green "Complete" button. This button must be pressed to receive proper credit for the course. *Lessons have no time limit.*

2) Once the button reads "Completed! You should click on the green quiz link on the lower right portion of the page if not redirected.



- 3) This brings up the Quiz page with question preview.
- 4) Once you're ready to take the quiz click the "Start Quiz" button.
- 5) PLEASE ALLOW A FEW BRIEF MOMENTS FOR THE QUIZ TO CALCULATE RESULTS AFTER EACH QUESTION HAS BEEN ANSWERED
- 6) PLEASE REVIEW YOUR RESULTS AND ANSWERS AFTER THE QUIZ.

STATE REGULATION REQUIREMENT - ALASKA CRIMINAL JUSTICE INFORMATION

Beginning May 23, 2018, marijuana handler permit applicants will be required to submit their Alaska Criminal Justice Information (a criminal history background check) as part of their handler permit application. Information on how to obtain this can be found at

<https://dps.alaska.gov/Statewide/R-I/Background/WalkIn>.

Applicants with disqualifying criminal histories are not eligible for a marijuana handler permit. See the adopted regulation at

<https://aws.state.ak.us/OnlinePublicNotices/Notices/Attachment.aspx?id=112293>

for information on disqualifying criminal history.

These changes are due to new regulations at 3 AAC 306.700(f) and 3 AAC 306.812, approved by the Marijuana Control Board and signed by the Lt. Governor, which become effective on May 23.

Course Requirements:

The state of Alaska has determined that the following criteria must be met by individuals seeking to obtain Alaska Marijuana Handler Certification.

Regulation of Marijuana Industry - 3 AAC 306.700.

(a) A marijuana establishment and each licensee, employee, or 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, 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 97 Register 217, April 2016 COMMERCE, COMMUNITY, AND EC. DEV. handler permit education course described 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. A person may renew a card issued under this section by 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 times when on the licensed premises of the marijuana establishment.

(e) 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.

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



Course Goals:

- (a) At the end of the course you will have all the information needed to obtain your Alaska Marijuana Handler Certification.
- (b) At the end of the course you will have a working knowledge of the Marijuana industry.

COURSE CERTIFICATION:

Once the final exam has been passed access the Curriculum Page.

There you will see the "FINISH COURSE" button.

Click this button and your certificate will be ready to View & Download:

HOW TO PRINT CERTIFICATE: - *You must download & print certificate for proper print quality!*

- 1) Close the Final Exam Quiz (Click on X in upper right corner)
- 2) Scroll down to bottom of Course Curriculum
- 3) Locate and Click "Finish Course Button"
- 4) Once Certificate opens scroll down to bottom/middle of Certificate
- 5) Locate "Download as JPG/PNG" bottom and middle of Certificate
- 6) Select either JPG or PNG and Download to your computer
- 7) Open Certificate that has been Downloaded to your computer and Print or Save

INITIATE HANDLER PERMIT APPLICATION:

You must fill out the State Permit Application and print out and include your Cover Sheet with your Certificate. You can access the State Permit Application here:

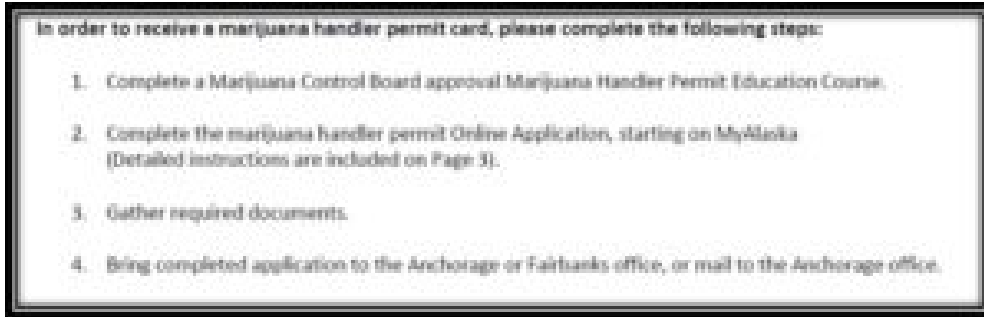
[STATE PERMIT APPLICATION - \(Click Here To Access State Cover Sheet\)](#)

Follow the State's instructions below for additional details and addresses:

- The Anchorage office purchased an ID printer with a camera; walk in applications no longer need to provide a passport-sized photo.
- For the Fairbanks office: Office has purchased an ID printer with a camera; walk in applications no longer need to provide a passport-sized photo.
- The Juneau Office is no longer processing handler permits; all applicants who can't come to the Anchorage or Fairbanks offices need to mail their applications to Anchorage.



- All mail in applications must submit a passport-size photo.
- Replacement handler cards require a \$50 fee and a replacement form to be submitted.
(Check or Money Order)



[MARIJUANA HANDLER PERMIT APPLICATION INSTRUCTIONS](#)

[REPLACEMENT MARIJUANA HANDLER PERMIT FORM \(\\$50\)](#)

[Marijuana-Handler-Permit-Application-Instructions](#)

Alcohol & Marijuana Control Office

Marijuana Handler permit hours: *(Subject to change please verify)*

- Anchorage: 16th floor, 550 West 7th Ave, Suite 1610

Marijuana Handler Permit Hours: Monday - Friday from 9AM-11AM

Phone: (907) 269-0350

*Permits are being processed in a new area, please be advised go to the frontdesk/lobby.

- Fairbanks: 1648 Cushman St. Suite 203

Call 451-2748 to schedule an appointment

- Juneau: 9th Floor of the State Office Building, Conference Room B



Call 465-2330 to schedule and appointment

MARIJUANA HANDLERS™ Course Contact Information

Head Instructor - George M. Coleman

Technical support available by phone (907-301-1365) 24 hours/7 days a week.

Email Support: support@marijuanahandlers.com.

For questions related to course content email:support@marijuanahandlers.com.

A course instructor will respond to your request.

Thank you!

You are now ready to begin your online course.

This orientation is available at any time from the Course Description page.

By clicking on the Orientation Quiz link below, you acknowledge that you have read and

understand the orientation and you're ready to proceed with the course.

VERY IMPORTANT: FOR YOUR COURSE CERTIFICATE TO PRINT YOUR FULL NAME PLEASE BE SURE YOUR "DISPLAY NAME" HAS YOUR FULL NAME DISPLAYED. CHECK YOUR "DISPLAY NAME" IN "EDIT PROFILE". YOU CAN FIND THE LINK TO "EDIT PROFILE" IN THE DROP DOWN MENU UNDER "LOG IN" ON THE WEBSITE'S MAIN MENU ABOVE. IF YOU HAVE ANY ISSUES PLEASE CONTACT US.

HOW TO EDIT PROFILE

- 1) Go to Edit Profile under the Log In drop down menu.
- 2) Input Your First and Last Names in the fields.
- 3) Go to bottom and click Update.
- 4) Scroll Down to Display Name drop down and select your "Updated" name from the list.
- 5) Go down click Update and proceed to course.



Good luck and enjoy your course!

Please see Terms and Conditions for additional information such as refund policies, technical requirements, completion reporting details, etc.



MARIJUANA HANDLERS™ - Lesson Introduction - MHC/100

Learn identification requirements, various types, methods of use and how to identify for authenticity.

MARIJUANA HANDLERS™ - Lesson Outline

- Regulation of the Marijuana Industry - 3 AAC 306.350.
- The Regulation Marijuana - AS 17.38.050.
- Alaska Drivers License Overview
- Common Access Card Overview
- Fake ID Training Video
- Helpful Hints When Checking ID
- Lesson Key Points
- Lesson Quiz

MARIJUANA HANDLERS™ - Lesson Goals

- Student should be able to recognize authentic identification.
 - Student should be able to identify the various types of identification used by consumers.
 - Student should know the laws and requirements for proper identification usage.
-

3 AAC 306.325. Access restricted at retail marijuana store.

(a) A person under the age of 21 may not enter a retail marijuana store.

(b) Each entry to a retail marijuana store must be posted with a sign that says “No one under 21 years of age allowed.” The sign must be not less than 12 inches long and 12 inches wide, with letters at least one half inch in height in high contrast to the background of the sign.

(c) An area of a retail marijuana store’s licensed premises where marijuana or any marijuana product is stocked for sale, or dispensed for sale, is a restricted access area. The retail marijuana store must post signs, require identification, and escort visitors in compliance with 3 AAC 306.710.



3 AAC 306.350. REGULATION OF THE MARIJUANA INDUSTRY

Identification requirement to prevent sale to person under 21.

(a) A licensed retail marijuana store shall refuse to sell marijuana or a marijuana product to any person who does not produce a form of valid photo identification showing that person is 21 years of age or older.

(b) A valid form of identification includes:

(1) an unexpired, unaltered passport;

(2) an unexpired, unaltered driver's license; instruction permit, or identification card of any state or territory of the United States, the District of Columbia, or a province of Canada;

(3) an identification card issued by a federal or state agency authorized to issue a driver's license or identification card.

THE REGULATION OF MARIJUANA - AS 17.38.050. - FALSE IDENTIFICATION, PENALTY..

(a) A person who is under 21 years of age may not present or offer to a marijuana establishment or the marijuana establishment's agent or employee any written or oral evidence of age that is false, fraudulent, or not actually the person's own, for the purpose of

(1) purchasing, attempting to purchase, or otherwise procuring or attempting to procure marijuana or marijuana products; or

(2) gaining access to a marijuana establishment.

(b) A person who violates this section is guilty of a violation punishable by a fine of up to \$400.

ALASKA DRIVERS LICENSE CARD (ADL)



Beginning in June 2014, all new Alaska driver licenses and identification cards will be issued in a new format and mailed to you from a secure facility. <http://doa.alaska.gov/dmv/license/>



CARD FRONT

1. Primary Photo
 2. Card Type and DL/ID Number
 3. Cardholder Name and Address
 4. Cardholder Information
 5. Fine Line Pattern
 6. Ghost Image
 7. Clear Window in Shape of State
 8. Optional Donor & Veteran Designations
-



CARD BACK

- A) Cardholder Date of Birth
 - B) 2D Barcode
 - C) Cardholder Restrictions & Endorsements
-

COMMON ACCESS CARD (CAC) - (FEDERAL/MILITARY)

The CAC, a “smart” card about the size of a credit card, is the standard identification for active duty uniformed service personnel, Selected Reserve, DoD civilian employees, and eligible contractor personnel. It is also the principal card used to enable physical access to buildings and controlled spaces, and it provides access to DoD computer networks and systems. <http://www.cac.mil/common-access-card>

CARD FRONT



CARD BACK



FAKE ID TRAINING

Helpful Hints When Checking ID

- Do not rely entirely on a customer's appearance or behavior when checking identification!
- Some minor males may have beards and mustaches.
- Some may have bald or shaved heads.
- Some minor males are big, which may make them appear older.
- Some minors will make direct eye contact with you while lying about their age.
- Some minor females may wear makeup or clothing that makes them appear older.
- However, keep in mind that some minors might appear nervous, may not make eye contact with you, may not have facial hair, or may have smooth, unlined faces.
- Ask the customer to hand you the ID so you can closely examine it.
- Look for signs that the ID has been tampered with.
- Some signs are: irregular laminations; anything other than a smooth surface; bumpy or raised surfaces by the picture; cuts anywhere on the ID; changes to birth dates, expiration dates or "minor until" dates.
- Look at the printing type on the ID.
- Do all letters and numbers appear the same?
- Compare the picture on the ID to the person before you.
- Do they look the same?
- Does the physical description on the ID match the person standing before you?
- (Remember that weight and hair may change, but height rarely will.)
- Check the expiration date.
- If the ID has expired, it is unacceptable.



- Check for a signature.
 - Do not accept without a signature.
-

Without giving the person the ID, ask them some questions.

Examples:

What is your address?

What is the zip code?

Spell your middle name.

What is your date of birth?

Ask their age.

Ask when they graduated from high school.

An important thing to remember is that minors come in all shapes and sizes.

Think about it.

You cannot tell by a person's face, clothes or behavior alone how old the person may be.

Help eliminate the guesswork:

Don't sell unless you're sure!

MARIJUANA HANDLERS™ - Key Points

- A person under the age of 21 may not purchase marijuana products.
- A person under the age of 21 may not enter a retail marijuana store.
- Valid identification (ID) must be presented.
- Valid ID includes the following: unexpired, unaltered passport, unexpired, unaltered driver's license; instruction permit, or identification card of any state or territory of the United States, the District of Columbia, or a province of Canada, an identification card issued by a federal or state agency authorized to issue a driver's license or identification



card.

- Violation punishable by a fine of up to \$400.
- In 2014, the Alaska Driver License (ADL) changed it's format.
- *Don't sell unless you're sure!*



MARIJUANA HANDLERS™ - Lesson Introduction - MHC/101

Study and learn how to identify numerous Marijuana products and their distribution channels. Learn how Marijuana products are produced, packaged and how they are distributed.

MARIJUANA HANDLERS™ - Lesson Goals

- Student should be able to identify Marijuana products and their uses.
- Students should have a working knowledge on how Marijuana products are prepared, packaged and distributed.

MARIJUANA HANDLERS™ - Lesson Outline

- UNODC - 3. Description of the cannabis plant and illicit cannabis products
- MyLeafly - Cannabis 101 - What's the difference between Indica, Sativa & Hybrid? - Video
- UNODC - 3. Description of the cannabis plant and illicit cannabis products - *continued*
- MyLeafly - Cannabis 101 - Concentrates - Video
- UNODC - 3. Description of the cannabis plant and illicit cannabis products - *continued*
- WM TV - Locals Canna House - Video
- 3 AAC 306.345. Packaging and labeling.
- 3 AAC 306.540. Marijuana inventory tracking system.
- 3 AAC 306.565. Packaging of marijuana products.
- Yahoo! Finance - The big trend in medical marijuana - products that don't get you high - Video
- Lesson Key Points
- Lesson Quiz

3. Description of the cannabis plant and illicit cannabis products

3.1 Name



Cannabis sativa L. (Linnaeus)

3.2 Synonyms

There are many local and street names and synonyms used for cannabis and it is beyond the scope of this manual to list them all. They include: *weed, hemp, marihuana, marijuana, pot, gandia, grass, chanvre and many more [10].

3.4 Physical appearance

Cannabis is an annual, dioecious,* flowering herb. Staminate (male) plants are usually taller but less robust than pistillate (female) plants. Stems are erect and can vary from 0.2-6 m. However, most of the plants reach heights of 1-3 m. The extent of branching, like the plant height, depends on environmental and hereditary factors as well as the method of cultivation (see also section 5.3.1).

*The majority of plants is dioecious (i.e. male and female flowers are found on separate plants), although monoecious plants (i.e. bearing both male and female flowers) may also be encountered.

3.6 Breeding

The plant is best suited to well structured neutral to alkaline clay and loam soils, with good water-holding capacity, which are not subject to water logging.

Among many trials of breeding, crossing sativa and indica strains led to the development of "skunk", a hybrid said to be 75 per cent sativa and 25 per cent indica.

This strain is said to be one of the first which combines the high THC content of *C. sativa* subsp. *sativa* with the rapid growth cycle and yield of *C. sativa* subsp. *indica*. In some countries, cannabis with a high THC content is generally referred to as "skunk" today.

3.6.2 Cloning

The first and most obvious boost to sinsemilla production was the use of clones. Cloning simply means propagating from a successful "mother" plant. This cutting is rooted and transplanted. It is a genetic duplicate of its mother and thus can be used to create even more cuttings. A square metre of mother plants can provide numerous clones a week.

3.6.4 Outdoor production



The main production of cannabis worldwide is still outdoors and these plants are generally but not necessarily grown from seeds. Outdoor sinsemilla production is realized by identifying and destroying male plants before pollination or by the use of artificially induced hermaphroditic females (see section 3.6.3).

3.6.5 Indoor production

Growing cannabis from seed means that half of the crop might be unwanted male plants. For cost-intensive greenhouse production this is usually avoided, which can be achieved easily by cloning. Cloning and indoor production go hand in hand. Indoor production is mainly encountered in technologically advanced countries, where big basements or closed factories are usually used. One or more rooms in houses or other dwellings are also frequently converted into grow rooms often using hydroponic techniques, i.e. growing plants in nutrient solutions instead of soil.

In soil, the optimum pH for the plant is 6.5 to 7.2. In hydroponic growing, the nutrient solution is best at 5.2 to 5.8, making cannabis well-suited to hydroponics, and thus indoor production, because this pH range is hostile to most bacteria and fungi [19].

An example and overview of trends in illicit cannabis cultivation in the United Kingdom, including relevant legal and forensic implications, can be found in [20].

3.7 Industrial cannabis

Industrial cannabis (industrial hemp) comprises a number of varieties of *Cannabis sativa* L. that are intended for agricultural and industrial purposes. They are grown for their seeds and fibres. Industrial cannabis is characterized by low THC content and high cannabidiol (CBD) content. In most European countries the current upper legal limit for cultivation is 0.2 per cent THC (Canada: 0.3 per cent). The ratio of CBD to THC is greater than one.

In many countries, “lists of approved cultivars” exist. Varieties which are consistently found to exceed the legally acceptable levels for THC may be removed from these lists.

Harvesting for fibres occurs at the end of flowering of the female plants and before seed formation.



3.8 Flowering

Flowering usually starts when darkness exceeds eleven hours per day. The flowering cycle can last anywhere between four and twelve weeks, depending on the strain and environmental conditions. Flowering times given by seed companies usually refer to the time taken to flower when grown from seed. Plants grown from cuttings can take a week or so longer to finish flowering.

3.9 Harvesting

A good sign of ripeness is the colour of the hair-like structures (stigmas). As each flower ripens, these usually shrivel and turn brown. When about 75 per cent of the stigmas are brown, the plants are ready to harvest.

3.10 Yield

Mean and/or minimal yield estimates are of forensic and legal interest. However, yield estimates are difficult, strongly dependent on cultivar/breed, cultivation technique, nutrition, light intensity, duration and rhythm, etc. Studies undertaken in Australia and New Zealand have shown that yields from indoor and outdoor grown plants are so variable that it is not meaningful to apply a set formula for wet : dry : saleable material or grams per plant or square metre.*

Nevertheless, some empirical studies are available and summarized below. Variations due to different cultivation factors as mentioned above have to be considered.

3.13 Cannabis products

Cannabis has been used as an agricultural crop for textile fibres for centuries. Other legitimate cannabis products include cannabis seed, cannabis seed oil and the essential oil of cannabis. Illicit cannabis products fall into three main categories: herbal cannabis, cannabis resin and liquid cannabis (cannabis oil). It must be stressed that no two illicit cannabis products have identical physical appearances. Produced from a highly variable natural product using a batch process capable of wide variation, and subsequently subjected to processing and transformation for trafficking purposes, cannabis products appear in illicit markets in a multitude of forms.

3.13.1 Herbal cannabis



It is still the traditional belief that only the fruiting and flowering tops and leaves next to the flowering tops contain significant quantities of the psychoactive constituent (THC); they are known as the “drug-containing parts”, and generally it is only these parts of the plant that are sold in the illicit market (B in figure 1, page 8).

Indeed, these parts contain the highest amount of THC. However, illicitly consumed herbal cannabis also includes bigger leaves located at greater distance from the flowering tops.

Also the leaves next to the male flowering tops of potent cannabis plants contain consumable amounts of THC. However, the content is much lower than that for female plants and they are therefore not material of first choice. The central stem and main side stems contain little THC but they may still be used in the production of cannabis oil.

The dried leaves and flowers of the cannabis plant are known as “marihuana”, and a plethora of other regional names exist [10]. “Marihuana” is found in the illegal market unchanged, i.e. raw from the plant (also called “dried flower”), processed as compressed slabs or coins, or as ground up material. The presentation of the herbal material in illicit markets varies widely, from region to region as well as within the countries of each region.

High quality product can be made by sieving crushed herbal cannabis to remove those parts of the plant which contain relatively low levels of, or no, cannabinoids. Essentially, this removes seeds and all but the most insignificant stem material. All that passes through the sieving process has been derived from the flowering and fruiting tops’ herbal material, therefore a relative enrichment of THC occurs. In the illicit traffic, the product is known as “Kief”. It is a characteristic product of North Africa. Such material has high cannabis resin content and can be compressed into slabs, which bear some physical resemblance to cannabis resin slabs (hashish). However, when subjected to microscopic examination, such slabs are found to have retained essential herbal characteristics (see also section 5.3.2), and are considered a sort of “purified marihuana”.

A third, and in some western European countries dominant, way of producing high quality herbal cannabis is indoor production. Very potent hybrids such as “skunk”, “white widow”, etc. are generally used and cultivation conditions are optimized. Propagation occurs mainly by cloning of the mother plants (see section 3.6.2); seedlings are seldom encountered anymore. Premises used for indoor cultivation include basements, factories, warehouses and unused portions of commercial or industrial facilities. They are often equipped with automated nutrition and water supply, air conditioning, systems to filter and deodorize outlet air and automated illumination to mimic day and night phases. The combination of ideal growing conditions and high THC cultivars generates products with a maximum THC content which is often two to ten times higher than that observed in the late eighties. Herbal cannabis



with a total THC content of more than 10 per cent, cannabis resin with 25 per cent THC and cannabis oil with 60 per cent THC are not unusual today.

The drying process is simple. Either the drug-containing parts are cut off or the entire plant is suspended upside down and air-dried. Drying is complete when the leaves next to flowering tops are brittle. Depending on the humidity and ambient temperature, this takes approximately 24 to 72 hours. The residual water-content in this material is about 8-13 per cent. This material is directly suitable for smoking in a joint and can be stored for many months, although THC degrades with time, when exposed to air, light and humidity.

3.13.2 Cannabis resin (hashish)

The resinous secretions of the plant, produced in the glandular trichomes (see section 5.3.2) can be collected, thus obtaining a higher THC-containing product from which most recognizable plant material is removed. In addition to the secretions, it consists of finer plant material and appears as loose or pressed sticky powder, depending on the method of production.

Worldwide, the production of cannabis resin is centred in two main regions. The countries around the southern and the eastern part of the Mediterranean form one region, and the countries in South and South-West Asia form another. A variety of processes have been used in both regions to produce cannabis resin. However, in general, the countries of one region use similar techniques. Sieving is an important part of the process in both regions

3.13.3 Liquid cannabis (hashish oil)

Liquid cannabis is a concentrated liquid extract of either herbal cannabis material or of cannabis resin. The reason for the production of liquid cannabis is to concentrate the psychoactive ingredient, THC. This may help traffickers evade interdiction, because more psychoactive material can be contained in a smaller quantity of product. Of equal value to the trafficker is the ability to insert the liquid cannabis into any cavity and to use concealments which cannot easily accommodate herbal or resin cannabis, thereby reducing the possibility of detection by the form or odour of the material.



Extraction is performed in a suitable vessel with an organic solvent (e.g. petroleum ether, ethanol, methanol, acetone) at room temperature with stirring, by passive extraction or under reflux.

When the batch of cannabis or cannabis resin is thought to be fully extracted, the suspension is filtered and the extracted material is discarded. If necessary, a second fresh batch of cannabis material may be placed into the vessel and extracted with the same batch of solvent used for the initial extraction. This process can be repeated as often as required, using a number of batches of cannabis or cannabis resin with a single batch of extracting solvent. After the final batch has been extracted, the solvent is evaporated to obtain the required consistency of the oil. In some clandestine laboratories, especially in those countries where organic solvents are expensive or difficult to purchase, the excess solvent may be recovered for future use.

In general, liquid cannabis, whether made from cannabis or cannabis resin, is dark brown or dark green in colour and has the consistency of thick oil or a paste.

3.13.4 Cannabis seeds and cannabis seed oil

Cannabis seeds are a less well known though potent source of Ω -3-fatty acids. Cannabis seed oil is a clear yellow liquid. The seed contain approximately 29 per cent to 34 per cent oil by weight [33]. 100 g of cannabis seed oil contains about 19 g α -linolenic acid. A ratio of about 3:1 of Ω -6- to Ω -3-fatty acids makes cannabis seed oil a high quality nutrient.

However, due to its high proportion of unsaturated fatty acids, this oil tends to get rancid rapidly if not stored in a cool and dark place.

Although the seed is enclosed by the bracteole, which is the part of the plant with the highest density of glandular trichomes and thus the highest THC concentration, the seeds themselves do not contain THC. However, they may be contaminated with cannabis materials (e.g. flowering tops, husks, resin), resulting in detectable amounts of THC. Similarly, if THC is detected in cannabis seed oil, it most likely originated from a poor separation of the seeds from the bract [34].

3.13.5 Cannabis essential oil

The essential oil of cannabis is a clear and slightly yellow-coloured liquid. It is obtained by steam distillation of the freshly cut cannabis plants. A great demand for this essential oil does not exist and it seems that it is rather a side product from seed oil or hashish-oil production. The essential oil does not contain THC, but is responsible for the characteristic smell of cannabis products, and



is also the basis for their identification by sniffer dogs.

3 AAC 306.345. Packaging and labeling.

(a) A retail marijuana store shall assure that

(1) any marijuana sold on its licensed premises is packaged and labeled in compliance with 3 AAC 306.470 and 3 AAC 306.475, except that 3 AAC 306.470(b)

(2) does not apply to the packaging of wholesale flower and bud sold by weight to a consumer; and

(2) any marijuana product sold on its licensed premises is packaged and labeled in compliance with 3 AAC 306.565 and 3 AAC 306.570, except that 3 AAC 306.565(b)

(2) does not apply to the packaging of wholesale marijuana products that are not edible marijuana products;

(3) any marijuana or marijuana product sold at a retail marijuana store must be packaged in opaque, re-sealable, child-resistant packaging when the purchaser leaves the retail premises; the packaging must be designed or constructed to be significantly difficult for children under five years of age to open; but not normally difficult for adults to use properly.

(b) In addition to labeling requirements provided in (a) of this section, a retail marijuana store shall affix a label to each package of marijuana or marijuana product that

(1) identifies the marijuana retail store selling the marijuana product by name or distinctive logo and marijuana establishment license number; and

(2) states the total estimated amount of THC in the labeled product, and

(3) contains the following statements:

(A) *“Marijuana has intoxicating effects and may be habit forming and addictive;”*



(B) "Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence;"

(C) "There are health risks associated with consumption of marijuana"

(D) "For use only by adults twenty-one and older. Keep out of the reach of children;" and

(E) "Marijuana should not be used by women who are pregnant or breast feeding;"

3 AAC 306.540. Marijuana inventory tracking system.

(a) A marijuana product manufacturing facility shall use a marijuana inventory tracking system as provided in 3 AAC 306.730 to ensure that the marijuana product manufacturing facility identifies and tracks any marijuana or marijuana product from the time the marijuana or marijuana product is received, through

(1) use of the marijuana or marijuana product in manufacturing any other marijuana product;

(2) sale or transfer of the marijuana or marijuana product originally received, or any marijuana product manufactured at that marijuana product manufacturing facility to another licensed marijuana establishment; and

(3) disposal of any expired or outdated marijuana or marijuana product that is not sold or transferred to another licensed marijuana establishment.

(b) When marijuana from a marijuana cultivation facility or marijuana product from another marijuana product manufacturing facility is delivered or transported to the licensed premises of a marijuana product manufacturing facility, the marijuana product manufacturing facility shall immediately enter tracking information for that marijuana or marijuana product into the inventory tracking system. A marijuana product manufacturing facility may not accept any marijuana or marijuana product that does not have a valid transport manifest generated from the marijuana inventory tracking system of the licensed marijuana establishment that supplies the marijuana or marijuana product.

(c) A marijuana product manufacturing facility shall track any received marijuana or marijuana product to its use in a marijuana product, and shall reconcile each transaction to its inventory tracking system at the close of business each day.



(d) A marijuana product manufacturing facility shall account for any variance in the quantity of marijuana or marijuana product the facility received, and the quantity the facility sold, transferred, or disposed of.

3 AAC 306.565. Packaging of marijuana products.

(a) A marijuana product manufacturing facility shall observe the potency limits set out in 3 AAC 306.560 in packaging each product for resale by a retail marijuana store.

(b) A container or packaging for any edible marijuana product produced by a marijuana product manufacturing facility may not have any printed images, including cartoon characters, that specifically target individuals under the age of 21. In addition, the packaging must

(1) protect the product from contamination and not impart any toxic or damaging substance to the product;

(2) if the marijuana product contains multiple servings, the product itself must have markings or demarcations clearly delineating each serving of the product. For liquid marijuana products with multiple servings the packaging must indicate the number and size of individual servings.

(c) A licensed marijuana product manufacturing facility may transfer marijuana products that are not edible marijuana products to another licensed facility in wholesale packages not to exceed 5 pounds.

(d) Each packaged marijuana product must be identified by a tracking label generated by the marijuana product manufacturing facility's marijuana inventory control system.

(e) A licensed marijuana product manufacturing facility shall prepare marijuana products for transfer to another marijuana establishment by container; container; and

(1) placing marijuana products within a sealed, tamper-evident shipping

(2) affixing a label that complies with 3 AAC 306.570(d) to the shipping

(3) generating a transport manifest from the marijuana product manufacturing facility's marijuana inventory system; the transport manifest must remain with the marijuana products at all times while being transported, and a copy must be given to the licensed marijuana



establishment that receives the shipment.

<https://youtu.be/BD-2iyTjkHM>

MARIJUANA HANDLERS™ - Key Points

- Cannabis (sativa) street names and synonyms used are hemp, marihuana, marijuana, pot, gandia, grass, chanvre, weed and many more.
- Among many trials of breeding, crossing sativa and indica strains led to the development of “skunk”, a hybrid said to be 75 per cent sativa and 25 per cent indica. This strain is said to be one of the first which combines the high THC content
- Cloning simply means propagating from a successful “mother” plant.
- Cloning and indoor production go hand in hand.
- Industrial cannabis is characterized by low THC content and high cannabidiol (CBD) content.
- Flowering usually starts when darkness exceeds eleven hours per day.
- When about 75 per cent of the stigmas are brown, the plants are ready to harvest.
- Illicit cannabis products fall into three main categories: herbal cannabis, cannabis resin and liquid cannabis (cannabis oil).
- Cannabis has been used as an agricultural crop for textile fibres for centuries.
- The drying process approximately 24 to 72 hours.
- The reason for the production of liquid cannabis is to concentrate the psychoactive ingredient, THC.
- Any marijuana product sold must state the total estimated amount of THC in the labeled product.
- A marijuana product manufacturing facility shall use a marijuana inventory tracking system.
- Each packaged marijuana product must be identified by a tracking label generated by the marijuana product manufacturing facility’s marijuana inventory control system.



MARIJUANA HANDLERS™ - Lesson Introduction - MHC/102

How to identify Marijuana usage and outcomes of usage. Gain a working knowledge of the detriments and benefits of Marijuana consumption.

MARIJUANA HANDLERS™ - Lesson Goals

- Student should be able to identify individuals who have consumed Marijuana.
- Student should know the effects of short term and long term Marijuana usage.

MARIJUANA HANDLERS™ - Lesson Outline

- Marijuana Side Effects - www.drugs.com
- MyLeafly - Cannabis 101 - 5 Differences Between Ingesting and Inhaling Cannabis - Video
- Marijuana Side Effects - www.drugs.com - *continued*
- CNN News/Cannabfile - Your Body on Cannabis - Video
- Marijuana Side Effects - www.drugs.com - *continued*
- Immediate Signs of Weed Use - www.narconon.org
- Lesson Key Points
- Lesson Quiz

Marijuana side effects - www.drugs.com

What are the short-term side effects of Marijuana use?

Side effects of marijuana use will be variable from person to person, depending upon strength and amount of marijuana used and if the user is occasionally or chronically exposed to THC. The short-term effects of marijuana use include problems with memory and learning; distorted perception (sights, sounds, time, touch); difficulty in thinking and problem solving; loss of coordination and motor skills; increased heart rate, anxiety, bloodshot eyes, dry mouth. Reaction time may be impaired while driving. Panic attacks, paranoia and psychosis may occur acutely and be more common in psychiatric patients.¹⁰ For chronic users, the impact on memory and learning can last for days or weeks after its acute effects wear off.¹ Marijuana may be cut on the street with more dangerous substances that may lead to more serious side effects.



THC in marijuana is strongly absorbed by fatty tissues in various organs. Generally, traces of THC can be detected by standard urine testing methods several days after a smoking session. In heavy chronic users, traces can sometimes be detected for weeks after they have stopped using marijuana.

What are the long-term side effects of Marijuana use?

People who smoke marijuana often have the same respiratory problems as cigarette smokers. These individuals may have daily cough and phlegm, symptoms of chronic bronchitis, and more frequent chest colds. They are also at greater risk of getting lung infections like pneumonia. Marijuana contains some of the same, and sometimes even more, of the cancer-causing chemicals found in cigarette smoke. A [study](#) from 2009 suggests that regular and long-term use of marijuana may increase the risk for testicular cancer.

When people smoke marijuana for years they can suffer negative consequences. For example, because marijuana affects brain function, the ability to do complex tasks could be compromised, as well as the pursuit of academic, athletic, or other life goals that require you to be 100 percent focused and alert. Long-term abuse of marijuana may lead to addiction.

Marijuana also may affect mental health. Studies show that early use may increase the risk of developing psychosis (a severe mental disorder in which there is a loss of contact with reality) including false ideas about what is happening (delusions) and seeing or hearing things that aren't there (hallucinations), particularly if you carry a genetic vulnerability to the disease. Also, rates of marijuana use are often higher in people with symptoms of depression or anxiety

Effects of Marijuana On Other Organs

Effects on the Heart

Shortly after smoking marijuana the heart rate increases drastically and may remain elevated for



up to 3 hours. This effect may be enhanced if other drugs are taken with marijuana. One study has suggested that the risk of heart attack may increase by up to 4.8-fold in the first hour after smoking marijuana.¹¹ The effect may be due to the increased heart rate, as well as altered heart rhythms. The risk of heart attack may be greater in those with specific risk factors such as patients with high blood pressure, heart arrhythmia, or other cardiac disease.

Effects on the Lungs

After smoking marijuana, the bronchial passage relaxes and becomes enlarged, and the blood vessels in the eyes expand making the eyes look red. Studies have shown that marijuana smoke contains 50-70 percent more carcinogenic hydrocarbons than tobacco smoke, and is an irritant to the lungs. Marijuana users tend to inhale more deeply and hold their breath longer than tobacco smokers do, which further increase the lungs' exposure to carcinogenic smoke. Marijuana smokers can have many of the same respiratory problems as tobacco smokers, such as daily cough and phlegm production, more frequent acute chest illness, and a heightened risk of lung infections.¹ A case-controlled study from 2006 found no links between marijuana use and lung cancer, but no evidence-based consensus has been definitively made on the absolute risk of lung cancer with marijuana use.

Effects of Heavy Marijuana Use on Social Behavior

Heavy marijuana abuse may show low achievement in important life measures including mental and physical health, and career. Marijuana affects memory, judgment and perception. Learning and attention skills are impaired among people who use it heavily. Longitudinal research on marijuana use among young people below college age indicates those who use marijuana have lower achievement than the non-users, more acceptance of deviant behavior, more delinquent behavior and aggression, greater rebelliousness, poorer relationships with parents, and more associations with delinquent and drug-using friends.

Smoking marijuana can make driving dangerous. The cerebellum is the section of our brain that



controls balance and coordination. When THC affects the cerebellum's function it can cause disaster on the road. Research shows that drivers have slower reaction times, impaired judgment, and problems responding to signals and sounds if driving while under the influence of THC.²

Addictive Potential

A drug is addicting if it causes compulsive, uncontrollable drug craving, seeking, and use, even in the face of negative health and social consequences. Research suggests that roughly 9 percent of users become addicted to marijuana, with higher rates if the user starts at a young age (17 percent) and in those who use marijuana daily (25-50 percent). While not everyone who uses marijuana becomes addicted, when a user begins to seek out and take the drug compulsively, that person is said to be dependent or addicted to the drug.

Long-term users who try to quit could experience withdrawal symptoms such as sleeplessness, irritability, anxiety, decreased appetite and drug craving. Withdrawal symptoms usually begin about a day after the person stops using marijuana, peaks in 2 to 3 days and may take about 1 to 2 weeks to subside.

Some heavy users develop a tolerance to marijuana; meaning that the user needs larger doses to get the same desired results that he or she used to get from smaller amounts.

Immediate Signs of Weed Use - www.narconon.org

The most immediate signs of smoking weed are dilation of the blood vessels in the eyes (making them bloodshot), increased heart rate, increased appetite and memory impairment, along with difficulty paying attention or solving problems. But the real reason people abuse the drug is for the euphoria that may last three to six hours.

When monitoring for symptoms of weed use, there may be reactions of anxiety, fear or panic, especially if they are new to the drug or taking it in an unsettling location. Hallucinations, paranoia and delusional behavior can be symptoms of weed use that is very potent, or consumption of a large amount.



- Red, bloodshot eyes
- Laughter and glee when it is not warranted
- Euphoria
- Strongly increased appetite for snack foods or sweets
- Foggy, slow memory
- Artificially increased tendency to chatter or be sociable
- Lowered inhibitions
- Impaired judgment
- Dizziness
- Sedation, slow movement
- Lethargy, lack of activity

MARIJUANA HANDLERS™ - Key Points

- Side effects of marijuana use will be variable from person to person, depending upon strength and amount of marijuana used and if the user is occasionally or chronically exposed to THC.
- The short-term effects of marijuana use include problems with memory and learning; distorted perception (sights, sounds, time, touch); difficulty in thinking and problem solving; loss of coordination and motor skills; increased heart rate, anxiety, bloodshot eyes, dry mouth.
- People who smoke marijuana often have the same respiratory problems as cigarette smokers. These individuals may have daily cough and phlegm, symptoms of chronic bronchitis, and more frequent chest colds.
- Research suggests that roughly 9 percent of users become addicted to marijuana, with higher rates if the user starts at a young age (17 percent) and in those who use marijuana daily (25-50 percent).
- The most immediate signs of smoking weed are dilation of the blood vessels in the eyes (making them bloodshot), increased heart rate, increased appetite and memory impairment, along with difficulty paying attention or solving problems.



MARIJUANA HANDLERS™ - Lesson Introduction - MHC/103

Methods to determine and intervene to prevent unlawful Marijuana consumption.

MARIJUANA HANDLERS™ - Lesson Goals

- Student should be able to determine unlawful consumer consumption and acquisitions.
- Student should be able to intervene to prevent unlawful consumer consumption in the workplace.
- Student should be able to intervene to prevent underage marijuana use.

MARIJUANA HANDLERS™ - Lesson Outline

- 3 AAC 306.325 Access restricted at retail marijuana store.
- 3 AAC 306.345 Packaging and labeling.
- 3 AAC 306.350 Regulation of the marijuana industry.
- AS 17.38.50. The Regulation of marijuana - False Identification
- Underage Drinking: It's an Adult Problem - SAMHSA/CSAP - Video (Colorado #2)
- A parent's guide to preventing underage marijuana use - How does Marijuana Use Affect Adolescent Health? - <http://www.sdrj.org>
- Lesson Key Points
- Lesson Quiz

3 AAC 306.325. Access restricted at retail marijuana store.

(a) A person under the age of 21 may not enter a retail marijuana store.....

3 AAC 306.345. Packaging and labeling.

(a) A retail marijuana store shall assure that.....

(b) In addition to labeling requirements provided in (a) of this section, a retail marijuana store shall affix a label to each package of marijuana or marijuana product that.....

(3) contains the following statements:



- (A) "Marijuana has intoxicating effects and may be habit forming and addictive;"
 - (B) "Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence;"
 - (C) "There are health risks associated with consumption of marijuana"
 - (D) "For use only by adults twenty-one and older. Keep out of the reach of children;" and
 - (E) "Marijuana should not be used by women who are pregnant or breast feeding;"
-

3 AAC 306.350. Regulation of the Marijuana Industry

Identification requirement to prevent sale to person under 21.

- (a) A licensed retail marijuana store shall refuse to sell marijuana or a marijuana product to any person who does not produce a form of valid photo identification showing that person is 21 years of age or older.....
-

AS 17.38.050. - The Regulation of Marijuana - False Identification Penalty..

..... (b) A person who violates this section is guilty of a violation punishable by a fine of up to \$400.

An intervention is the act of inserting one thing between others, like a person trying to help. You could be the subject of a school intervention if your teachers call your parents about the bad grades you've been hiding. - www.vocabulary.com

Underage Drinking: It's an Adult Problem - This video was produced through the SAMHSA/CSAP Underage Drinking Prevention Education Initiatives (UADPEI)



A parent's guide to preventing underage marijuana use

How does Marijuana Use Affect Adolscent Health? - <http://www.sdr.org/>

Three reasons why YOU should care:

1. Marijuana is addictive.
2. It is against the law for people under 21 to use marijuana.
3. Marijuana use gets in the way of saying YES to other exciting opportunities in life.

The Good News!

Most high school seniors (73%) in Washington state DON'T use marijuana. However, after alcohol, marijuana is the drug most commonly used by high school students who use drugs. About 20% of students in 10th grade have used marijuana in the past 30 days.

Those that do are more likely to get lower grades in school. (2012 Washington State Healthy Youth Survey)

Marijuana is the most common drug used by children 12-17 years old who visit hospital emergency rooms for drug misuse or abuse. While there are no records of death directly from marijuana overdose, serious health problems occur when potent marijuana products are eaten or inhaled.

Parent Guide

Marijuana is addictive.

Most teens who enter substance abuse treatment programs in Washington state report that marijuana is the main or only drug they use.

Teens who identify other drugs as their primary drug of choice often say they use marijuana too.

Adolescents who start using marijuana before the age of 14 are four times more likely to become addicted by the time they are adults.

Marijuana addiction is more common among teens than adults because their brains are still



developing and vulnerable.

Some teens make the mistake of believing that marijuana can help reduce issues with ADHD or anxiety, and improve their focus in school.

But, in truth, adolescents who use marijuana can have:

- Increased difficulty memorizing things
- Distorted thinking and perception (exaggerated or irrational thoughts)
- Hallucinations•
- Paranoia• Depression
- Anxiety•
- Depression
- A permanent decrease in IQ with prolonged use Hallucinations

Teens who use marijuana are actually more likely to experience school failure, which can lead to school drop out.

Adolescents addicted to marijuana often struggle with new mental health problems such as anxiety, depression and paranoia.

Marijuana addiction can also make existing mental health conditions worse.

When addicted to marijuana, adolescents often lack motivation and energy, and lose interest in activities they used to enjoy.

What can YOU do?

Even as teens, children care about what parents say.

One of the key reasons teens choose not to use drugs is because they know their parents don't approve of it.

Express a no use attitude.

Children whose parents have a positive attitude toward marijuana use are five times more likely to use marijuana by 8th grade.

Start early!



- Since teenagers who use marijuana often start by age 14, parents should start an ongoing conversation about drugs by 4th or 5th grade.
- Be clear and specific about your family expectations about marijuana use.

What to say to 4th & 5th graders:

- “What do you know about marijuana?”
- Do you know that marijuana can hurt your health?
- Marijuana use is against the law for anyone under 21 years old.
- We want you to do well in school, so we have a family rule against using drugs, including marijuana.”

Give your child ways to say no to marijuana and other drugs.

- Role play social situations where your child is offered marijuana by a peer.
- Help your child to find the right words to refuse drug offers.
- Help your child suggest an alternative to using drugs.
- Let your child know that it is fine to walk away from someone, including a friend, who is offering drugs and, if needed, to call you for a ride home. What to say to young teens: “Remember our family rule against using marijuana? Let’s talk about how you can refuse drugs, including marijuana, if offered to you.”

Set clear guidelines.

Communicate the importance of healthy behaviors and establish clear and specific rules about not using marijuana and other drugs. This can be part of a broader conversation about expectations for things like:

- Doing chores
- Following parental rules
- Showing respect for family members
- Bedtimes
- Curfews
- Following laws and school regulations
- School and class attendance

Provide consistent negative consequences for not meeting the guidelines. Remember to provide compliments for good choices and healthy behavior.



What to say: “It is important to our family that we all stay healthy and safe. One way to do this is to avoid drug use, including marijuana. This is especially important for teenagers since marijuana can harm the developing brain. That’s why we have a family rule against using marijuana.

If we find out you are using drugs, what do you think a fair consequence would be?”

Keep track of your child.

- Monitor your child’s behavior to ensure the rules are being followed.
- Remain actively involved in your child’s life and get to know his or her friends.
- Network with other parents so that you may support one another to keep your children away from drugs.

Keep lines of communication open.

- Eat dinner together.
- Do fun family activities together.
- Communicate the way your child does (texting, email, Facebook, Twitter).

Monitor your own behavior.

You are a role model for your child so think about what you do and the message it sends.

- Avoid heavy drinking around your child or teen.
- Do not use marijuana around your child or teen.

What do I do if I find my teen is using marijuana or other drugs or breaking other family rules?

- Keep calm.
- Communication is key! When dealing with behavior problems it is important to communicate your disapproval of the behavior without making your child feel rejected or like they are a bad person.
- Remember the guidelines that were set and the consequences that go along with breaking them.
- Leave the door open for problem solving.

What do I avoid?

Don’t overreact. This may lead your child to take greater risks to prove that they are independent. When consequences feel overly punishing, your teen is more likely to:

- Rebel
- Feel resentment
- Take revenge and you may see the behavior get worse.

This is not the time for anger, accusations, name calling or sarcasm.



How can I tell if my teen is using marijuana?

Be aware of changes in your child's behavior, such as carelessness with grooming, mood changes, and relationship problems with family members and friends.

In addition, changes in grades, skipping school, lost interest in favorite activities, and changes in eating or sleeping habits could all be related to drug use.

If someone is high on marijuana, they might:

- Seem dizzy or uncoordinated
- Seem silly and giggly for no reason
- Have very red, bloodshot eyes

- Have a hard time remembering things that just happened

If someone uses marijuana often, they might:

- Have an odor on clothes and in the bedroom
- Use incense and other deodorizers in living space
- Increase their use of perfume, cologne or breath mints
- Use eye drops
- Wear clothing or jewelry or have posters that promote drug use
- Have unexplained use of money or may steal money
- Have items used with drugs such as pipes, bong, scales, rolling papers, blunt wraps or vapor pens

Frequently Asked Questions

Isn't marijuana safer for teens than alcohol and tobacco?

Marijuana, alcohol and tobacco are all potentially harmful drugs.

Each affects teens differently. Teen marijuana use is associated with many health and safety problems listed earlier in this pamphlet.

Isn't marijuana natural and therefore OK for teens to use?

There are many natural things that are not good for our bodies. Regardless of it being "natural" or not marijuana can harm youth health.

Isn't it better for my child to consume marijuana at home where I can make sure they stay safe?



Research shows that teens who use alcohol at home are actually more likely to abuse alcohol when not at home. The same holds true for marijuana.

What about marijuana brownies and cookies? Aren't they safer than smoking marijuana?

Marijuana, no matter how it is used, is harmful to teen health. Some marijuana products that are eaten or vaporized are more potent than smoked marijuana.

The health effects of teen marijuana use listed earlier in this pamphlet are the same whether marijuana is smoked, vaporized, or swallowed.

I smoked when I was a kid, why deny a rite of passage?

Keep in mind that most teens do not use marijuana, so it is not really a rite of passage. Today's marijuana is more potent than the marijuana that was available in the past.

In addition, some marijuana products being sold are "concentrates" and are even more potent.

How do I tell my child not to smoke if I do now or did when I was younger?

Just like with alcohol, tell your child that it is against the law to use marijuana until they are 21.

The teen brain can be harmed by regular marijuana use in ways that the adult brain is not. Using marijuana as a teen increases the likelihood that a person will become addicted to marijuana.

MARIJUANA HANDLERS™ - Key Points

- A person under the age of 21 may not enter a retail marijuana store.
- A licensed retail marijuana store shall refuse to sell marijuana or a marijuana product to any person who does not produce a form of valid photo identification showing that person is 21 years of age or older.
- An intervention is the act of inserting one thing between others, like a person trying to help.
- When addicted to marijuana, adolescents often lack motivation and energy, and lose interest in activities they used to enjoy.
- Be aware - Children whose parents have a positive attitude toward marijuana use are five times more likely to use marijuana by 8th grade.



- Since teenagers who use marijuana often start by age 14, parents should start an ongoing conversation about drugs by 4th or 5th grade.
- Set clear guidelines.
- Communicate the importance of healthy behaviors and establish clear and specific rules about not using marijuana and other drugs.
- Keep track of your child.
- You are a role model for your child so think about what you do and the message it sends.
- Marijuana, no matter how it is used, is harmful to teen health. Some marijuana products that are eaten or vaporized are more potent than smoked marijuana.



MARIJUANA HANDLERS™ - Lesson Introduction - MHC/104

Detailed study of state regulation AS 17.37.

MARIJUANA HANDLERS™ - Lesson Goals

- Student should understand the state regulation as it pertains to the medical uses of Marijuana.

MARIJUANA HANDLERS™ - Lesson Outline

- Chapter 17-37 Medical Uses of Marijuana
- CNN News - Dr. Sanjay Gupta Admits Being Wrong About Medical Marijuana Americans Terribly Misled - Video
- Chapter 17-37 Medical Uses of Marijuana - *continued*
- CNN News - Obama Talks Medical Marijuana In Sanjay Gupta's 'Weed 3' - Video
- Chapter 17-37 Medical Uses of Marijuana - *continued*
- Lesson Key Points
- Lesson Quiz

Chapter 17.37 MEDICAL USES OF MARIJUANA

Sec. 17.37.010. Registry of patients and listing of caregivers.

(a) The department shall create and maintain a confidential registry of patients who have applied for and are entitled to receive a registry identification card according to the criteria set out in this chapter. The registry must also contain the name of the primary caregiver and the name of the alternate caregiver of a patient, if either is designated by the patient. Only one primary caregiver and one alternate caregiver may be listed in the registry for a patient. The registry and the information contained within it are not a public record under [AS 40.25.100](#) - 40.25.295. Peace officers and authorized employees of state or municipal law enforcement agencies shall be granted access to the information contained within the department's confidential registry only

(1) for the purpose of verifying that an individual who has presented a registry identification card to a state or municipal law enforcement official is lawfully in possession of such card; or

(2) for the purpose of determining that an individual who claims to be lawfully engaged in the medical use of marijuana is registered or listed with the department or is considered to be



registered or listed under (g) of this section.

(b) Except as provided in (a) of this section, a person, other than authorized employees of the department in the course of their official duties, may not be permitted to gain access to names of patients, physicians, primary or alternate caregivers, or any information related to such persons maintained in connection with the department's confidential registry.

(c) In order to be placed on the state's confidential registry for the medical use of marijuana, an adult patient or a parent or guardian of a minor patient shall provide to the department

(1) a statement signed by the patient's physician;

(A) stating that the physician personally examined the patient and that the examination took place in the context of a bona fide physician-patient relationship and setting out the date the examination occurred;

(B) stating that the patient has been diagnosed with a debilitating medical condition; and

(C) stating that the physician has considered other approved medications and treatments that might provide relief, that are reasonably available to the patient, and that can be tolerated by the patient, and that the physician has concluded that the patient might benefit from the medical use of marijuana;

(2) a sworn application on a form provided by the department containing the following information:

(A) the name, address, date of birth, and Alaska driver's license or identification card number of the patient;

(B) the name, address, and telephone number of the patient's physician; and

(C) the name, address, date of birth, and Alaska driver's license or identification card number of the patient's primary caregiver and alternate caregiver if either is designated at the time of application, along with the statements required under (d) of this section; and



(3) if the patient is a minor, a statement by the minor's parent or guardian that the patient's physician has explained the possible risks and benefits of medical use of marijuana and that the parent or guardian consents to serve as the primary caregiver for the patient and to control the acquisition, possession, dosage, and frequency of use of marijuana by the patient.

<https://youtu.be/z8C6CK3LEXw>

(d) A person may be listed under this section as the primary caregiver or alternate caregiver for a patient if the person submits a sworn statement on a form provided by the department that the person

(1) is at least 21 years of age;

(2) has never been convicted of a felony offense under [AS 11.71](#) or [AS 11.73](#) or a law or ordinance of another jurisdiction with elements similar to an offense under [AS 11.71](#) or [AS 11.73](#); and

(3) is not currently on probation or parole from this or another jurisdiction.

(e) A person may be a primary caregiver or alternate caregiver for only one patient at a time unless the primary caregiver or alternate caregiver is simultaneously caring for two or more patients who are related to the caregiver by at least the fourth degree of kinship by blood or marriage.

(f) The department shall review the application and all information submitted under (c) and (d) of this section within 30 days of receiving it. The department shall notify the patient that the patient's application for a registry identification card has been denied if the department's review of the information that the patient has provided discloses that the information required under (c) of this section has not been provided or has been falsified or that the patient is not otherwise qualified to be registered. If the department determines that the primary caregiver or alternate caregiver is not qualified under this section to be a primary caregiver or alternate caregiver, or if



the information required under this section has not been provided or has been falsified, the department shall notify the patient of that determination and shall proceed to review the patient's application as if a primary caregiver or alternate caregiver was not designated. The patient may amend the application and designate a new primary caregiver or alternate caregiver at any time. The department may not list a newly designated primary caregiver or alternate caregiver until it determines that the newly designated primary caregiver or alternate caregiver is qualified under this section and that the information required under this section has been provided. Otherwise, not more than five days after verifying the information, the department shall issue a registry identification card to the patient, and, if a primary caregiver for a patient has been listed in the registry, the department shall issue to the patient a duplicate of the patient's card clearly identified as the caregiver registry identification card, stating

- (1) the patient's name, address, date of birth, and Alaska driver's license or identification card number;
- (2) that the patient is registered with the department as a person who has a debilitating medical condition that the patient may address with the medical use of marijuana;
- (3) the dates of issuance and expiration of the registry identification card; and
- (4) the name, address, date of birth, and Alaska driver's license or identification card number of the patient's primary caregiver and alternate caregiver, if either is designated.

(g) If the department fails to deny the application and issue a registry identification card within 35 days of receipt of an application, the patient's application for the card is considered to have been approved. Receipt of an application shall be considered to have occurred upon delivery to the department. Notwithstanding this subsection, an application may not be considered to have been received before June 1, 1999. If the department subsequently registers a patient or lists a primary caregiver or alternate caregiver, if either is designated, or denies the application or listing, that registration or listing or denial revokes the approval that is considered to have occurred under this subsection.

(h) A patient or a primary caregiver who is questioned by a state or municipal law enforcement official about the patient's or primary caregiver's medical use of marijuana shall immediately show proper identification to the official and inform the official that the person is a registered



patient or listed primary caregiver for a registered patient and either show the official (1) the person's registry identification card, or (2) a copy of an application that has been pending without registration or denial for over 35 days since received by the department and proof of the date of delivery to the department, which shall be accorded the same legal effect as a registry identification card until the patient receives actual notice that the application has been denied.

(i) A person may not apply for a registry identification card more than once every six months.

(j) The denial or revocation of a registry identification card or the removal of a patient from the registry or the listing of a caregiver shall be considered a final agency action subject to judicial review. Only the patient, or the parent or guardian of a patient who is a minor, has standing to contest the final agency action.

(k) When there has been a change in the name, address, or physician of a patient who has qualified for a registry identification card, or a change in the name or address of the patient's primary caregiver or alternate caregiver, that patient must notify the department of the change within 10 days. To maintain an effective registry identification card, a patient must annually resubmit updated written documentation, including a statement signed by the patient's physician containing the information required to be submitted under (c)(1) of this section, to the department, as well as the name and address of the patient's primary caregiver or alternate caregiver, if any.

(l) A patient who no longer has a debilitating medical condition and the patient's primary caregiver, if any, shall return all registry identification cards to the department within 24 hours of receiving the diagnosis by the patient's physician.

(m) A copy of a registry identification card is not valid. A registry identification card is not valid if the card has been altered, mutilated in a way that impairs its legibility, or laminated.



(n) The department may revoke a patient’s registration if the department determines that the patient has violated a provision of this chapter or [AS 11.71](#).

(o) The department may remove a primary caregiver or alternate caregiver from the registry if the department determines that the primary caregiver or alternate caregiver is not qualified to be listed or has violated a provision of this chapter or [AS 11.71](#).

(p) The department may determine and levy reasonable fees to pay for any administrative costs associated with its role in administering this chapter.

(q) A primary caregiver may only act as the primary caregiver for the patient when the primary caregiver is in physical possession of the caregiver registry identification card. An alternate caregiver may only act as the primary caregiver for the patient when the alternate caregiver is in physical possession of the caregiver registry identification card.

(r) The department may not register a patient under this section unless the statement of the patient’s physician discloses that the patient was personally examined by the physician within the 16-month period immediately preceding the patient’s application. The department shall cancel, suspend, revoke, or not renew the registration of a patient whose annual resubmission of updated written documentation to the department under (k) of this section does not disclose that the patient was personally examined by the patient’s physician within the 16-month period immediately preceding the date by which the patient is required to annually resubmit written documentation.

Sec. 17.37.020. Medical Use of Marijuana. [Repealed, Sec. 8 ch 37 SLA 1999]. Repealed or Renumbered



Sec. 17.37.030. Privileged medical use of marijuana.

(a) A patient, primary caregiver, or alternate caregiver registered with the department under this chapter has an affirmative defense to a criminal prosecution related to marijuana to the extent provided in [AS 11.71.090](#).

(b) Except as otherwise provided by law, a person is not subject to arrest, prosecution, or penalty in any manner for applying to have the person's name placed on the confidential registry maintained by the department under [AS 17.37.010](#).

(c) A physician is not subject to any penalty, including arrest, prosecution, or disciplinary proceeding, or denial of any right or privilege, for

(1) advising a patient whom the physician has diagnosed as having a debilitating medical condition about the risks and benefits of medical use of marijuana or that the patient might benefit from the medical use of marijuana, provided that the advice is based upon the physician's contemporaneous assessment in the context of a bona fide physician-patient relationship of

(A) the patient's medical history and current medical condition; and

(B) other approved medications and treatments that might provide relief and that are reasonably available to the patient and that can be tolerated by the patient; or

(2) providing a patient with a written statement in an application for registration under [AS 17.37.010](#).

(d) Notwithstanding the provisions of this section, a person, including a patient, primary caregiver, or alternate caregiver, is not entitled to the protection of this chapter for the person's



acquisition, possession, cultivation, use, sale, distribution, or transportation of marijuana for nonmedical use.

Sec. 17.37.040. Restrictions on medical use of marijuana.

(a) A patient, primary caregiver, or alternate caregiver may not

(1) engage in the medical use of marijuana in a way that endangers the health or well-being of any person;

(2) engage in the medical use of marijuana in plain view of, or in a place open to, the general public; this paragraph does not prohibit a patient or primary caregiver from possessing marijuana in a place open to the general public if

(A) the person possesses, in a closed container carried on the person, one ounce or less of marijuana in usable form;

(B) the marijuana is not visible to anyone other than the patient or primary caregiver; and

(C) the possession is limited to that necessary to transport the marijuana directly to the patient or primary caregiver or directly to a place where the patient or primary caregiver may lawfully possess or use the marijuana;

(3) sell or distribute marijuana to any person, except that a patient may deliver marijuana to the patient's primary caregiver and a primary caregiver may deliver marijuana to the patient for whom the caregiver is listed; or

(4) possess in the aggregate more than

(A) one ounce of marijuana in usable form; and

(B) six marijuana plants, with no more than three mature and flowering plants producing usable marijuana at any one time.

(b) Any patient found by a preponderance of the evidence to have knowingly violated the provisions of this chapter shall be precluded from obtaining or using a registry identification card for the medical use of marijuana for a period of one year. In this subsection, "knowingly" has the



meaning given in [AS 11.81.900](#).

(c) A governmental, private, or other health insurance provider is not liable for any claim for reimbursement for expenses associated with medical use of marijuana.

(d) Nothing in this chapter requires any accommodation of any medical use of marijuana

(1) in any place of employment;

(2) in any correctional facility, medical facility, or facility monitored by the department or the Department of Administration;

(3) on or within 500 feet of school grounds;

(4) at or within 500 feet of a recreation or youth center; or

(5) on a school bus.

Not later than August 31, 1999, the department shall adopt regulations under [AS 44.62](#) (Administrative Procedure Act) governing the manner in which it may consider adding debilitating medical conditions to the list provided in [AS 17.37.070](#). After the adoption of the regulations, the department shall also accept for consideration physician or patient initiated petitions to add debilitating medical conditions to the list provided in [AS 17.37.070](#) and, after hearing, shall approve or deny the petitions within 180 days of submission. The denial of a petition shall be considered a final agency action subject to judicial review.

Sec. 17.37.070. Definitions. In this chapter, unless the context clearly requires otherwise,

(1) “alternate caregiver” means a person who is listed as an alternate caregiver under [AS 17.37.010](#);

(2) “bona fide physician-patient relationship” means that the physician obtained a patient history, performed an in-person physical examination of the patient, and documented written findings,



diagnoses, recommendations, and prescriptions in written patient medical records maintained by the physician;

(3) “correctional facility” has the meaning given in [AS 33.30.901](#);

(4) “debilitating medical condition” means

(A) cancer, glaucoma, positive status for human immunodeficiency virus, or acquired immune deficiency syndrome, or treatment for any of these conditions;

(B) any chronic or debilitating disease or treatment for such diseases, which produces, for a specific patient, one or more of the following, and for which, in the professional opinion of the patient’s physician, such condition or conditions reasonably may be alleviated by the medical use of marijuana: cachexia; severe pain; severe nausea; seizures, including those that are characteristic of epilepsy; or persistent muscle spasms, including those that are characteristic of multiple sclerosis; or

(C) any other medical condition, or treatment for such condition, approved by the department, under regulations adopted under [AS 17.37.060](#) or approval of a petition submitted under [AS 17.37.060](#);

(5) “department” means the Department of Health and Social Services;

(6) “facility monitored by the department or the Department of Administration” means an institution, building, office, or home operated by the department or the Department of Administration, funded by the department or the Department of Administration, under contract with the department or the Department of Administration, inspected by the department or the Department of Administration, designated by the department or the Department of Administration, or licensed by the department or the Department of Administration, for the care of

(A) juveniles; for the purposes of this subparagraph, “institution” includes a foster home and a group home, and a juvenile detention facility, a juvenile detention home, a juvenile work camp, and a treatment facility, as those terms are defined in [AS 47.12.990](#);

(B) the elderly; for the purposes of this subparagraph, “institution” includes

(i) an assisted living home as defined in [AS 47.33.990](#); and



(ii) the Alaska Pioneers' Home or the Alaska Veterans' Home, operated under [AS 47.55](#);

(C) the mentally ill; for the purposes of this subparagraph, "institution" includes a designated treatment facility and an evaluation facility, as those terms are defined in [AS 47.30.915](#);

(7) "medical facility" means an institution, building, office, or home providing medical services, and includes a hospital, clinic, physician's office, or health facility as defined in [AS 47.07.900](#), and a facility providing hospice care or rehabilitative services, as those terms are defined in [AS 47.07.900](#);

(8) "medical use" means the acquisition, possession, cultivation, use or transportation of marijuana or paraphernalia related to the administration of marijuana to alleviate a debilitating medical condition under the provisions of this chapter and [AS 11.71.090](#);

(9) "patient" means a person who has a debilitating medical condition;

(10) "physician" means a person licensed to practice medicine in this state or an officer in the regular medical service of the armed forces of the United States or the United States Public Health Service while in the discharge of their official duties, or while volunteering services without pay or other remuneration to a hospital, clinic, medical office, or other medical facility in this state;

(11) "primary caregiver" means a person listed as a primary caregiver under [AS 17.37.010](#) and in physical possession of a caregiver registry identification card; "primary caregiver" also includes an alternate caregiver when the alternate caregiver is in physical possession of the caregiver registry identification card;

(12) "usable form" and "usable marijuana" means the seeds, leaves, buds, and flowers of the plant (genus) cannabis, but does not include the stalks or roots.

Sec. 17.37.080. Short title. [AS 17.37.010](#) - 17.37.070 may be cited as the Medical Uses of Marijuana for Persons Suffering from Debilitating Medical Conditions Act.

MARIJUANA HANDLERS™ - Key Points

- The department shall create and maintain a confidential registry of patients who have applied for and are entitled to receive a registry identification card.



- The registry must also contain the name of the primary caregiver and the name of the alternate caregiver of a patient, if either is designated by the patient.
- Peace officers and authorized employees of state or municipal law enforcement agencies shall be granted access.
- Statement signed by the patient's physician stating that the patient has been diagnosed with a debilitating medical condition.
- Primary caregiver or alternate caregiver, at least 21 years of age, never been convicted of a felony.
- A patient, primary caregiver, or alternate caregiver may not possess in the aggregate more than one ounce of marijuana in usable form and six marijuana plants, with no more than three mature and flowering plants producing usable marijuana.



MARIJUANA HANDLERS™ - Lesson Introduction - MHC/105

Detailed study of state regulation AS 17.38.

MARIJUANA HANDLERS™ - Lesson Goals

- Student should understand the state regulation as it pertains to the regulation of Alaska's Marijuana industry.

MARIJUANA HANDLERS™ - Lesson Outline

- Chapter 17-38 The Regulation of Marijuana
- 2016 Marijuana Establishment Application Process - 4 Part Video Series
- Chapter 17-38 The Regulation of Marijuana - *continued*
- Lesson Key Points
- Lesson Quiz

Chapter 17.38 THE REGULATION OF MARIJUANA

Sec. 17.38.010. Purpose and findings..

- (a) In the interest of allowing law enforcement to focus on violent and property crimes, and to enhance individual freedom, the people of the state of Alaska find and declare that the use of marijuana should be legal for persons 21 years of age or older.
- (b) In the interest of the health and public safety of our citizenry, the people of the state of Alaska further find and declare that the production and sale of marijuana should be regulated so that
- (1) individuals will have to show proof of age before purchasing marijuana;
 - (2) legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; and
 - (3) marijuana sold by regulated businesses will be labeled and subject to additional regulations to ensure that consumers are informed and protected.
- (c) The people of the state of Alaska further declare that the provisions of this Act are not intended to diminish the right to privacy as interpreted by the Alaska Supreme Court in *Ravin v. State of Alaska*.



(d) Nothing in this Act proposes or intends to require any individual or entity to engage in any conduct that violates federal law, or exempt any individual or entity from any requirement of federal law, or pose any obstacle to federal enforcement of federal law.

Sec. 17.38.020. Personal use of marijuana..

Notwithstanding any other provision of law, except as otherwise provided in this chapter, the following acts, by persons 21 years of age or older, are lawful and shall not be a criminal or civil offense under Alaska law or the law of any political subdivision of Alaska or be a basis for seizure or forfeiture of assets under Alaska law:

- (1) possessing, using, displaying, purchasing, or transporting marijuana accessories or one ounce or less of marijuana;
 - (2) possessing, growing, processing, or transporting no more than six marijuana plants, with three or fewer being mature, flowering plants, and possession of the marijuana produced by the plants on the premises where the plants were grown;
 - (3) transferring one ounce or less of marijuana and up to six immature marijuana plants to a person who is 21 years of age or older without remuneration;
 - (4) consumption of marijuana, except that nothing in this chapter shall permit the consumption of marijuana in public; and
 - (5) assisting another person who is 21 years of age or older in any of the acts described in (1) - (4) of this section.
-

Sec. 17.38.030. Restrictions on personal cultivation, penalty..

(a) The personal cultivation of marijuana described in [AS 17.38.020\(2\)](#) is subject to the following terms:

- (1) marijuana plants shall be cultivated in a location where the plants are not subject to public view without the use of binoculars, aircraft, or other optical aids;



(2) a person who cultivates marijuana must take reasonable precautions to ensure the plants are secure from unauthorized access;

(3) marijuana cultivation may only occur on property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property.

(b) A person who violates this section while otherwise acting in compliance with [AS 17.38.020\(2\)](#) is guilty of a violation punishable by a fine of up to \$750.

Sec. 17.38.040. Public consumption banned, penalty..

It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to \$100.

Sec. 17.38.050. False identification, penalty..

(a) A person who is under 21 years of age may not present or offer to a marijuana establishment or the marijuana establishment's agent or employee any written or oral evidence of age that is false, fraudulent, or not actually the person's own, for the purpose of

(1) purchasing, attempting to purchase, or otherwise procuring or attempting to procure marijuana or marijuana products; or

(2) gaining access to a marijuana establishment.

(b)

A person who violates this section is guilty of a violation punishable by a fine of up to \$400.

Sec. 17.38.060. Marijuana accessories authorized..

Notwithstanding any other provision of law, it is lawful and shall not be an offense under Alaska law or the law of any political subdivision of Alaska or be a basis for seizure or forfeiture of assets



under Alaska law for persons 21 years of age or older to manufacture, possess, or purchase marijuana accessories, or to distribute or sell marijuana accessories to a person who is 21 years of age or older.

Sec. 17.38.070. Lawful operation of marijuana-related facilities..

(a) Notwithstanding any other provision of law, the following acts, when performed by a retail marijuana store with a current, valid registration, or a person 21 years of age or older who is acting in the person's capacity as an owner, employee, or agent of a retail marijuana store, are lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

- (1) possessing, displaying, storing, or transporting marijuana or marijuana products, except that marijuana and marijuana products may not be displayed in a manner that is visible to the general public from a public right-of-way;
- (2) delivering or transferring marijuana or marijuana products to a marijuana testing facility;
- (3) receiving marijuana or marijuana products from a marijuana testing facility;
- (4) purchasing marijuana from a marijuana cultivation facility;
- (5) purchasing marijuana or marijuana products from a marijuana product manufacturing facility;
and
- (6) delivering, distributing, or selling marijuana or marijuana products to consumers.

(b) Notwithstanding any other provision of law, the following acts, when performed by a marijuana cultivation facility with a current, valid registration, or a person 21 years of age or older who is acting in the person's capacity as an owner, employee, or agent of a marijuana cultivation facility, are lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

- (1) cultivating, manufacturing, harvesting, processing, packaging, transporting, displaying, storing, or possessing marijuana;
- (2) delivering or transferring marijuana to a marijuana testing facility;



(3) receiving marijuana from a marijuana testing facility;

(4) delivering, distributing, or selling marijuana to a marijuana cultivation facility, a marijuana product manufacturing facility, or a retail marijuana store;

(5) receiving or purchasing marijuana from a marijuana cultivation facility; and

(6) receiving marijuana seeds or immature marijuana plants from a person 21 years of age or older.

(c) Notwithstanding any other provision of law, the following acts, when performed by a marijuana product manufacturing facility with a current, valid registration, or a person 21 years of age or older who is acting in the person's capacity as an owner, employee, or agent of a marijuana product manufacturing facility, are lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

(1) packaging, processing, transporting, manufacturing, displaying, or possessing marijuana or marijuana products;

(2) delivering or transferring marijuana or marijuana products to a marijuana testing facility;

(3) receiving marijuana or marijuana products from a marijuana testing facility;

(4) delivering or selling marijuana or marijuana products to a retail marijuana store or a marijuana product manufacturing facility;

(5) purchasing marijuana from a marijuana cultivation facility; and

(6) purchasing of marijuana or marijuana products from a marijuana product manufacturing facility.

(d) Notwithstanding any other provision of law, the following acts, when performed by a marijuana testing facility with a current, valid registration, or a person 21 years of age or older who is acting in the person's capacity as an owner, employee, or agent of a marijuana testing facility, are lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

(1) possessing, cultivating, processing, repackaging, storing, transporting, displaying, transferring, or delivering marijuana;



- (2) receiving marijuana or marijuana products from a marijuana cultivation facility, a marijuana retail store, a marijuana products manufacturer, or a person 21 years of age or older; and
- (3) returning marijuana or marijuana products to a marijuana cultivation facility, marijuana retail store, marijuana products manufacturer, or a person 21 years of age or older.
- (e) Notwithstanding any other provision of law, it is lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law to lease or otherwise allow the use of property owned, occupied, or controlled by any person, corporation, or other entity for any of the activities conducted lawfully in accordance with
 - (a) - (d) of this section.
- (f) Nothing in this section prevents the imposition of penalties upon marijuana establishments for violating this chapter or rules adopted by the board or local governments pursuant to this chapter.
- (g) The provisions of [AS 17.30.020](#) do not apply to marijuana establishments.

Sec. 17.38.080. Marijuana Control Board; appointment and qualifications.

- (a) The Marijuana Control Board is established in the Department of Commerce, Community, and Economic Development as a regulatory and quasi-judicial agency. The board is in the Department of Commerce, Community, and Economic Development for administrative purposes only.
- (b) The board members shall be appointed by the governor and confirmed by a majority of the members of the legislature in joint session. A member of the board may not hold any other state or federal office, either elective or appointive. The board consists of five voting members as follows:
 - (1) one person from the public safety sector;
 - (2) one person from the public health sector;
 - (3) one person currently residing in a rural area;
 - (4) one person actively engaged in the marijuana industry; and



(5) one person who is either from the general public or actively engaged in the marijuana industry.

(c) Not more than two members of the board may be engaged in the same business, occupation, or profession.

(d) A board member representing the general public, the public safety sector, the public health sector, or a rural area, or the member's immediate family member, may not have a financial interest in the marijuana industry.

(e) In this section,

(1) "financial interest" means holding, directly or indirectly, a legal or equitable interest in the operation of a business licensed under this chapter;

(2) "immediate family member" means a spouse, child, or parent;

(3) "marijuana industry" means a business or profession related to marijuana in which the person is lawfully engaged and that is in compliance with the provisions of state law, including this chapter and regulations adopted under this chapter;

(4) "public health sector" means a state, federal, or local entity that works to ensure the health and safety of persons and communities through education, policymaking, treatment and prevention of injury and disease, and promotion of wellness;

(5) "public safety sector" means a state, federal, or local law enforcement authority that provides for the welfare and protection of the general public through the enforcement of applicable laws;

(6) "rural area" means a community with a population of 7,000 or less that is not connected by road or rail to Anchorage or Fairbanks, or with a population of 2,000 or less that is connected by road or rail to Anchorage or Fairbanks.

Sec. 17.38.091. Terms of office; chair.

(a) Members of the board serve staggered three-year terms.

(b) Except as provided in [AS 39.05.080\(4\)](#), a member of the board serves until a successor is



appointed.

(c) A vacancy occurring in the membership of the board shall be filled within 30 days by appointment of the governor for the unexpired portion of the vacated term.

(d) A member who has served all or part of three successive terms on the board may not be reappointed to the board unless three years have elapsed since the person has last served on the board.

(e) The board shall select a chair from among its members.

Sec. 17.38.101. Per diem and expenses.

Members of the board do not receive a salary but are entitled to per diem and travel expenses authorized for boards and commissions under [AS 39.20.180](#).

Sec. 17.38.111. Meetings.

(a) The board shall meet at the call of the chair. The board shall also meet at least once each year in each judicial district of the state to study this chapter and existing board regulations in light of statewide and local issues. Unless impracticable, the board shall hold its regular meetings at the same location as and within 24 hours of the regular meetings of the Alcoholic Beverage Control Board.

(b) Three members of the board constitute a quorum for the conduct of business. A majority of the whole membership of the board must approve applications for new licenses, renewals, transfers, suspensions, and revocations of existing licenses, and product approvals as provided in regulations adopted by the board.

Sec. 17.38.121. Powers and duties of the board.

(a) The board shall control the cultivation, manufacture, and sale of marijuana in the state. The board is vested with the powers and duties necessary to enforce this chapter.



(b) The board shall

(1) propose and adopt regulations;

(2) establish by regulation the qualifications for licensure including fees and factors related to the applicant's experience, criminal justice history, and financial interests;

(3) review applications for licensure made under this chapter and may order the executive director to issue, renew, suspend, or revoke a license authorized under this chapter; and

(4) hear appeals from actions of the director and from actions of officers and employees charged with enforcing this chapter and the regulations adopted under this chapter.

(c) When considering an application for licensure, the board may reduce the area to be designated as the licensed premises from the area applied for if the board determines that a reduction in area is necessary to ensure control over the sale and consumption of marijuana on the premises or is otherwise in the public interest.

(d) The board shall adopt regulations under this chapter in accordance with [AS 44.62](#) (Administrative Procedure Act).

(e) The board may employ, directly or through contracts with other departments and agencies of the state, enforcement agents and staff it considers necessary to carry out the purposes of this chapter. The salaries of personnel of the board in the exempt service shall be set by the Department of Administration.

(f) The board shall promptly notify all licensees and municipalities of major changes to this chapter and to regulations adopted under this chapter. However, if changes affect only specific classifications of licenses and permits, the board need only notify those licensees and municipalities directly affected by the changes. Current copies of this chapter and current copies of the regulations adopted under this chapter shall be made available at all offices in the state of the Department of Commerce, Community, and Economic Development and the detachment headquarters and posts maintained by the division of Alaska state troopers in the Department of Public Safety.

Sec. 17.38.131. Enforcement powers.



The director and the persons employed for the administration and enforcement of this chapter may, with the concurrence of the commissioner of public safety, exercise the powers of peace officers when those powers are specifically granted by the board. Powers granted by the board under this section may be exercised only when necessary for the enforcement of the criminally punishable provisions of this chapter, other criminal statutes relating to substances or activities regulated or permitted under this chapter, regulations of the board, and other criminally punishable laws and regulations relating to marijuana.

Sec. 17.38.140. Appointment and removal of director; staff.

(a) The director of the Alcoholic Beverage Control Board appointed under [AS 04.06.070](#) shall serve as the director of the board. The board may remove the director by a majority vote of the full membership of the board and a majority vote of the full membership of the Alcoholic Beverage Control Board. The governor may remove the executive director as provided in [AS 04.06.070](#).

(b) The paid staff of the Alcoholic Beverage Control Board created in [AS 04.06.010](#) shall also be the staff for the board.

Sec. 17.38.150. Duties of director.

The director shall enforce this chapter and regulations adopted by the board. The director shall issue, renew, transfer, suspend, or revoke all licenses and permits and issue product approvals at the direction of the board. The board may delegate to the director the authority to temporarily grant or deny the issuance, renewal, or transfer of licenses and permits. The director's temporary grant or denial of the issuance, renewal, or transfer of a license or permit is not binding on the board. The board may delegate to the director any duty imposed by this chapter except its power to propose and adopt regulations.

Sec. 17.38.190. Rulemaking.

(a) Not later than nine months after February 24, 2015, the board shall adopt regulations necessary for implementation of this chapter. Such regulations shall not prohibit the operation of



marijuana establishments, either expressly or through regulations that make their operation unreasonably impracticable. Such regulations shall include

- (1) procedures for the issuance, renewal, suspension, and revocation of a registration to operate a marijuana establishment, with such procedures subject to all requirements of [AS 44.62](#) (Administrative Procedure Act);
 - (2) a schedule of application, registration, and renewal fees, provided, application fees shall not exceed \$5,000, with this upper limit adjusted annually for inflation, unless the board determines a greater fee is necessary to carry out its responsibilities under this chapter;
 - (3) qualifications for registration that are directly and demonstrably related to the operation of a marijuana establishment;
 - (4) security requirements for marijuana establishments, including for the transportation of marijuana by marijuana establishments;
 - (5) requirements to prevent the sale or diversion of marijuana and marijuana products to persons under the age of 21;
 - (6) labeling requirements for marijuana and marijuana products sold or distributed by a marijuana establishment;
 - (7) health and safety regulations and standards for the manufacture of marijuana products and the cultivation of marijuana;
 - (8) reasonable restrictions on the advertising and display of marijuana and marijuana products; and
 - (9) civil penalties for the failure to comply with regulations made pursuant to this chapter.
- (b) 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 than government-issued identification to determine the consumer's age, and a retail marijuana store shall not be required to acquire and record personal information about consumers.
-



Sec. 17.38.200. Marijuana establishment registrations..

- (a) Each application or renewal application for a registration to operate a marijuana establishment shall be submitted to the board. A renewal application may be submitted up to 90 days prior to the expiration of the marijuana establishment's registration.
- (b) The board shall begin accepting and processing applications to operate marijuana establishments one year after February 24, 2015.
- (c) Upon receiving an application or renewal application for a marijuana establishment, the board shall immediately forward a copy of each application and half of the registration application fee to the local regulatory authority for the local government in which the applicant desires to operate the marijuana establishment, unless the local government has not designated a local regulatory authority pursuant to [AS 17.38.210\(c\)](#).
- (d) Within 45 to 90 days after receiving an application or renewal application, the board shall issue an annual registration to the applicant unless the board finds the applicant is not in compliance with regulations enacted pursuant to [AS 17.38.190](#) or the board is notified by the relevant local government that the applicant is not in compliance with ordinances and regulations made pursuant to [AS 17.38.210](#) and in effect at the time of application.



(e) If a local government has enacted a numerical limit on the number of marijuana establishments and a greater number of applicants seek registrations, the board shall solicit and consider input from the local regulatory authority as to the local government's preference or preferences for registration.

(f) Upon denial of an application, the board shall notify the applicant in writing of the specific reason for its denial.

(g) Every marijuana establishment registration shall specify the location where the marijuana establishment will operate. A separate registration shall be required for each location at which a marijuana establishment operates.

(h) Marijuana establishments and the books and records maintained and created by marijuana establishments are subject to inspection by the board.

(i) A marijuana establishment may not be registered under this chapter if a person who is an owner, officer, or agent of the marijuana establishment has been convicted of a felony and either

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

(2) the person is currently on probation or parole for that felony.

Sec. 17.38.210. Local control..

(a) A local government may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or by a voter initiative.

(b) A local government may enact ordinances or regulations not in conflict with this chapter or with regulations enacted pursuant to this chapter, governing the time, place, manner, and number of marijuana establishment operations. A local government may establish civil penalties for violation of an ordinance or regulation governing the time, place, and manner of a marijuana establishment that may operate in such local government.

(c) A local government may designate a local regulatory authority that is responsible for processing applications submitted for a registration to operate a marijuana establishment within the boundaries of the local government. The local government may provide that the local



regulatory authority may issue such registrations should the issuance by the local government become necessary because of a failure by the board to adopt regulations pursuant to [AS 17.38.190](#) or to accept or process applications in accordance with [AS 17.38.200](#).

(d) A local government may establish procedures for the issuance, suspension, and revocation of a registration issued by the local government in accordance with (f) of this section or (g) of this section. These procedures shall be subject to all requirements of [AS 44.62](#) (Administrative Procedure Act).

(e) A local government may establish a schedule of annual operating, registration, and application fees for marijuana establishments, provided, the application fee shall only be due if an application is submitted to a local government in accordance with (f) of this section and a registration fee shall only be due if a registration is issued by a local government in accordance with (f) of this section or (g) of this section.

(f) If the board does not issue a registration to an applicant within 90 days of receipt of the application filed in accordance with [AS 17.38.200](#) and does not notify the applicant of the specific, permissible reason for its denial, in writing and within such time period, or if the board has adopted regulations pursuant to [AS 17.38.190](#) and has accepted applications pursuant to [AS 17.38.200](#) but has not issued any registrations by 15 months after the effective date of this Act, the applicant may resubmit its application directly to the local regulatory authority, pursuant to (c) of this section, and the local regulatory authority may issue an annual registration to the applicant. If an application is submitted to a local regulatory authority under this subsection, the board shall forward to the local regulatory authority the application fee paid by the applicant to the board upon request by the local regulatory authority.

(g) If the board does not adopt regulations required by [AS 17.38.190](#), an applicant may submit an application directly to a local regulatory authority after one year after February 24, 2015 and the local regulatory authority may issue an annual registration to the applicant.

(h) A local regulatory authority issuing a registration to an applicant shall do so within 90 days of receipt of the submitted or resubmitted application unless the local regulatory authority finds and notifies the applicant that the applicant is not in compliance with ordinances and regulations made pursuant to (b) of this section in effect at the time the application is submitted to the local regulatory authority. The local government shall notify the board if an annual registration has been issued to the applicant.

(i) A registration issued by a local government in accordance with (f) of this section or (g) of this



section shall have the same force and effect as a registration issued by the board in accordance with [AS 17.38.200](#). The holder of such registration shall not be subject to regulation or enforcement by the board during the term of that registration.

(j) A subsequent or renewed registration may be issued under (f) of this section on an annual basis only upon resubmission to the local government of a new application submitted to the board pursuant to [AS 17.38.200](#).

(k) A subsequent or renewed registration may be issued under (g) of this section on an annual basis if the board has not adopted regulations required by [AS 17.38.190](#) at least 90 days prior to the date upon which such subsequent or renewed registration would be effective or if the board has adopted regulations pursuant to [AS 17.38.190](#) but has not, at least 90 days after the adoption of such regulations, issued registrations pursuant to [AS 17.38.200](#).

(l) Nothing in this section shall limit such relief as may be available to an aggrieved party under [AS 44.62](#) (Administrative Procedure Act).

Sec. 17.38.220. Employers, driving, minors, and control of property..

(a) Nothing in this chapter is intended to require an employer to permit or accommodate the use, consumptions, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace or to affect the ability of employers to have policies restricting the use of marijuana by employees.

(b) Nothing in this chapter is intended to allow driving under the influence of marijuana or to supersede laws related to driving under the influence of marijuana.

(c) Nothing in this chapter is intended to permit the transfer of marijuana, with or without remuneration, to a person under the age of 21.

(d) Nothing in this chapter shall prohibit a person, employer, school, hospital, recreation or youth center, correction facility, corporation, or any other entity who occupies, owns, or controls private property from prohibiting or otherwise regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property.



Sec. 17.38.230. Impact on medical marijuana law..

Nothing in this chapter shall be construed to limit any privileges or rights of a medical marijuana patient or medical marijuana caregiver under [AS 17.37](#).

Sec. 17.38.900. Definitions...

As used in this chapter, unless the context otherwise requires,

- (1) “board” means the Marijuana Control Board established by [AS 17.38.080](#);
- (2) “consumer” means a person 21 years of age or older who purchases marijuana or marijuana products for personal use by persons 21 years of age or older, but not for resale to others;
- (3) “consumption” means the act of ingesting, inhaling, or otherwise introducing marijuana into the human body;
- (4) “director” means the director of the Marijuana Control Board and the Alcoholic Beverage Control Board;
- (5) “local government” means both home rule and general law municipalities, including boroughs and cities of all classes and unified municipalities;
- (6) “local regulatory authority” means the office or entity designated to process marijuana establishment applications by a local government;
- (7) “marijuana” means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate; “marijuana” does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products;
- (8) “marijuana accessories” means any equipment, products, or materials of any kind which are



used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body;

(9) “marijuana cultivation facility” means an entity registered to cultivate, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers;

(10) “marijuana establishment” means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store;

(11) “marijuana product manufacturing facility” means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers;

(12) “marijuana products” means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures;

(13) “marijuana testing facility” means an entity registered to analyze and certify the safety and potency of marijuana;

(14) “registration” means registration or licensure, as determined by regulation;

(15) “retail marijuana store” means an entity registered to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers;

(16) “unreasonably impracticable” means that the measures necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or asset that the operation of a marijuana establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.

MARIJUANA HANDLERS™ - Key Points

- Alaska find and declare that the use of marijuana should be legal for persons 21 years of age or older.



- A person who violates this section is guilty of a violation punishable by a fine of up to \$400.
- Lawful operation of marijuana-related facilities - retail marijuana store, cultivation facility.
- Lawful - delivering or transferring marijuana or marijuana products to a marijuana testing facility; delivering or selling marijuana or marijuana products to a retail marijuana store or a marijuana product manufacturing facility.
- Marijuana Control Board, five voting members.
- The board shall control the cultivation, manufacture, and sale of marijuana in the state.
- Members of the board serve staggered three-year terms
- A renewal application may be submitted up to 90 days prior to the expiration of the marijuana establishment's registration.
- Within 45 to 90 days after receiving an application or renewal application, the board shall issue an annual registration to the applicant.
- A local government may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or by a voter initiative.
- Nothing in this chapter is intended to require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace or to affect the ability of employers to have policies restricting the use of marijuana by employees.



MARIJUANA HANDLERS™ - Lesson Introduction - MHC/106

Detailed study of state regulation 3 AAC 306.

MARIJUANA HANDLERS™ - Lesson Goals

- Student should understand the state regulation as it pertains to the regulation of Alaska's Marijuana industry.

MARIJUANA HANDLERS™ - Lesson Outline

- Chapter 306. Regulation of Marijuana Industry.
 - .0 Licensing (3 AAC 306.005 - 3AAC 306.095)
 - MARIJUANA HANDLERS™ - Key Points
 - .1 Fees (3 AAC 306.100)
 - .2 Local Options (3 AAC 306.200 - 3AAC 306.260)
 - MARIJUANA HANDLERS™ - Key Points
 - .3 Retail Marijuana Stores (3 AAC 306.300 - 3AAC 306.365)
 - MARIJUANA HANDLERS™ - Key Points
 - .4 Marijuana Cultivation Facilities (3 AAC 306.400 - 3AAC 306.480)
 - MARIJUANA HANDLERS™ - Key Points
 - .5 Marijuana Product Manufacturing Facilities (3 AAC 306.500 - 3AAC 306.570)
 - MARIJUANA HANDLERS™ - Key Points
 - .6 Marijuana Testing Facilities (3 AAC 306.600 - 3AAC 306.675)
 - MARIJUANA HANDLERS™ - Key Points
 - .7 Operating Requirements for All Marijuana Establishments (3 AAC 306.700 - 3AAC 306.770)
 - MARIJUANA HANDLERS™ - Key Points
 - .8 Enforcement, Civil Penalties (3 AAC 306.800 - 3AAC 306.850)
 - MARIJUANA HANDLERS™ - Key Points
 - .9 General Provisions (3 AAC 306.905 - 3AAC 306.990)
 - MARIJUANA HANDLERS™ - Key Points
 - Lesson Quiz
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Article 1. Licensing.

Section

- 3 AAC 306.005. License required
- 3 AAC 306.010. License restrictions
- 3 AAC 306.015. License conditions
- 3 AAC 306.020. Application for new license
- 3 AAC 306.025. Application procedure
- 3 AAC 306.030. Petition for license in area with no local government
- 3 AAC 306.035. Application for renewal of license
- 3 AAC 306.040. Ownership change to be reported
- 3 AAC 306.045. Application for transfer of a license to another person
- 3 AAC 306.050. Relocation of licensed premises not allowed
- 3 AAC 306.055. Criminal justice information and records
- 3 AAC 306.060. Protest by local government
- 3 AAC 306.065. Public participation
- 3 AAC 306.070. Hearing on public protest
- 3 AAC 306.075. Procedure for action on license application
- 3 AAC 306.080. Denial of license application
- 3 AAC 306.085. Informal conference
- 3 AAC 306.090. Formal hearing
- 3 AAC 306.095. Appeals

.0 Licensing (3 AAC 306.005 - 3AAC 306.095)

3 AAC 306.005. License required.

A marijuana establishment may not operate in the state unless it has obtained the applicable marijuana establishment license from the board. The board will issue the following marijuana establishment licenses under this chapter:

- (1) a retail marijuana store license, granting authority for activities allowed under AS



17.38.070(a), and subject to the provisions of 3 AAC 306.300 - 3 AAC 306.360 and 3 AAC 306.700 - 3AAC 306.755;

(2) a marijuana cultivation facility license, as described in 3 AAC 306.405 - 3 AAC 306.410, granting authority for activities allowed under AS 17.38.070(b), and subject to the provisions of 3 AAC 306.400 - 3 AAC 306.480 and 3 AAC 306.700 - 3AAC 306.755;

(3) a marijuana product manufacturing facility license, as described in 3 AAC 306.505 and 3 AAC 306.515, granting authority for activities allowed under AS 17.38.070(c), and subject to the provisions of 3 AAC 306.500 - 3 AAC 306.570 and 3 AAC 306.700 - 3 AAC 306.755; and

(4) a marijuana testing facility license, granting authority for activities allowed under AS 17.38.070(d), and subject to the provisions of 3 AAC 306.600 - 3 AAC 306.675 and 3 AAC 306.700 - 3AAC 306.755.

3 AAC 306.010. License restrictions.

(a) The board will not issue a marijuana establishment license if the licensed premises will be located within 500 feet of a school grounds, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility. The distance specified in this subsection must be measured by the shortest pedestrian route from the public entrance of the building in which the licensed premises would be located to the outer boundaries of the school, recreation or youth center, or the main public entrance of the building in which religious services are regularly conducted, or the correctional facility. This section does not prohibit the renewal of an existing marijuana establishment license or the transfer of an existing marijuana establishment license to another person if the licensed premises were in use before the school, recreation or youth center, the building in which religious services are regularly conducted, or the correctional facility began use of a site within 500 feet. If an existing marijuana establishment license for premises located within 500 feet of a school, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility is revoked, or expires, the board will not issue another marijuana establishment license for the same premises unless the school, the recreation or youth center, the building in which religious services are regularly conducted, or the correctional facility no longer occupies the site within 500 feet.

(b) The board will not issue a marijuana establishment license if the licensed premises will be



located in a liquor license premises.

(c) The board will not issue a marijuana establishment license when a local government protests an application under 3 AAC 306.060 on the grounds that that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

(d) The board will not issue a marijuana establishment license to a person that

(1) is prohibited under AS 17.38.100(i) from receiving a marijuana establishment license because of a conviction of a felony; if the applicant is a partnership, limited liability company, or corporation, the board will not issue a license if any person named in 3 AAC 306.020(b)(2) is prohibited under AS 17.38.100(i) from obtaining a license; in this paragraph, "conviction of a felony" includes a suspended imposition of sentence;

(2) has been found guilty of

(A) selling alcohol without a license in violation of AS 04.11.010; or

(B) selling alcohol to a minor in violation of AS 04.16.051
or AS 04.16.052; or

(C) a misdemeanor crime involving a controlled substance, violence against a person, use of a weapon, or dishonesty within the preceding five years

(3) has, within two years before submitting an application, been convicted of a class A misdemeanor relating to selling, furnishing, or distributing marijuana or operating an establishment where marijuana is consumed contrary to state law..

3 AAC 306.015. License conditions.

(a) The board will issue each marijuana establishment license to a specific individual, to a partnership, including a limited partnership, to a limited liability company, to a corporation, or to a local government. A person other than a licensee may not have a direct or indirect financial interest in the business for which a marijuana establishment license is issued.



(b) The board will not issue a marijuana establishment license to

(1) an individual or a sole proprietorship unless the individual or proprietor is a resident of the state;

(2) a partnership unless each partner is a resident of the state;

(3) a limited liability company unless the limited liability company is qualified to do business in the state, and each member of the limited liability company is a resident of the state; or

(4) a corporation unless the corporation is incorporated or qualified to do business in the state, and each shareholder is a resident of the state.

(c) The board will issue each license for a specific location identified on the license as the licensed premises. A marijuana establishment must have a right to possession of its licensed premises at all times, and may not lease its licensed premises to another person for any reason. If a marijuana establishment wishes to reduce or expand the area of the licensed premises used for a marijuana establishment, the marijuana establishment must submit a new line drawing showing the proposed changes to the premises, and must obtain the board's written approval. A marijuana establishment may not relocate its licensed premises to a different place without obtaining a license for the new premises.

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

(e) In this section, (1) "direct or indirect financial interest" means

(A) a legal or equitable interest in the operation of a business licensed under this chapter;

(B) does not include a person's right to receive (i) rental charges on a graduated or percentage lease-rent

agreement for real estate leased to a licensee; or (ii) a consulting fee from a licensee for services that are allowed under this chapter;

(2) "resident of the state" means a person who meets the residency requirement for voting in Alaska and is not registered to vote in any other state.



3 AAC 306.020. Application for new license

(a) An applicant for a new marijuana establishment license must file an application as provided in 3 AAC 306.025, on a form the board prescribes, with the information and documents described in this section, along with the application fee and the annual license fee set out in 3 AAC 306.100, and the fingerprint cards and fees required by 3 AAC 306.055(a). The application must be initiated electronically; the completed application and fees may be filed electronically, or mailed or delivered to the director at the office of the board.

(b) An application for a new marijuana establishment license must include

(1) the name of the applicant and any business name the applicant will use for the proposed marijuana establishment, along with the applicant's state business license number issued under AS 43.70;

(2) the name, mailing address, telephone number, and social security number of each proposed licensee; unless the context requires otherwise, "licensee" means each individual named in an application that complies with this section; an individual to be identified as a licensee under this section includes

(A) if the applicant is an individual or a sole proprietor, the individual or sole proprietor;

(B) if the applicant is a partnership, including a limited partnership, and each general partner and each partner holding any interest in the partnership;

(C) if the applicant is a limited liability company, each member holding any ownership interest and each manager;

(D) if the applicant is a corporation, each owner of any of the corporation's stock, each officer, and each director;
and

(E) if the applicant is a local government, an authorized official of the local government;

(3) for each applicant that is not an individual, the applicable documents and information as follows:



(A) for a partnership, including a limited partnership, the partnership agreement, the name of each general or managing partner, and a list of all partners with the percentage of ownership of each partner;

(B) for a limited liability company, the limited liability company agreement, and a list of all members with the percentage of ownership of each member;

(C) for a corporation, the certificate of incorporation, the corporate bylaws, the name of each corporate officer and each director, and a list of all shareholders with the percentage of ownership of each shareholder;

(D) for a local government, a resolution of the governing body approving the application and designating an official responsible for the proposed marijuana establishment;

(4) for each person listed in compliance with (2) of this subsection, a statement of financial interest on a form the board prescribes;

(5) for each applicant that is not an individual, the name of the individual licensee or designated government official listed in the application under (2) of this subsection who is responsible for

(A) management of the marijuana establishment; and

(B) compliance with state laws; (6) an electronic mail address at which the applicant agrees to receive any correspondence from the board before and after it receives a license; an applicant and a licensee must ensure that any electronic mail address provided to the board is current so that the board can contact the applicant or licensee at any time;

(7) the type of license the applicant is requesting;

(8) the address of the premises to include global positioning system (GPS) coordinates where the applicant intends to operate a marijuana establishment, and a detailed diagram of the proposed licensed premises; the diagram must show all entrances and boundaries of the premises, restricted access areas, and storage areas;

(9) the title, lease, or other documentation showing the applicant's sole right to possession of the proposed licensed

premises; (10) affidavit showing where and when the applicant posted notice of the application, and proof of advertising as required in 3 AAC 306.025(b); and



(11) additional information that the board requires as follows:

- (A) for a retail marijuana store, the information required under 3 AAC 306.315;
- (B) for a marijuana cultivation facility, the information required under 3 AAC 306.420;
- (C) for a marijuana product manufacturing facility, the information required under 3 AAC 306.520;
- (D) for a marijuana testing facility, the information required under 3 AAC 306.615.

(c) A marijuana establishment license application must include the applicant's operating plan, in a format the board prescribes, describing to the board's satisfaction the proposed marijuana establishment's plans for

- (1) security;
- (2) inventory tracking of all marijuana and marijuana products on the premises;
- (3) employee qualification and training;
- (4) waste disposal;
- (5) transportation and delivery of marijuana and marijuana products; and
- (6) signage and advertising.

(d) An application for a marijuana establishment license must be signed by

- (1) the applicant, if the applicant is an individual;
- (2) an authorized general partner if the applicant is a partnership, including a limited partnership;
- (3) a member who owns at least 10 percent of the limited liability company if the applicant is a limited liability company;



- (4) the authorized officers of the corporation if the applicant is a corporation; or
 - (5) a designated official if the applicant is a local government.
- (e) Each person signing an application for a marijuana establishment license must declare under penalty of unsworn falsification that
- (1) the application is true, correct, and complete;
 - (2) the applicant has read and is familiar with AS17.38 and this chapter; and
 - (3) the applicant will provide all information the board requires in support of the application.
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3 AAC 306.025. Application procedure.

- (a) An applicant shall initiate a new marijuana establishment license application on a form the board prescribes, using the board's electronic system.
- (b) As soon as practical after initiating a new marijuana license application, the applicant shall give notice of the application to the public by days at
 - (1) posting a copy of the application, on the form the board prescribes, for 10
 - (A) the location of the proposed licensed premises; and
 - (B) one other conspicuous location in the area of the proposed premises; and
 - (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, by 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 applied for along with a citation to a provision of this chapter authorizing that type of license; and

(D) a statement that any comment or objection may be submitted to the board; and amendments, and non-substantive changes by

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

(A) each local government with jurisdiction over the licensed premises; 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 shall pay the application and licensing fees set out in 3 AAC 306.100. The applicant must then use the board's electronic system to inform the board that the applicant has submitted a complete application.

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

(1) the applicant;

(2) each 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 is incomplete, the director shall notify the applicant by email at the address provided by the applicant, and will 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 shall file a new application and pay a new application fee to obtain a marijuana establishment license.

AS 17.38.084 3 AAC 306.030. Petition for license in area with no local government.

(a) The board will not approve a new license in an area outside, but within 50 miles of, the boundary of a local government unless the board receives a petition to issue the license signed by a majority of the permanent residents residing within one mile of the proposed premises.

(b) The board will not approve a new license in an area that is 50 miles or more from the boundary of a local government unless the board receives a petition to issue the license containing the signatures of two-thirds of the permanent residents residing within a radius of five miles of the United States post office station nearest to the proposed licensed premises. If there is no United States post office station within a radius of five miles of the proposed licensed premises, the petition must be signed by two-thirds of the permanent residents residing within a five mile radius of the proposed licensed premises.

(c) A petition authorized by this section must be on a form the board prescribes. The applicant must obtain the required signatures within the 90 day period immediately before submitting the petition to the board. A signature may not be added to or removed from the petition after the board has approved the application.

(d) In this section, "permanent resident" means a person 21 years of age or older who has established a permanent place of abode. A person may be a permanent resident of only one place.

AS 17.38.084 3 AAC 306.035. Application for renewal of license.

(a) On or before May 1 of each year, the director shall send notice that a marijuana establishment must file a renewal application not later than June 30 of the current year. The director shall send the notice to the marijuana establishment's electronic mailing address on file with the board. The notice will include a hyperlink for the marijuana establishment to access the electronic renewal



application by means of the internet, along with instructions on using and submitting the form. The marijuana establishment must submit the completed renewal application electronically, along with the license renewal fee, to the director no later than June 30 of each year; if June 30 falls on a Saturday or Sunday, the deadline is extended to 4:30 p.m. on the first business day following June 30. A marijuana establishment must maintain a current electronic mailing address on file with the director. A marijuana establishment is not excused from filing a renewal application as required in this section even if the marijuana establishment fails to receive a renewal notice from the director.

(b) A marijuana establishment's renewal application must

(1) identify the license sought to be renewed by license number, license type, establishment name, and premises address;

(2) provide the information required for a new license application under 3 AAC 306.020(b)(1)-(9);

(3) report any change from the marijuana establishment's new license application or last renewal application, and pay the fee as provided in 3 AAC 306.100 for board review of any change in

(A) the name of the marijuana establishment business;

(B) the licensed premises from the last diagram submitted; and

(C) the marijuana establishment's operating plan;

(D) any new product a licensed marijuana product manufacturing facility wishes to produce;

(4) report, for each licensee listed in 3 AAC 306.020(b)(2),

(A) any criminal charge on which that licensee has been convicted in the previous two calendar years; and

(B) any civil violation of AS 04, AS 17.38, or this chapter in the previous two calendar years; and

(5) declare under penalty of unsworn falsification that

(A) the application is true, correct and complete;

(B) the applicant has read and is familiar with AS 17.38 and this chapter; and



(C) the applicant will provide all information the board requires in support of the renewal application.

(c) If the director determines that the renewal application is complete, the director shall give written notice of a renewal application to

(1) the applicant;

(2) each 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.

(d) The director may require an applicant for renewal of a license under this chapter to submit fingerprints and pay fees as required by 3 AAC 306.055(a).

(e) A licensee that does not deliver a renewal application to the director on or before June 30 of each year is delinquent, and must pay a non-refundable \$1,000 late renewal application fee with the renewal application.

(f) On or before August 15 of each year, the director shall deliver a notice of expiration to each marijuana establishment that has not filed a complete application for renewal of a license, along with any applicable affidavit and the required fee, unless the marijuana establishment has notified the director that it does not intend to seek a renewal of its license. The director shall deliver the notice of expiration to the electronic mail address the marijuana establishment has provided to the director. A marijuana establishment is not excused from filing a license renewal application not later than August 31 of each year even if the marijuana establishment does not receive the notice of expiration described in this section.

(g) If a marijuana establishment fails to deliver a complete license renewal application, or fails to pay the required renewal fee and the late renewal application fee on or before August 31 of each year, that marijuana establishment license expires at 12:00 midnight on August 31 of that year. A holder of an expired license shall immediately return the license to the board. Any holder of an expired license that seeks authority to operate must file a complete new application under 3 AAC 306.020, and 3 AAC 306.025, along with the required fees.



3 AAC 306.040. Ownership change to be reported

- (a) A licensed marijuana establishment shall, not later than 10 days after an ownership change, report the change on a form prescribed by the board.
 - (b) If any change required to be reported under this section will result in a change in controlling interest of the marijuana establishment license, the marijuana establishment must file an application for transfer of license to another person under 3 AAC 306.045.
 - (c) An individual identified in this section shall submit the individual's fingerprints and the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information. The director shall follow the procedure set out in 3 AAC 306.055(b) for submitting the fingerprints of any individual added under this section.
 - (d) In this section, "ownership change" means
 - (1) if the licensee is a partnership, including a limited partnership, any change in the identity of the partners, or in the ownership percentages held by any partners;
 - (2) if the licensee is a limited liability company, any change in the identity of the members, or in the ownership percentage held by any member; or
 - (3) if the licensee is a corporation, any sale of corporate stock to a person not currently an owner, or any change of the percentage ownership of an existing shareholder.
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AS 17.38.084 3 AAC 306.045. Application for transfer of a license to another person.

- (a) A person may not receive or transfer a marijuana establishment license or a controlling interest in a marijuana establishment license issued to a partnership, including a limited partnership, a limited liability company, a corporation or a local government, without applying for and receiving the written consent of the board. Transfer of a license includes a sale of all or part of the interest of an individual owner.
- (b) An application for transfer of a marijuana establishment license, or of a controlling interest in a marijuana establishment license issued to a partnership, a limited liability company, a



corporation or a local government, must be filed in writing on a form the board prescribes, in compliance with the application procedure set out in 3 AAC 306.025. The application must name the current holder of the marijuana establishment license and the proposed transferee, including all persons listed in 3 AAC 306.020 if the transferee is a partnership, limited liability company, a corporation, or a local government. The application must contain the following information:

(1) the same information about each transferee as is required of an applicant for a new license under 3 AAC 306.020;

(2) a statement, under oath, executed by the current holder of the marijuana establishment license, listing all debts of the business, all taxes the business owes, current contact information for each creditor, and an affirmation that the current holder of the marijuana establishment license has submitted a copy of the transfer application to all creditors; and

(3) any other information required by the board for the type of marijuana establishment license sought to be transferred.

(c) When the board receives a complete application for transfer of a license to another person, the director shall immediately send written notice of the proposed transfer to

(1) each listed creditor of the current holder of the marijuana establishment license, along with the amount shown as owed to that creditor;

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

(3) the community council if the 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.

(d) A current holder of a marijuana establishment license must submit a license renewal application before or at the same time as an application for a transfer of a marijuana establishment license that is submitted after April 30 and before July 1.

AS 17.38.084 3 AAC 306.050. Relocation of licensed premises not allowed.



A marijuana establishment license may not be relocated to any other premises. A holder of a marijuana establishment license that wishes to operate a marijuana establishment at a different location must submit a new application for any new premises, and must surrender an existing license for any premises where the marijuana establishment does not intend to continue its operation.

3 AAC 306.055. Criminal justice information and records.

(a) When filing an application for a new marijuana establishment license or transfer of a license, the applicant, including each individual listed in 3 AAC 306.020(b)(2), must submit the person's fingerprints and the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check.

(b) The director shall submit the fingerprints to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400. The board will use the information obtained under this section to determine if an applicant is qualified for a marijuana establishment license.

(c) In this section, "criminal justice information" has the meaning given in AS 12.62.900.

AS 17.38.084 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, renewal of a marijuana establishment license, 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 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, renewal of a license, 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 will 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.

(d) In this section, "local government" means each local government with jurisdiction over the licensed premises.

3 AAC 306.065. Public participation

A person may object to an application for a new license, renewal of a license, or transfer of a license to another person by submitting a written statement of reasons for the objection to the board and the applicant not later than 30 days after the director has determined that the application is complete and has given written notice to the local government in accordance with 3 AAC 306.025. The objection must be sent to the applicant at the mailing address or electronic mail address provided in the notice of application and also to the board. If the board determines to conduct a public hearing under this section, an interested person may give oral testimony at the public hearing.

Editor's note: The address for sending objections to the Marijuana Control board is the Anchorage office of the Alcohol and Marijuana Control Office, 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501; email: marijuana.licensing@alaska.gov.

AS 17.38.084 3 AAC 306.070. Hearing on public protest.

The board may, on its own initiative or in response to an objection or protest, hold a hearing to ascertain the reaction of the public or a local government to an application. The director will send notice of a hearing under this section as provided in AS 44.62.

AS 17.38.084 3 AAC 306.075. Procedure for action on license application.



(a) The board will decide whether to grant or deny an application not later than 90 days after receiving the complete application. However, the board will not grant or deny the application before the time allowed for a protest under 3 AAC 306.060, unless the local government waives its right to protest.

(1) the time allowed for a protest under 3 AAC 306.060, unless the local government waives its right to protest; or

(2) the time allowed for an objection under 3 AAC 306.065 has elapsed.

(b) Not later than 7 days before the date set for board action on an application for a new license, renewal of a license, or transfer of a license to another person, the director will post a meeting agenda listing the matters scheduled for action at that meeting. The board may review an application for a new license, renewal of a license, or transfer of a license to another person, without additional notice to the applicant.

(c) The board will consider any written objection, protest, suggested condition, or petition, and any testimony received at a hearing on public protest held under 3 AAC 306.070 when it considers the application. The director will retain the written objection, protest, or suggested condition or petition, and the hearing record as part of the permanent record of the board's review of an application.

AS 17.38.084 3 AAC 306.080. Denial of license application.

(a) After review of the application, including the applicant's proposed operating plan and all relevant information, the board will deny an application for a new license if the board finds that

(1) the application is not complete as required under the applicable provisions of 3 AAC 306.020 - 3 AAC 306.055, or contains any false statement of material fact; or

(2) the license would violate any restriction in 3 AAC 306.010; or

(3) the license would violate any restriction applicable to the particular license type authorized under this chapter;

(4) the license is prohibited under this chapter as a result of an ordinance or election conducted under AS 17.38.110, 3 AAC 306.200, or 3 AAC 306.230;



(5) the board finds that the operating plan does not adequately demonstrate that the applicant will comply with applicable provisions of this chapter; or

(6) the license would not be in the best interests of the public.

(b) After review of the application and all relevant information, the board will deny an application for renewal of a marijuana establishment license if the board finds

(1) any cause listed in (a) of this section;

(2) that the license has been revoked for any cause;

(3) that the license has been operated in violation of a condition or restriction the board previously imposed; or

(4) that the applicant is delinquent in the payment of taxes due in whole or in part from operation of the licensed business.

(c) After review of the application and all relevant information, the board will deny an application for transfer of license to another person if the board finds

(1) any cause listed in (a) of this section;

(2) that the transferor has not paid all debts or taxes arising from the operation of the business licensed under this chapter unless the transferor gives security for the payment of the debts or taxes satisfactory to the creditor or taxing authority;

(3) that transfer of the license to another person would result in violation of the provisions of this chapter relating to identity of licensees and financing of licensees; or

(4) that the prospective transferee does not have the qualifications of an original applicant required under this chapter.

(d) If the board denies an application for a new license, renewal of a license, or transfer of a license to another person, the board will, not later than 15 days after the board meeting at which the application was denied, furnish a written statement of issues to the applicant, explaining the reason for the denial in clear and concise language, and identifying any statute or regulation on which the denial is based. The notice of denial will inform the applicant of the right to an informal conference under 3 AAC 306.085, and to a formal hearing under 3 AAC 306.090.



3 AAC 306.085. Informal conference.

(a) An applicant for a new license, renewal of a license, or transfer of a license to another person that is aggrieved by an action of the board denying the application may, no later than 15 days after the date of the written notice of denial, request an informal conference with the director or the board. An informal conference requested under this section must be held at a time and place convenient to the applicant and the board, but not later than the next scheduled meeting of the board. An informal conference may be conducted telephonically.

(b) If the informal conference does not resolve the matter to the applicant's satisfaction, the applicant may, within 15 days after the last day of the informal conference, request a formal hearing under 3 AAC 306.090 by filing a notice of defense in compliance with AS 44.62.380(b).

AS 17.38.084 3 AAC 306.090. Formal hearing.

An applicant for a new license, renewal of a license, or transfer of a license that is aggrieved by an action of the board denying the application may request a formal hearing by filing a notice of defense in compliance with AS 44.62.380 within 15 days after the date of the written notice of the denial, or as provided in 3 AAC 306.085(b) if the applicant requested and participated in an informal conference. Failure to file a notice of defense as provided in this section constitutes a waiver of the right to a formal hearing.

(b) When an aggrieved person requests a hearing under the section, the board may request the Office of Administrative Hearings to conduct the hearing in compliance with due process, the Alaska Administrative Procedure Act, AS 44.62.330 - AS 44.62.630, and the applicable regulations adopted by the Office of Administrative Hearings at 2 AAC 64.100 - 2 AAC 64.990.

3 AAC 306.095. Appeals.

(a) An aggrieved applicant or marijuana establishment license holder may appeal to the board regarding any action of the director, or an employee or agent of the board regarding an application for a new license, a license renewal, or a transfer of license to another person.



(b) An applicant or marijuana establishment license holder aggrieved by a final decision of the board regarding an application for a new license, a license renewal, or a transfer of license to another person may appeal to the superior court under AS 44.62.560.

.1 Fees (3 AAC 306.100)

Section

3 AAC 306.100. Fees; refund

3 AAC 306.100. Fees; refund

(a) The non-refundable application fee for a new marijuana establishment license or an application to transfer a license to another person 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.

(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.

(d) The annual license fee, to be paid with each application for a new marijuana establishment facility license and each license 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.

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

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

(g) 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.

(h) The fee for a second or subsequent inspection for a new marijuana establishment is \$500. The fee applies to an inspection requested after a marijuana establishment fails a preliminary inspection, and is not issued a license. The director may waive the fee upon submission of a written request.

.2 Local Options (3 AAC 306.200 - 3AAC 306.260)

Section

3 AAC 306.200. Local options

3 AAC 306.210. Change of local option

3 AAC 306.220. Removal of local option

3 AAC 306.230. Procedure for local option election

3 AAC 306.240. Prohibition of importation or purchase after election



3 AAC 306.250. Effect on licenses of restriction on sale

3 AAC 306.260. Notice of the results of a local option election

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 types:

(A) a retail marijuana store;

(B) a marijuana cultivation facility;

(C) a marijuana product manufacturing facility; or

(D) a marijuana testing facility.

(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 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 under other provisions of this chapter.



3 AAC 306.210. Change of local option.

If a majority of persons voting on the question vote to approve a local option different from one previously adopted under this section and currently in effect, or if the local government's assembly or city council passes an ordinance to the same effect, the local government shall change the local option to the newly approved option. A ballot question to change a local option under this section must at least contain language substantially similar to: "Shall (name of local government) change the local option currently in effect, that prohibits (current local option), and adopt in its place a local option to

3 AAC 306.220. Removal of local option.

(a) If a majority of the persons voting on the question vote to remove a local option previously adopted under this section and currently in effect, or if a local government's assembly or city council passes an ordinance to the same effect, that local option is repealed effective the first day of the month after the election is certified. A ballot question to remove a local option under this section must at least contain language substantially similar to: "Shall (name of local government) remove the local option currently in effect, that prohibits (current local option), so that no local option continues in effect? (yes or no)."

(b) When issuing a license within the boundaries of a local government that has removed a local option, the board will give priority to any formerly licensed applicant whose license was not renewed because of the results of the previous local option election. However, an applicant described in this subsection does not have a legal right to a license and the board is not required to approve the application.

3 AAC 306.230. Procedure for local option election.

When it receives a petition to adopt, change, or remove a local option under 3 AAC 306.200 or 3 AAC 306.220, the local government shall conduct the election in compliance with the initiative process under the local government's election ordinances and regulations and the applicable provisions of AS 29.



3 AAC 306.240. Prohibition of importation or purchase after election.

- (a) If a majority of the voters vote to prohibit the importation for sale of marijuana and any marijuana product under 3 AAC 306.200(a)(3), or if the local government’s assembly or city council passes an ordinance to the same effect, a person, beginning on the first day of the month after the results of the election are certified, may not knowingly bring, send, or transport marijuana or marijuana products for sale into the area within the boundary of the local government.
- (b) A person who resides within the boundary of a local government that has adopted a local option under 3 AAC 306.200(a) may not purchase marijuana or a marijuana product from another person that has brought, sent, or transported marijuana or a marijuana product into the local government for sale in violation of the local option.
- (c) Notwithstanding (a) or (b) of this section, a licensed marijuana establishment may transport marijuana or any marijuana product through the boundaries of a local government that has prohibited importation or purchase of marijuana if the marijuana or marijuana product is shipped with an attached transport manifest created in compliance with 3 AAC 306.750 and documenting that the shipment originates and terminates in a place that does not prohibit importation and purchase of marijuana or a marijuana product.
- (d) In this section, (1) “bring” means to carry or convey or to attempt or solicit to carry or convey; (2) “send” means to cause to be taken or distributed or to attempt or solicit or cause to be taken or distributed, and includes use of the United States Postal Service; (3) “transport” means to ship by any method, and includes delivering or transferring or attempting or soliciting to deliver or transfer marijuana or marijuana products to be shipped to, delivered to, or left or held for pickup by any person.
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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 with premises located within the boundary of the local government. A license for a marijuana establishment 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 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 fee. (Eff. 2/21/2016, Register 217, am 7/27/2017, Register 223)

3 AAC 306.260. Notice of the results of a local option election.

(a) If a majority of the voters vote to adopt, change, or remove a local option under 3 AAC 306.200 - 3 AAC 306.220 or if the assembly or city council passes an ordinance to the same effect:

- (1) the clerk of the local government shall notify the board of the results of the election or of the passage of the ordinance immediately after the results of the election are certified or the ordinance is formally adopted;
- (2) the local government shall post public notice of the prohibition in a central location within the boundary of the local government before the date the prohibition becomes effective; and
- (3) the board shall immediately notify the Department of Law and the Department of Public Safety of the results of the election.

MARIJUANA HANDLERS™ - Key Points

- If a majority of the persons voting on the question vote to approve the option, local government shall adopt a local option to prohibit the sale or importation for sale of marijuana and any marijuana product.
- If a majority of the persons voting on the question vote to remove a local option previously adopted under this section and currently in effect, or if a local government's assembly or city council passes an ordinance to the same effect, that local option is repealed.
- A licensed marijuana establishment may transport marijuana or any marijuana product through the boundaries of a local government that has prohibited importation or purchase of marijuana if the marijuana or marijuana product is shipped with an attached transport manifest.



.3 Retail Marijuana Stores (3 AAC 306.300 - 3AAC 306.365)

Section

- 3 AAC 306.300. Retail marijuana store license required
 - 3 AAC 306.305. Retail marijuana store privileges
 - 3 AAC 306.310. Acts prohibited at retail marijuana store
 - 3 AAC 306.315. Application for retail marijuana store license
 - 3 AAC 306.320. Marijuana handler permit required
 - 3 AAC 306.325. Access restricted at retail marijuana store
 - 3 AAC 306.330. Marijuana inventory tracking system
 - 3 AAC 306.335. Health and safety requirements
 - 3 AAC 306.340. Testing required for marijuana and marijuana products
 - 3 AAC 306.345. Packaging and labeling
 - 3 AAC 306.350. Identification requirement to prevent sale to person under 21
 - 3 AAC 306.355. Limit on quantity sold
 - 3 AAC 306.360. Restriction on advertising of marijuana and marijuana product
 - 3 AAC 306.365. Required consumer notices for retail marijuana stores
-

3 AAC 306.300. Retail marijuana store license required.

(a) Except as permitted under AS 17.38.020, a person may not sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver marijuana or any marijuana product to a consumer unless the person has obtained a retail marijuana store license from the board in compliance with this chapter, or is an employee or agent acting for a licensed retail marijuana store operating in compliance with this chapter. A person seeking a retail marijuana store license must

(1) submit an application for a retail marijuana store license on a form the board prescribes, including the information set out at 3 AAC 306.020 and 3 AAC 306.315; and

(2) demonstrate, to the board's satisfaction, that the applicant will operate in compliance with

(A) each applicable provision of 3 AAC 306.300 - 3 AAC 306.360 and 3 AAC 306.700 - 3 AAC 306.755; and



(B) each applicable public health, fire, safety, and tax code and ordinance of the state and the local government in which the applicant's proposed licensed premises is located.

(b) A licensee of any retail marijuana store, or an employee or agent of a retail marijuana store, may not have an ownership interest in, or a direct or indirect financial interest in any licensed marijuana testing facility.

3 AAC 306.305. Retail marijuana store privileges.

(a) A licensed retail marijuana store is authorized to

(1) sell marijuana purchased from a licensed marijuana cultivation facility, packaged and labeled as required under 3 AAC 306.345, 3 AAC 306.470, and 3 AAC 306.475 in an amount not exceeding the limit set out in 3 AAC 306.355, to an individual on the licensed premises for consumption off the licensed premises;

(2) sell a marijuana product purchased from a licensed marijuana product manufacturing facility, packaged and labeled as required under 3 AAC 306.345, 3 AAC 306.565, and 3 AAC 306.570, in an amount not exceeding the limit set out in 3 AAC 306.355, to an individual on the licensed premises for consumption off the licensed premises;

(3) store marijuana and marijuana products on the licensed premises in a manner consistent with 3 AAC 306.710 - 3 AAC 306.720;

(4) with prior approval of the board, permit consumption of marijuana or a marijuana product purchased on the licensed premises, in a designated area on the licensed premises.

(b) This section does not prohibit a licensed retail store from refusing to sell marijuana or marijuana product to any consumer.

3 AAC 306.310. Acts prohibited at retail marijuana store.

(a) A licensed retail marijuana store may not sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver, marijuana or any marijuana product



- (1) to any person under the age of 21;
- (2) to any person that is under the influence of an alcoholic beverage, inhalant, or controlled substance;
- (3) that is not labeled and packaged as required in 3 AAC 306.345, and in 3 AAC 306.470 and 3 AAC 306.475 or 3 AAC 306.565 and 3 AAC 306.570;
- (4) in a quantity exceeding the limit set out in 3 AAC 306.355;
- (5) over the internet; a licensed retail marijuana store may only sell marijuana or marijuana product to a consumer who is physically present on the licensed premises;
- (6) after the expiration date shown on the label of the marijuana or marijuana product.

(b) A licensed retail marijuana store may not

- (1) conduct any business on, or allow any 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 any person to consume marijuana or any marijuana product on the retail marijuana store's licensed premises, except as provided in paragraph (a)(4) of 3 AAC 306.305; reason:
- (3) offer or deliver to a consumer, as a marketing promotion or for any other
 - (A) free marijuana or marijuana product, including a sample; or
 - (B) alcoholic beverages, free or for compensation.

3 AAC 306.315. Application for retail marijuana store license.

A person seeking a new retail marijuana store license must submit an application on a form the board prescribes including the information required under 3 AAC 306.020, and the following

- (1) a copy of an active application for a required food safety permit under 18 AAC 31.020(a) from the Department of Environmental Conservation or a municipality with authority delegated under AS



17.20.072 and 18 AAC 31.945; and

(2) in the operating plan required under 3 AAC 306.020(c), a description of the way marijuana and marijuana products at the retail store will be displayed and sold.

3 AAC 306.320. Marijuana handler permit required.

A retail marijuana store shall ensure that

(1) each licensee, employee, or agent who is required or permitted to be physically present on the licensed premises at any time obtains a marijuana handler permit as provided in 3 AAC 306.700 before being licensed or employed at a retail marijuana store; and

(2) each licensee, employee, or agent has that person's marijuana handler permit card 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 retail marijuana store.

3 AAC 306.325. Access restricted at retail marijuana store.

(a) A person under the age of 21 may not enter a retail marijuana store.

(b) Each entry to a retail marijuana store must be posted with a sign that says "No one under 21 years of age allowed." The sign must be not less than 12 inches long and 12 inches wide, with letters at least one half inch in height in high contrast to the background of the sign.

(c) An area of a retail marijuana store's licensed premises where marijuana or any marijuana product is stocked for sale, or dispensed for sale, is a restricted access area. The retail marijuana store must post signs, require identification, and escort visitors in compliance with 3 AAC 306.710.

3 AAC 306.330. Marijuana inventory tracking system.

(a) A retail marijuana store shall use an inventory tracking system as provided in 3 AAC 306.730



to ensure all marijuana and marijuana product in the store's possession is identified and tracked from the time the retail marijuana store receives any batch of marijuana or lot of marijuana product through the sale, transfer to another licensed marijuana establishment, or disposal of the batch of marijuana or lot of marijuana product.

(b) When any marijuana from a marijuana cultivation facility or marijuana product from a marijuana product manufacturing facility is delivered or transported to the licensed premises of a retail marijuana store, the retail marijuana store shall immediately enter identification information for that batch of marijuana or lot of marijuana product into the retail marijuana store's inventory tracking system. A retail marijuana store may not accept any marijuana or marijuana product that does not have a valid transport manifest generated from the inventory tracking system of the marijuana establishment that originated the delivery.

(c) A retail marijuana store shall reconcile each transaction from the store's point of sale system and current inventory to its inventory tracking system at the close of business each day.

(d) A retail marijuana store shall account for any variance in the quantity of marijuana or marijuana product the store received and the quantity the store sold, transferred, or disposed of.

3 AAC 306.335. Health and safety requirements.

A retail marijuana store must comply with each applicable health and safety requirement set out in 3 AAC 306.735.

3 AAC 306.340. Testing required for marijuana and marijuana products.

(a) A retail marijuana store may not sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver, marijuana or any marijuana product until all laboratory testing required under 3 AAC 306.645 has been completed, and the label required under 3 AAC 306.475 or 3 AAC 306.570 is affixed.

3 AAC 306.345. Packaging and labeling.



(a) A retail marijuana store shall assure that

(1) any marijuana sold on its licensed premises is packaged and labeled in compliance with 3 AAC 306.470 and 3 AAC 306.475, except that 3 AAC 306.470(b)(2) does not apply to the packaging of wholesale flower and bud sold by weight to a consumer; and

(2) any marijuana product sold on its licensed premises is packaged and labeled in compliance with 3 AAC 306.565 and 3 AAC 306.570, except that 3 AAC 306.565(b)(2) does not apply to the packaging of wholesale marijuana products that are not edible marijuana products;

(3) any marijuana or marijuana product sold at a retail marijuana store must be packaged in opaque, re-sealable, child-resistant packaging when the purchaser leaves the retail premises; the packaging must be designed or constructed to be significantly difficult for children under five years of age to open; but not normally difficult for adults to use properly.

(b) In addition to labeling requirements provided in (a) of this section, a retail marijuana store shall affix a label to each package of marijuana or marijuana product that

(1) identifies the marijuana retail store selling the marijuana product by name or distinctive logo and marijuana establishment license number; and

(2) states the total estimated amount of THC in the labeled product, and

(3) contains the following statements:

(A) "Marijuana has intoxicating effects and may be habit forming and addictive;"

(B) "Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence;"

(C) "There are health risks associated with consumption of marijuana"

(D) "For use only by adults twenty-one and older. Keep out of the reach of children;" and

(E) "Marijuana should not be used by women who are pregnant or breast feeding;"

3 AAC 306.350. Identification requirement to prevent sale to person under 21.



(a) A licensed retail marijuana store shall refuse to sell marijuana or a marijuana product to any person who does not produce a form of valid photo identification showing that person is 21 years of age or older.

(b) A valid form of identification includes:

(1) an unexpired, unaltered passport;

(2) an unexpired, unaltered driver's license; instruction permit, or identification card of any state or territory of the United States, the District of Columbia, or a province of Canada;

(3) an identification card issued by a federal or state agency authorized to issue a driver's license or identification card.

3 AAC 306.355. Limit on quantity sold.

(a) A licensed retail marijuana store shall not sell more than the following quantity of marijuana or marijuana product in a single transaction:

(1) one ounce of useable marijuana;

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

(3) marijuana or marijuana products containing more than 5600 Milligrams of THC.

3 AAC 306.360. Restriction on advertising of marijuana and marijuana products.
Repealed. (Eff. 2/21/2016, Register 217; Repealed 10/17/2018, Register 228)

3 AAC 306.365. Required consumer notices for retail marijuana stores

(a) A retail marijuana store shall post, in a conspicuous location visible to customers, the following notices:



- (1) “Consumption of marijuana in public is prohibited by law.”;
 - (2) “Transportation or carriage of marijuana or marijuana products on Alaska waterways, including cruise ships, or by air carrier is prohibited by federal law.”;
 - (3) “Transportation or shipment of marijuana or marijuana products outside the State of Alaska is prohibited by federal law.”;
 - (4) “Providing marijuana to persons under 21 years of age is prohibited by law.”.
- (b) Notification signs required under (a) of this section must be at least 11 inches by 14 inches in size. Lettering must be at least one-half inch in height and in colors that contrast with the background.

MARIJUANA HANDLERS™ - Key Points

- A person may not sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver marijuana or any marijuana product to a consumer unless the person has obtained a retail marijuana store license.
- A retail marijuana store is authorized to sell marijuana and store marijuana.
- May not sell, under the age of 21, under the influence, not labeled and packaged, quantity exceeding the limit and over the internet; a licensed retail marijuana store may only sell marijuana or marijuana product to a consumer who is physically present.
- A retail marijuana store shall use an inventory tracking system.
- A retail marijuana store shall assure that any marijuana sold on its licensed premises is packaged and labeled.
- A retail marijuana store may not accept any marijuana or marijuana product that does not have a valid transport manifest.
- A retail marijuana store shall reconcile each transaction from the store’s point of sale system and current inventory to its inventory tracking system at the close of business each day.

.4 Marijuana Cultivation Facilities (3 AAC 306.400 - 3AAC 306.480)

Section



- 3 AAC 306.400. Marijuana cultivation facility license required
- 3 AAC 306.405. Standard marijuana cultivation facility: privileges and prohibited acts
- 3 AAC 306.410. Limited marijuana cultivation facility: privileges and prohibited acts
- 3 AAC 306.420. Application for marijuana cultivation facility license
- 3 AAC 306.425. Marijuana handler permit required
- 3 AAC 306.430. Restricted access area
- 3 AAC 306.435. Marijuana inventory tracking system
- 3 AAC 306.440. Health and safety requirements
- 3 AAC 306.445. Standards for cultivation and preparation
- 3 AAC 306.450. Production of marijuana concentrate prohibited
- 3 AAC 306.455. Required laboratory testing
- 3 AAC 306.460. Samples
- 3 AAC 306.465. Random sampling
- 3 AAC 306.470. Packaging of marijuana
- 3 AAC 306.475. Labeling of marijuana
- 3 AAC 306.480. Marijuana tax to be paid

3 AAC 306.400. Marijuana cultivation facility license required.

(a) Except as provided under AS 17.38.020, a person may not plant, propagate, cultivate, harvest, trim, dry, cure, package, or label marijuana grown at a place under that person's control, or sell marijuana grown at a place under that person's control to any marijuana establishment unless the person has obtained a marijuana cultivation facility license from the board in compliance with this chapter, or is an employee or agent acting for a licensed marijuana cultivation facility. The board will issue the following types of marijuana cultivation facility licenses, with the privileges and subject to the prohibitions set out in sections 3 AAC 306.405 – 3 AAC 306.410:

(1) a standard marijuana cultivation facility license;

(2) a limited marijuana cultivation facility license to a person operating a marijuana cultivation facility with fewer than 500 square feet under cultivation.

(b) A person seeking a standard or limited marijuana cultivation facility license as provided in (a) of this section must

(1) submit an application for the applicable marijuana cultivation facility license on a form the board prescribes, including the information set out at 3 AAC 306.020 and 3 AAC 306.420; and



(2) demonstrate to the board's satisfaction that it will operate in compliance with

(A) each applicable provision of 3 AAC 306.400 - 3 AAC 306.480 and 3 AAC 306.700 - 3 AAC 306.755; and

(B) each applicable public health, fire, safety, and tax code and ordinance of the state and the local government in which the applicant's proposed licensed premises are located.

(C) A licensee of any marijuana cultivation facility, or an employee or agent of a marijuana cultivation facility, may not have an ownership interest in, or a direct or indirect financial interest in any licensed marijuana testing facility.

3 AAC 306.405. Standard marijuana cultivation facility: privileges and prohibited acts

(a) A licensed standard marijuana cultivation facility is authorized to

(1) propagate, cultivate, harvest, prepare, cure, package, store, and label marijuana;

(2) sell marijuana only to a licensed retail marijuana store, to another licensed marijuana cultivation facility, or to a licensed marijuana product manufacturing facility;

(3) provide samples to a licensed marijuana testing facility for testing;

(4) store inventory on the licensed premises; any stored inventory must be secured in a restricted access area and accounted for in the marijuana cultivation facility's marijuana inventory tracking system as required under 3 AAC 306.730;

(5) transport marijuana in compliance with 3 AAC 306.750;

(6) conduct in-house testing for the marijuana cultivation facility's own use;

(7) provide marijuana samples to a licensed retail marijuana store or marijuana product manufacturing facility for the purpose of negotiating a sale;

(8) begin initial operations at the time of preliminary inspection by an employee or agent of the board with



- (A) 12 or fewer mature, non-flowering plants, designated and used as mother plants;
 - (B) any number of immature plants; and
 - (C) any number of seeds for cultivation on the licensed premises;
- (9) Introduce a new strain after written approval by the director on a form prescribed by the board, by
- (A) receiving not more than six clones or cuttings from a person 21 years of age or older, without compensation; or
 - (B) receiving not more than 10 seeds from a person 21 years of age or older, without compensation, for cultivation on the licensed premises.
- (b) A licensed standard marijuana cultivation facility may also apply for a marijuana product manufacturing facility license and a retail marijuana store license. A standard marijuana cultivation facility that obtains a marijuana product manufacturing facility license or a retail marijuana store license shall
- (1) conduct any product manufacturing or retail marijuana store operation in a room completely separated from the marijuana cultivation facility by a secure door when co-located; and
 - (2) comply with each provision of this chapter that applies to any other type of marijuana establishment license that the standard marijuana cultivation facility licensee obtains.
- (c) A licensed standard marijuana cultivation facility may not
- (1) sell, distribute, or transfer marijuana or a marijuana product to a consumer, with or without compensation;
 - (2) allow any person, including a licensee, employee, or agent, to consume marijuana or a marijuana product on the licensed premises or within 20 feet of the exterior of any building or outdoor cultivation facility on the licensed premises;
 - (3) treat or otherwise adulterate marijuana with any organic or non organic chemical or other compound to alter the color, appearance, weight, or odor of the marijuana;
 - (4) except as permitted under a marijuana product manufacturing facility license, extract



marijuana concentrate, using any process described in 3 AAC 306.555, at the licensed premises;

(5) sell marijuana that is not packaged and labeled in compliance with 3 AAC 306.470 and 3 AAC 306.475;

(6) introduce marijuana or a marijuana product, including plants and seeds, onto the licensed premises from any outside source after the initial preliminary inspection, except

(A) as acquired from another licensed marijuana cultivation facility and accounted for in each marijuana cultivation facility's marijuana inventory tracking system as required under 3 AAC 306.730; or

(B) as provided under this section.

3 AAC 306.410. Limited marijuana cultivation facility: privileges and prohibited acts.

A licensed limited cultivation facility

(1) has the privileges set out in 3 AAC 305.405(a) and

(b), except that it must have fewer than 500 square feet under cultivation; and

(2) is subject to each prohibition set out in 3 AAC 306.405(c).

3 AAC 306.420. Application for marijuana cultivation facility license.

(a) An applicant for a new standard marijuana cultivation facility license or a new limited marijuana cultivation facility shall file an application on a form the board prescribes, including

(1) the information required under 3 AAC 306.020; and

(2) the proposed marijuana cultivation facility's operating plan, including, in addition to the information required under 3 AAC 306.020(c):

(A) the size of the space intended to be under cultivation;



(B) the growing medium to be used;

(C) fertilizers, chemicals, gases, and delivery systems, including CO2 management, to be used;

(D) the irrigation and waste water systems to be used;

(E) waste disposal arrangements;

(F) odor control; and

(G) the testing procedure and protocols the marijuana cultivation facility will follow.

(b) An applicant for a limited marijuana cultivation facility license must submit the information required for a new marijuana establishment license set out in 3 AAC 306.020, and (a)(2) of this section.

3 AAC 306.425. Marijuana handler permit required.

A marijuana cultivation facility must ensure that each licensee, employee, or agent who is required or permitted to be physically present on the licensed premises at any time

(1) obtains a marijuana handler permit as provided in 3 AAC 306.700 before being present or employed at the marijuana cultivation facility's licensed premises; and

(2) has the marijuana handler permit card in the person's immediate possession, or a valid copy on file on the premises, at all times while on the marijuana cultivation facility's licensed premises.

3 AAC 306.430. Restricted access area.

(a) A marijuana cultivation facility shall conduct any operation in a restricted area in compliance with 3 AAC 306.710 and this section.

(b) A marijuana cultivation facility shall conduct any marijuana growing operation within a fully



enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors. Where not prohibited by local government, outdoor production may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight obscuring wall or fence at least six feet high.

(c) A marijuana cultivation facility shall ensure that any marijuana at the marijuana cultivation facility

(1) cannot be observed by the public from outside the marijuana cultivation facility; and

(2) does not emit an odor that is detectable by the public from outside the cultivation facility except as specifically allowed by a local government approval.

(d) A marijuana cultivation facility shall have full video surveillance of the licensed premises as required under 3 AAC 306.720, including any area where marijuana is grown, processed, packaged, or stored, or where marijuana waste is destroyed.

3 AAC 306.435. Marijuana inventory tracking system.

(a) A marijuana cultivation facility shall use an inventory tracking system in compliance with 3 AAC 306.730 to ensure all marijuana propagated, grown, or cultivated on the marijuana cultivation facility's premises is identified and tracked from the time the marijuana is propagated through transfer to another licensed marijuana establishment or destruction. The marijuana cultivation facility must assign a tracking number to each plant over 8 inches tall. When harvested, bud and flowers, clones or cuttings, or leaves and trim may be combined in harvest batches of distinct strains, not exceeding five pounds; each harvest batch must be given an inventory tracking number. Clones or cuttings must be limited to 50 or fewer plants and identified by a batch tracking number.

(b) A marijuana cultivation facility shall record each sale and transport of each batch in its marijuana inventory tracking system, and shall generate a valid transport manifest to accompany each transported batch.

(c) A marijuana cultivation facility shall record in its marijuana inventory tracking system all marijuana used to provide a sample authorized under 3 AAC 306.460 for the purpose of negotiating sales, including



- (1) the amount of each sample;
 - (2) the retail marijuana store or marijuana product manufacturing facility that received the sample; and
 - (3) the disposal of any expired or outdated promotional sample returned to the marijuana cultivation facility.
-

3 AAC 306.440. Health and safety requirements.

- (a) A marijuana cultivation facility must comply with all applicable health and safety requirements set out in 3 AAC 306.735, and the additional requirements set out in this section.
 - (b) A marijuana cultivation facility shall ensure that any licensee, employee, or agent who is present at the marijuana cultivation facility and in contact with any marijuana
 - (1) wears clean clothing appropriate for the duties that person performs;
 - (2) wears protective apparel, such as head, face, hand and arm coverings, as necessary to protect marijuana from contamination; and
 - (3) practices good sanitation and health habits.
-

3 AAC 306.450. Production of marijuana concentrate prohibited.

A marijuana cultivation facility may not produce or possess marijuana concentrate that was extracted using any process described in 3 AAC 306.455 on its licensed premises unless the marijuana cultivation facility also has a marijuana product manufacturing facility license. Any extraction or production of marijuana concentrate on the premises of a licensed marijuana cultivation facility must and

- (1) be in a separate room that
 - (A) is physically separated by a secure door from any cultivation area;



(B) has a sign that clearly identifies the room as a marijuana concentrate production area, and warns unauthorized persons to stay out; and

(2) comply with all applicable provisions of 3 AAC 306.500 – 3 AAC 306.570.

3 AAC 306.455. Required laboratory testing.

(a) Except as provided in (d) of this section, a marijuana cultivation facility shall provide a sample of each harvest batch of marijuana produced at the facility to a marijuana testing facility, and may not sell or transport any marijuana until all laboratory testing required by 3 AAC 306.645 has been completed.

(b) To comply with (a) of this section, a marijuana cultivation facility shall (1) collect a random, homogenous sample for testing by segregating harvested marijuana into batches of individual strains of bud and flower, then selecting a random sample from each batch in an amount required by the marijuana testing facility;
shall

(2) designate an individual responsible for collecting each sample; that individual

(A) prepare a signed statement showing that each sample has been randomly selected for testing;

(B) provide the signed statement to the marijuana testing facility; and

(C) maintain a copy as a business record under 3 AAC 306.755;

(3) transport the sample to the marijuana testing facility's licensed premises in compliance with 3 AAC 306.750.

(c) A marijuana cultivation facility shall segregate the entire batch from which the testing sample was selected until the marijuana testing facility reports the results from its tests. During this period of segregation, the marijuana cultivation facility that provided the sample shall maintain the batch in a secure, cool, and dry location to prevent the marijuana from becoming contaminated or losing its efficacy. The facility that provided the sample may not sell or transport any marijuana from the segregated batch until the marijuana testing facility has completed its testing and provided those results, in writing, to the marijuana cultivation facility that provided the sample. The marijuana cultivation facility shall maintain the testing results as part of its



business books and records.

(d) When geographic location and transportation limitations make it unfeasible for a manufacturing facility to transport testing samples to a lab, an applicant for licensure may propose alternative means of testing to meet the requirements of this code.

3 AAC 306.460. Samples

(a) A marijuana cultivation facility may provide a free sample of marijuana to a retail marijuana store if packaged in a sample jar containing not more than three and one-half grams of marijuana and protected by a plastic or metal mesh screen to allow customers to smell the product before purchase.

(b) A marijuana cultivation facility may provide a free sample of marijuana to a retail marijuana store or marijuana product manufacturing facility as follows:

(1) a sample provided for the purpose of negotiating a sale may be not more than one ounce;

(2) a marijuana cultivation facility may not provide any one licensed retail marijuana store or marijuana product manufacturing facility with more than one ounce of marijuana per month free-of-charge for the purpose of negotiating a sale.

(c) A retail marijuana store that receives a marijuana sample may not sell the marijuana sample to a customer, and shall either

(1) return the marijuana sample to the marijuana cultivation facility that provided the sample; or

(2) destroy the marijuana sample after use and document the destruction in the retail marijuana store's marijuana inventory control system.

(d) A marijuana cultivation facility may provide a sample of marijuana to an employee of the facility, who is in possession of a valid marijuana handler card for the purpose of quality control only if

(1) samples provided to employees for quality control do not exceed a cumulative total of one ounce per 30-day period;



- (2) each sample is registered and tracked using the marijuana inventory tracking system in accordance with 3 AAC 306.730;
 - (3) consumption of marijuana does not occur on the licensed premises;
 - (4) no sample provided under this subsection is sold or given to another licensee or consumer;
 - (5) each employee who receives a marijuana sample for the purpose of quality control completes a quality control form approved by the board for each sample;
 - (6) the licensee maintains copies of completed forms required under (5) of this subsection in accordance with 3 AAC 306.755; and
 - (7) samples that leave the licensed premises are packaged in opaque, resealable, child-resistant packaging and clearly marked or labeled "For Quality Control" and the packaging is designed or constructed to be significantly difficult for children under five years of age to open, but not normally difficult for adults to use properly.
-

3 AAC 306.465. Random sampling.

- (a) The board or the director will from time to time require a standard or limited marijuana cultivation facility to provide samples of the growing medium, soil amendments, fertilizers, crop production aids, pesticides, or water for random compliance checks. The sample may be screened for pesticides and chemical residues, unsafe levels of metals, and used for other laboratory tests the director finds to be in the interests of the public. The marijuana cultivation facility shall bear all costs of testing under this subsection.
 - (b) When the board or the director orders random sampling under this section, the director will identify a licensed marijuana testing facility to perform the testing. The marijuana testing facility will collect the test samples; the marijuana cultivation facility shall cooperate to facilitate the collection of samples.
-

3 AAC 306.470. Packaging of marijuana.

- (a) A licensed marijuana cultivation facility shall package its marijuana bud and flower for sale as



follows:

(1) to a retail marijuana store, either

(A) in a package not exceeding one ounce for resale to consumers without additional handling by the retail marijuana store except to add the retail marijuana store's own identifying name or logo and license number; or

(B) in a wholesale package not exceeding five pounds for re - packaging by the retail marijuana store; or

(2) to a marijuana product manufacturing facility in a wholesale package not exceeding five pounds, consisting of a single strain or a mixture of strains as identified on the label.

(b) When a licensed marijuana cultivation facility packages marijuana for a retail marijuana store to sell to a consumer without re-packaging, the packaging may not have any printed images, including cartoon characters, that specifically target individuals under the age of 21. In addition, the packaging must protect the product from contamination and must not impart any toxic or damaging substance to the marijuana;

(c) Each package prepared in compliance with this section must be identified by a tracking label generated for tracking by the marijuana cultivation facility's marijuana inventory control system.

(d) A marijuana cultivation facility shall prepare marijuana for transport or transfer to another marijuana establishment by

(1) placing marijuana packaged in compliance with (a) - (c) of this section within a sealed, tamper-evident shipping container;

(2) affixing a label in compliance with 3 AAC 306.475 to the shipping container;
and

(3) generating a transport manifest from the marijuana cultivation facility's marijuana inventory system; the transport manifest must remain with the marijuana at all times while being transported, and a copy must be given to the licensed marijuana establishment that receives the shipment.



3 AAC 306.475. Labeling of marijuana.

(a) When a licensed marijuana cultivation facility packages marijuana for a retail marijuana store to sell to a consumer without re- packaging, the marijuana cultivation facility shall affix a label to each package of marijuana or marijuana product that contains the following statements:

(A) "Marijuana has intoxicating effects and may be habit forming and addictive;"

(B) "Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence;"

(C) "There are health risks associated with consumption of marijuana;" and

(D) "For use only by adults twenty-one and older. Keep out of the reach of children"

(E) "Marijuana should not be used by women who are pregnant or breast feeding."

(b) With each harvest batch of marijuana sold, a marijuana cultivation facility must disclose in writing

(1) each soil amendment, fertilizer, and other crop production aid applied to the growing medium or marijuana plant included in the batch, including any pesticide, herbicide, or fungicide that was used; and

(2) the name of the licensed marijuana testing facility that performed any required laboratory test and the results of each required laboratory test.

(c) A marijuana cultivation facility may not label marijuana as organic.

(d) A marijuana cultivation facility shall affix a label containing the following information to each package of marijuana sold to another marijuana establishment.

(1) the name and license number of the marijuana cultivation facility where the marijuana was grown;

(2) the harvest batch number assigned to the marijuana in the package;



(3) the net weight of the marijuana in the package, not including weight of the shipping container, using a standard of measure compatible with the inventory tracking system; and

(4) a complete list of all pesticides, fungicides, and herbicides used in cultivation of the marijuana.

(e) If a marijuana cultivation facility transports wholesale marijuana to another marijuana establishment for sale at retail or for use in manufacturing a marijuana product, then a label must be affixed to the shipping container showing that a licensed marijuana testing facility has tested each harvest batch in the shipment as provided in 3 AAC 306.645. The label must report the test results, including the following information:

(1) a cannabinoid potency profile expressed as a range of percentages that extends from the lowest percentage to highest percentage of concentration for each cannabinoid listed from every test conducted on that strain of marijuana from the same marijuana cultivation facility within the last three months;

(2) a statement listing the results of microbial testing required by 3 AAC 306.645(b)(2);

(3) a statement listing the results of residual solvent testing required by 3 AAC 306.645(b)(3), if applicable;

(B) herbicides, pesticides, and fungicides; and

(C) harmful chemicals. (f) If a marijuana cultivation facility ships wholesale marijuana from a harvest batch that has not been tested for each contaminant listed in (e)(4) of this section, the label for that batch must include a statement identifying each contaminant listed in (e)(4) of this section for which that harvest batch has not been tested.

3 AAC 306.480. Marijuana tax to be paid.

(a) A marijuana cultivation establishment, including a standard marijuana cultivation facility and a limited marijuana cultivation facility was tested: 306.645(b)(2);

(4) a statement listing any of the following contaminants for which the product (A) molds, mildew and filth, in addition to the testing required by shall submit monthly reports to the Department Revenue and pay the excise tax required under AS 43.61.010 and AS 43.61.020 on all marijuana



sold, or provided as a sample to any marijuana establishment.

MARIJUANA HANDLERS™ - Key Points

- A person may not plant, propagate, cultivate, harvest, trim, dry, cure, package, or label marijuana grown at a place under that person's control, or sell marijuana grown at a place under that person's control to any marijuana establishment unless the person has obtained a marijuana cultivation facility license from the board.
- Limited marijuana cultivation facility license to a person operating a marijuana cultivation facility with fewer than 500 square feet.
- Licensee may not have an ownership interest in licensed marijuana testing facility.
- Marijuana cultivation facility shall conduct within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors—full video surveillance.
- A marijuana cultivation facility shall use an inventory tracking system.
- Licensee, employee, or agent who is present at the marijuana cultivation facility and in contact with any marijuana wears clean clothing and have good sanitation.
- A marijuana cultivation facility may not produce or possess marijuana concentrate that was extracted.
- When a licensed marijuana cultivation facility packages marijuana for a retail marijuana store to sell to a consumer without re- packaging, the marijuana cultivation facility shall affix a label to each package.

.5 Marijuana Product Manufacturing Facilities (3 AAC 306.500 - 3AAC 306.570)

Section

- 3 AAC 306.500. Marijuana product manufacturing facility license required
- 3 AAC 306.505. Marijuana product manufacturing facility privileges
- 3 AAC 306.510. Acts prohibited at marijuana product manufacturing facility
- 3 AAC 306.515. Marijuana concentrate manufacturing facility license
- 3 AAC 306.520. Application for marijuana product manufacturing facility license
- 3 AAC 306.525. Approval of concentrates and marijuana products
- 3 AAC 306.530. Marijuana handler permit and food safety worker training
- 3 AAC 306.535. Restricted access and storage areas
- 3 AAC 306.540. Marijuana inventory tracking system
- 3 AAC 306.545. Health and safety standards
- 3 AAC 306.550. Required laboratory testing



- 3 AAC 306.555. Production of marijuana concentrate
 - 3 AAC 306.557. Quality control sampling
 - 3 AAC 306.560. Potency limits per serving and transaction for edible marijuana products
 - 3 AAC 306.565. Packaging of marijuana products
 - 3 AAC 306.570. Labeling of marijuana products
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3 AAC 306.500. Marijuana product manufacturing facility license required.

(a) A person may not extract marijuana concentrate for sale, or formulate or manufacture any marijuana product for sale unless that person has obtained a marijuana product manufacturing facility license from the board in compliance with this chapter, or is an employee or agent acting for a licensed marijuana product manufacturing facility. The board will issue

(1) a standard marijuana product manufacturing facility license; and

(2) a marijuana concentrate manufacturing facility license.

(b) A person seeking any type of marijuana product manufacturing facility license must

(1) submit an application for a marijuana product manufacturing facility license on a form the board prescribes, including the information set out at 3 AAC 306.020 and 3 AAC 306.520; and

(2) demonstrate to the board's satisfaction that it will operate in compliance with

(A) each applicable provision of 3 AAC 306.500 - 3 AAC 306.570 and 3 AAC 306.700 - 3 AAC 306.755; and

(B) each applicable public health, fire, safety, and tax code and ordinance of the state and the local government in which the applicant's proposed licensed premises are located.

(c) A licensee of any marijuana product manufacturing facility, or an employee or agent of a marijuana product manufacturing facility, may not have an ownership interest in, or a direct or indirect financial interest in any licensed marijuana testing facility.

3 AAC 306.505. Marijuana product manufacturing facility privileges.



- (a) Except as provided in 3 AAC 306.515, a licensed marijuana product manufacturing facility, including a marijuana concentrate manufacturing facility, is authorized to
- (1) purchase marijuana from a marijuana cultivation facility or from another marijuana product manufacturing facility;
 - (2) extract marijuana concentrate in compliance with 3 AAC 306.555;
 - (3) manufacture, refine, process, cook, package, label, and store marijuana products approved under 3 AAC 306.525, including
 - (A) marijuana concentrate; or
 - (B) any product intended for consumption or use on the body that is comprised of marijuana and other ingredients, including edible products, ointments, salves, patches, or tinctures;
 - (4) sell, distribute, or deliver marijuana extract or any marijuana product only to a licensed retail marijuana store or to another licensed marijuana product manufacturing facility;
 - (5) provide and transport samples of marijuana concentrate or other marijuana product to a certified marijuana testing lab for testing;
 - (6) provide a sample of marijuana concentrate or a marijuana product approved under 3 AAC 306.525 to a licensed retail marijuana store for the purpose of negotiating a sale;
 - (7) store inventory in a restricted access area on the licensed premises as provided in 3 AAC 306.535; and
 - (8) transport marijuana in compliance with 3 AAC 306.750; or (9) conduct in-house testing for the marijuana product manufacturing facility's

3 AAC 306.510. Acts prohibited at marijuana product manufacturing facility.

- (a) A licensed marijuana product manufacturing facility, including a licensed marijuana concentrate manufacturing facility, may not
- (1) sell, deliver, distribute, or transfer marijuana, marijuana concentrate, or a marijuana product



directly to a consumer, with or without compensation;

(2) sell marijuana, marijuana concentrate, or a marijuana product that is not manufactured, packaged, and labeled in compliance with 3 AAC 306.500 – 3 AAC 306.570;

(3) allow any person, including a licensee, employee, or agent, to consume marijuana, marijuana concentrate, or a marijuana product on its licensed premises;

(4) manufacture or sell any product that

(A) is an adulterated food or drink;

(B) closely resembles any familiar food or drink item including candy; or

(C) is packaged to look like candy, or in bright colors or with cartoon characters or other pictures or images that would appeal to children.

(b) In this section, “closely resemble” or “look like” means the product or its packaging has a shape, color, markings, or decorative patterns that are familiar to the public from a widely distributed branded food product, so that the marijuana product could reasonably be mistaken for that branded product, especially by children.

(c) A marijuana product manufacturing facility may not accept any marijuana from a marijuana cultivation facility or another marijuana product manufacturing facility unless

(1) all marijuana in the shipment is properly identified with a label generated in the marijuana inventory tracking system of the facility that provided the marijuana; and

(2) a valid transport manifest showing the source and destination of the marijuana is attached to the shipment.

3 AAC 306.515. Marijuana concentrate manufacturing facility license.

A licensed marijuana concentrate manufacturing facility has the privileges set out in 3 AAC 306.505, except that it may not

(1) manufacture, refine, process, cook, package, label or store any marijuana product other than



marijuana concentrate;

- (2) sell, distribute, or deliver any marijuana product other than marijuana concentrate to a retail marijuana store or to another marijuana product manufacturing facility;
 - (3) provide and transport a sample of any marijuana product other than marijuana concentrate to a licensed marijuana testing lab for testing; or
 - (4) provide samples of any product other than marijuana concentrate to a licensed retail marijuana store for purposes of negotiating a sale.
-

3 AAC 306.520. Application for marijuana product manufacturing facility license.

An applicant for a marijuana product manufacturing facility license, including a marijuana concentrate manufacturing facility, must file an application on a form the board prescribes, and provide the information required under 3 AAC 306.020 and the following:

- (1) a copy of an active application for a required food safety permit under 18 AAC 31.020 from the Department of Environmental Conservation or a municipality with authority delegated under AS 17.20.072 and 18 AAC 31.945;
- (2) a diagram of the proposed licensed premises required in 3 AAC 306.020(b), identifying the area where
 - (A) in-house testing, if any, will occur; and
 - (B) marijuana and any marijuana product, including marijuana concentrate, will be stored;
- (3) in the applicant's operating plan required under 3 AAC 306.020(c), a description of
 - (A) the equipment and solvents, gases, chemicals, and other compounds used to create concentrates and the processes to be used;
 - (B) each marijuana product the applicant intends to process at this location; the product description must include the color, shape, texture, ingredients and standard production procedure to be used and the additional information required for product approval in 3 AAC 306.525;



(C) the packaging to be used for each type of product; and

(D) sample labels showing how the labeling information required in 3 AAC 306.570 will be set out; and Register ____)

(E) the applicant's plan for disposal of waste.

Editor's note: The form for an application for a marijuana product manufacturing facility license or a marijuana concentrate manufacturing license is available online as provided in the editor's note under 3 AAC 306.020.

3 AAC 306.525. Approval of concentrates and marijuana products.

(a) A marijuana product manufacturing facility, including a marijuana concentrate manufacturing facility, must obtain the board's approval for each product it will manufacture for sale or transfer to another licensed marijuana establishment. The board will not approve any product that is prohibited under 3 AAC 306.510(a)(4).

(b) An applicant for a marijuana product manufacturing facility license may request the board's approval of its intended products with a new license application by including, in its operating plan

(1) a photograph, drawing, or graphic representation of the expected appearance of each final product; and

(2) the proposed standard production procedure and detailed manufacturing process for each product.

(c) A licensed marijuana product manufacturing facility may at any time submit a new product approval request to the board on a form the board prescribes along with a fee of \$250.

(d) A licensed marijuana product manufacturing facility shall keep its ingredient list and potency limits for any food product containing marijuana on file at the marijuana product manufacturing facility's licensed premises. The ingredient list and potency limits for any product manufactured at the facility must be made available for inspection on request by the director, or an employee or agent of the board.



3 AAC 306.530. Marijuana handler permit and food safety worker training.

(a) A marijuana product manufacturing facility including a licensed marijuana concentrate manufacturer facility shall ensure that each licensee, employee, or agent who is required or permitted to be physically present on the licensed premises at any time

(1) obtains a marijuana handler permit as provided in 3 AAC 306.700 before being present or employed at the marijuana product manufacturing facility's licensed premises; and

(2) has the marijuana handler permit card in the person's immediate possession, or a valid copy on file on the premises, at all times while on the marijuana product manufacturing facility's licensed premises.

(b) A licensee, employee, or agent of a licensed marijuana product manufacturing facility who handles marijuana at the facility shall obtain a food safety worker card in compliance with AS 18.31.330, and keep that card in that person's possession at all times while on the licensed premises of the marijuana product manufacturing facility.

3 AAC 306.535. Restricted access and storage areas.

(a) A marijuana product manufacturing facility shall conduct any extraction or product manufacturing operation in a restricted area in compliance with 3 AAC 306.710.

(b) A marijuana product manufacturing facility shall have full video surveillance of the licensed premises as provided in 3 AAC 306.720, including any area where

(1) marijuana concentrate is produced; occurs,

(2) any operation involved in manufacturing any product containing marijuana

(3) marijuana or a marijuana product is stored or stockpiled; or

(4) marijuana waste is destroyed.

(c) Any area where marijuana or a marijuana product is stored must be moisture and



temperature controlled and protected from pests and vermin.

3 AAC 306.540. Marijuana inventory tracking system.

(a) A marijuana product manufacturing facility shall use a marijuana inventory tracking system as provided in 3 AAC 306.730 to ensure that the marijuana product manufacturing facility identifies and tracks any marijuana or marijuana product from the time the marijuana or marijuana product is received, through

- (1) use of the marijuana or marijuana product in manufacturing any other marijuana product;
- (2) sale or transfer of the marijuana or marijuana product originally received, or any marijuana product manufactured at that marijuana product manufacturing facility to another licensed marijuana establishment; and
- (3) disposal of any expired or outdated marijuana or marijuana product that is not sold or transferred to another licensed marijuana establishment.

(b) When marijuana from a marijuana cultivation facility or marijuana product from another marijuana product manufacturing facility is delivered or transported to the licensed premises of a marijuana product manufacturing facility, the marijuana product manufacturing facility shall immediately enter tracking information for that marijuana or marijuana product into the inventory tracking system. A marijuana product manufacturing facility may not accept any marijuana or marijuana product that does not have a valid transport manifest generated from the marijuana inventory tracking system of the licensed marijuana establishment that supplies the marijuana or marijuana product.

(c) A marijuana product manufacturing facility shall track any received marijuana or marijuana product to its use in a marijuana product, and shall reconcile each transaction to its inventory tracking system at the close of business each day.

(d) A marijuana product manufacturing facility shall account for any variance in the quantity of marijuana or marijuana product the facility received, and the quantity the facility sold, transferred, or disposed of.



3 AAC 306.545. Health and safety standards.

(a) A marijuana product manufacturing facility shall comply with the health and safety standards set out in 3 AAC 306.735, the Alaska Food Safety Code, 18 AAC 31, if applicable, and any local kitchen-related health and safety standards for retail food establishments.

(b) In addition to inspection by the director or an employee or agent of the board, a marijuana product manufacturing facility is subject to inspection by local safety officials, including a local fire department, building inspector, or code enforcement officer.

3 AAC 306.550. Required laboratory testing.

(a) A marijuana product manufacturing facility shall provide a sample of each marijuana product manufactured at the facility to a licensed marijuana testing facility, and may not sell or transport any marijuana product until all laboratory testing required by 3 AAC 306.645 has been completed.

(b) To comply with (a) of this section, a marijuana product manufacturing facility shall

(1) collect a random sample for testing by selecting a product from each production lot in an amount required by the marijuana testing facility;

(2) designate an individual responsible for collecting each sample; that individual shall

(A) prepare a signed statement showing that each sample has been randomly selected for testing;

(B) provide the signed statement to the marijuana testing facility; and

(C) maintain a copy as a business record under 3 AAC 306.755, and

(3) transport the sample to the marijuana testing facility in compliance with 3 AAC 306.750.

(c) After collecting and transporting a sample for testing, a marijuana product manufacturing facility shall segregate the entire production lot from which the testing sample was selected until



the marijuana testing facility reports the results from its tests. During this period of segregation, the marijuana product manufacturing facility that provided the sample shall maintain the production lot in a secure, cool, and dry location to prevent the marijuana product from becoming contaminated or losing its efficacy. The marijuana product manufacturing facility may not sell or transport any marijuana product from the segregated lot until the marijuana testing facility has completed its testing and analysis and provided those results, in writing, to the marijuana product manufacturing facility that provided the sample. The marijuana product manufacturing facility shall maintain the testing results as part of its business records.

(e) When geographic location and transportation limitations make it unfeasible for a manufacturing facility to transport testing samples to a lab, an applicant for licensure may propose alternative means of testing to meet the requirements of this code.

3 AAC 306.555. Production of marijuana concentrate.

(a) Before producing any marijuana concentrate for sale, a marijuana product manufacturing facility shall develop standard operating procedures, good manufacturing practices, a safety plan, and a training plan for each individual employed in an extraction process.

(b) A marijuana product manufacturing facility may create marijuana concentrates only as follows:

(1) water-based marijuana concentrate may be produced by extracting cannabinoids from marijuana by using only water, ice or dry ice;

(2) food-based marijuana concentrate may be produced by extracting cannabinoids from marijuana through the use of propylene glycol, glycerin, butter, olive oil, or other typical cooking fats; infused dairy butter and oils or fats derived from natural sources may be used to prepare infused edible products, but may not be prepared as stand-alone edible products for sale;

(3) solvent-based marijuana concentrate may be produced using the hydrocarbons N-butane, isobutane, propane, or heptane or other solvents or gases the board approves that exhibit low to minimal potential human health-related toxicity; approved solvents must be of at least ninety-nine percent purity and must be used

(A) in a professional grade closed loop extraction system designed to recover the solvents;



(B) in an environment with proper ventilation; and

(C) with control of all sources of ignition if a flammable atmosphere is or may be present.

(c) A marijuana product manufacturing facility using a professional grade closed loop gas extraction system must ensure that ratings;

(1) every vessel is used in compliance with the manufacturer's stated pressure

(2) any CO₂ used is of at least ninety-nine percent purity;

(3) any person using a solvent or gas to extract marijuana concentrate in the closed looped system must be fully trained on how to use the system, have direct access to applicable material safety data sheets, and handle and store the solvent and gas safely;

(4) a licensed engineer has certified that the professional grade closed loop system was commercially manufactured, is safe for its intended use, and is built to codes of recognized and generally accepted engineering practices;

(5) any professional grade closed loop system, and other equipment and facilities used in the extraction process must be approved for their use by the local fire code official and must meet any applicable fire, safety, and building code requirements.

(d) A marijuana product manufacturing facility may use heat, screens, presses, steam distillation, ice water, and other methods without employing solvents or gases to create kief, hashish, bubble hash, infused dairy butter, or oils or fats derived from natural sources, and other extracts.

(e) A marijuana product manufacturing facility may use food grade glycerin, ethanol, and propylene glycol solvents to create extracts. All ethanol must be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.

3 AAC 306.557. Quality control sampling

A marijuana product manufacturing facility may provide a sample of marijuana concentrate or other marijuana product to an employee of the facility, who is in possession of a valid marijuana handler card for the purpose of quality control only if



- (1) samples provided to employees for quality control do not exceed a cumulative total set out in 3 AAC 306.355 in a 30-day period;
- (2) each sample is registered and tracked using the marijuana inventory tracking system in accordance with 3 AAC 306.730;
- (3) consumption of marijuana does not occur on the licensed premises;
- (4) no sample provided under this section is sold or given to another licensee or consumer;
- (5) each employee who receives a marijuana sample for the purpose of quality control completes a quality control form approved by the board for each sample;
- (6) the marijuana cultivation facility licensee maintains copies of completed forms required under (5) of this subsection in accordance with 3 AAC 306.755; and
- (7) samples that leave the licensed premises are packaged in opaque, resealable, child-resistant packaging and clearly marked or labeled "For Quality Control" and the packaging is designed or constructed to be significantly difficult for children under five years of age to open, but not normally difficult for adults to use properly.

3 AAC 306.560. Potency limits per serving and transaction for edible marijuana products.

(a) A marijuana product manufacturing facility may not prepare any product with potency levels exceeding the following, as tested in compliance with 3 AAC 306.645:

- (1) for a single serving of marijuana product, five milligrams active tetrahydrocannabinol (THC) or Delta 9;
- (2) in a single packaged unit of marijuana product to be eaten or swallowed, not more than ten servings, or fifty milligrams of active THC or Delta 9; the THC content must be homogenous, or evenly distributed throughout the marijuana infused product.

3 AAC 306.565. Packaging of marijuana products.



(a) A marijuana product manufacturing facility shall observe the potency limits set out in 3 AAC 306.560 in packaging each product for resale by a retail marijuana store.

(b) A container or packaging for any edible marijuana product produced by a marijuana product manufacturing facility may not have any printed images, including cartoon characters, that specifically target individuals under the age of 21. In addition, the packaging must

(1) protect the product from contamination and not impart any toxic or damaging substance to the product;

(2) if the marijuana product contains multiple servings, the product itself must have markings or demarcations clearly delineating each serving of the product. For liquid marijuana products with multiple servings the packaging must indicate the number and size of individual servings.

(c) A licensed marijuana product manufacturing facility may transfer marijuana products that are not edible marijuana products to another licensed facility in wholesale packages not to exceed 5 pounds.

(d) Each packaged marijuana product must be identified by a tracking label generated by the marijuana product manufacturing facility's marijuana inventory control system.

(e) A licensed marijuana product manufacturing facility shall prepare marijuana products for transfer to another marijuana establishment by container; container; and

(1) placing marijuana products within a sealed, tamper-evident shipping

(2) affixing a label that complies with 3 AAC 306.570(d) to the shipping

(3) generating a transport manifest from the marijuana product manufacturing facility's marijuana inventory system; the transport manifest must remain with the marijuana products at all times while being transported, and a copy must be given to the licensed marijuana establishment that receives the shipment.

3 AAC 306.570. Labeling of marijuana products.

(a) With each production lot of marijuana product sold, a marijuana product manufacturing facility must disclose in writing the name of the licensed marijuana testing facility that performed



any required test and the results of each required test.

(b) A marijuana product may not be labeled as organic.

(c) A marijuana product manufacturing facility shall affix a label containing the following information to each package of marijuana product sold to a retail store for resale to a consumer:

(1) the name and license number of the marijuana product manufacturing facility where the marijuana product was prepared;

(2) the production lot number assigned to the product in the package;

(3) the net weight of the product in the package, not including weight of packaging, using a standard of measure compatible with the inventory tracking system;

(4) a label containing the following statements:

(A) "Marijuana has intoxicating effects and may be habit forming and addictive;"

(B) "Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence;"

(C) "There are health risks associated with consumption of marijuana;" and

(D) "For use only by adults twenty-one and older. Keep out of the reach of children"

(E) "Marijuana should not be used by women who are pregnant or breast feeding."

(d) A marijuana product manufacturing facility transporting marijuana product to a retail marijuana store shall affix a label to the shipping container showing that a licensed marijuana testing facility has tested each lot of marijuana product in the shipment and giving the test results, including the following information:

(1) a cannabinoid potency profile expressed as a range of percentages that extends from the lowest percentage to highest percentage of concentration for each cannabinoid listed from every test conducted on that production lot from the same marijuana product manufacturing facility within the last three months;

(2) a statement listing the results of microbial testing required by 3 AAC 306.645(b)(2);



(3) a statement listing the results of residual solvent testing required by 3 AAC 306.645(b)(3), if applicable; was tested:

(4) a statement listing any of the following contaminants for which the product

(A) molds, mildew and filth, in addition to the testing required by 3 AAC 306.645(b)(2);

(B) herbicides, pesticides, and fungicides, and

(C) harmful chemicals.

(e) If a marijuana product manufacturing facility ships wholesale marijuana product from a production lot of marijuana product that has not been tested for each contaminant listed in (d)(4) of this section, the label for that lot must include a statement identifying each contaminant listed in (d)(4) of this section for which that lot has not been tested.

MARIJUANA HANDLERS™ - Key Points

- A person may not extract marijuana concentrate for sale, or formulate or manufacture any marijuana product for sale unless that person has obtained a marijuana product manufacturing facility license from the board.
- A licensed marijuana product manufacturing facility, including a licensed marijuana concentrate manufacturing facility, may not sell any product that closely resembles any familiar food or drink item including candy or packaged to look like candy, or in bright colors or with cartoon characters.
- A marijuana product manufacturing facility shall use a marijuana inventory tracking system.
- Marijuana product manufacturing facility is subject to inspection by local safety officials, including a local fire department, building inspector, or code enforcement officer.
- A marijuana product manufacturing facility may create marijuana concentrates only as follows: water-based marijuana concentrate, food-based marijuana concentrate, solvent-based marijuana concentrate.
- With each production lot of marijuana product sold, a marijuana product manufacturing facility must disclose in writing the name of the licensed marijuana testing facility that performed any required test and the results of each required test.



Section

- 3 AAC 306.600. Applicability
 - 3 AAC 306.605. Marijuana testing facility license required
 - 3 AAC 306.610. Marijuana testing facilities: privileges and prohibitions
 - 3 AAC 306.615. Application for marijuana testing facility license
 - 3 AAC 306.620. Approval of testing facility
 - 3 AAC 306.625. Proficiency testing program
 - 3 AAC 306.630. Scientific director
 - 3 AAC 306.635. Testing methodologies
 - 3 AAC 306.640. Standard operating procedure manual
 - 3 AAC 306.645. Laboratory testing of marijuana and marijuana products
 - 3 AAC 306.650. Chain of custody
 - 3 AAC 306.655. Marijuana inventory tracking system
 - 3 AAC 306.660. Failed materials; retests
 - 3 AAC 306.665. Supplemental marijuana quality testing
 - 3 AAC 306.670. Reporting; verification
 - 3 AAC 306.675. Records retention
-

3 AAC 306.600. Applicability.

(a) The provisions of 3 AAC 306.600 - 3 AAC 306.675 apply to any person offering any service testing, analyzing, or certifying potency, moisture content, pesticide or solvent residue, mold, mildew, bacteria, or other contaminant in marijuana or any marijuana product to any other person including a marijuana establishment or any member of the public, whether for compensation or not, as a independent or third party testing facility.

(b) The provisions of 3 AAC 306.600 - 3 AAC 306.675 do not apply to any licensed marijuana establishment that controls marijuana testing equipment used solely for its own in- house testing of its own cultivated crop, of products produced or manufactured at its own facility, or of retail products placed or offered for sale in its marijuana retail store.

3 AAC 306.605. Marijuana testing facility license required.

(a) A person may not offer or provide any marijuana testing service or test results unless the



person has obtained a marijuana testing facility license from the board in compliance with this chapter, or is an employee or agent acting for a licensed marijuana testing facility.

(b) A person seeking a marijuana testing facility license must

(1) submit an application for a marijuana testing facility license on a form the board prescribes, including the information set out at 3 AAC 306.020 and 3 AAC 306.615; and

(2) demonstrate to the board's satisfaction that the applicant will operate in compliance with (A) each applicable provision of 3 AAC 306.600 - 3 AAC 306.675, and 3 AAC 306.700 - 3 AAC 306.755; and

(B) each applicable public health, fire, safety, and tax code and ordinance of the state and the local government in which the applicant's proposed licensed premises are located.

(C) does not hold any marijuana establishment license in this state other than a testing facility license, or have any financial interest in common with any person who is a licensee of a marijuana establishment in this state other than a testing facility license; and

(D) meets the board's standards for approval as set out in 3 AAC 306.620 - 3 AAC 306.625.

(c) A licensee of any marijuana testing facility, or an employee or agent of a licensed marijuana testing facility may not have an ownership interest in, or a direct or indirect financial interest in any other licensed marijuana establishment.

3 AAC 306.610. Marijuana testing facilities: privileges and prohibitions.

(a) A licensed marijuana testing facility may have any amount of marijuana and marijuana product on its premises at any given time provided that the testing facility's marijuana inventory tracking system and other records document that all marijuana and marijuana products are on the premises only for the testing purposes described in 3 AAC 306.600 - 3 AAC 3306.675.

(b) A licensed marijuana testing facility may not

(1) have any licensee, employee, or agent who holds any type of marijuana establishment license other than a marijuana testing facility license issued under this chapter;

(2) sell, deliver, distribute, or transfer any marijuana or marijuana product to a consumer, with or



without compensation; or

(3) allow any person to consume marijuana or marijuana product on its licensed premises.

3 AAC 306.615. Application for marijuana testing facility license.

An applicant for a new marijuana testing facility license must file an application on a form the board prescribes, including

(1) the information required under 3 AAC 306.020; and

(2) the proposed marijuana testing facility's operating plan, including, in addition to the information required under 3 AAC 306.020(c), the following:

(A) each test the marijuana testing facility will offer;

(B) the facility's standard operating procedure for each test the facility will offer; and

(C) the acceptable range of results for each test the facility will offer.

3 AAC 306.620. Approval of testing facility.

(a) A person seeking a marijuana testing facility license must first obtain the approval of the board by showing competence to perform each test the licensee will offer as an independent third party testing facility, including tests to identify

(1) THC, THCA, CBD, CBDA and CBN potency;

(2) harmful microbials including E. coli or salmonella;

(3) residual solvents;

(4) poisons or toxins;



(5) harmful chemicals;

(6) dangerous molds, mildew or filth;

(7) pesticides.

(b) In evaluating whether a person has shown competence in testing under this section, the board or the board's contractor may

(1) conduct an on-site inspection of the applicant's premises;

(2) require the applicant to demonstrate proficiency in testing; and

(3) examine compliance with any applicable requirement of 3 AAC 306.630 - 3AAC 306.675, and 3 AAC 306.700 - 3AAC 306.755, including

(A) qualifications of personnel; will use;

(B) standard operating procedure for each testing methodology the facility

(C) proficiency testing results;

(D) quality control and quality assurance;

(E) security;

(F) chain of custody;

(G) specimen retention;

(H) space;

(I) records; and

(J) reporting of results.

(c) In this section, "approval" means the board or its contractor has examined the qualifications and procedures of the marijuana testing facility license applicant and found them generally in compliance with good laboratory practices; "approval" does not mean the board guarantees that



the testing facility can or will protect the public from all potential hazards of marijuana including microbials, poisons or toxins, residual solvents, pesticides, or other contaminants.

3 AAC 306.625. Proficiency testing program.

(a) When an accredited proficiency testing program becomes available in the state, the board may require an applicant for a marijuana testing facility license to participate successfully in a proficiency testing program within 12 months before receiving a license. The proficiency testing program must require an applicant for a marijuana testing facility license or a participating licensed marijuana testing facility to analyze test samples using the same procedures with the same number of replicate analyses, standards, testing analysts, and equipment that will be used for product testing. Successful participation means the positive identification of 80 percent of the target analytes that the testing facility reports, and must include quantitative results when applicable. Any false positive results reported will be considered an unsatisfactory score for the proficiency test.

(b) Before renewing the license of a marijuana testing facility, the board may require the facility to participate in a proficiency testing program with documentation of continued performance satisfactory to the board. The license of a marijuana testing facility may be limited, suspended, or revoked if the facility fails to participate and receive a passing score in a proficiency testing program.

(c) The scientific director and each testing analyst of an applicant for a marijuana testing facility license and a licensed marijuana testing facility that participated in a proficiency test shall sign a corresponding attestation statement. The scientific director must review and evaluate each proficiency test result.

(d) An applicant for a marijuana testing facility license, and a licensed marijuana testing facility participating in the proficiency testing program, shall take and document remedial action when the applicant or the facility meets the standards of

(a) of this section, but scores less than 100 percent in a proficiency test. “Remedial action” means the marijuana testing facility’s scientific director shall, at a minimum, review all samples tested and results reported after the date of the marijuana testing facility’s last successful proficiency test.



3 AAC 306.630. Scientific director.

(a) A marijuana testing facility must employ a scientific director who must be responsible for

- (1) overseeing and directing the laboratory's scientific methods;
- (2) ensuring that the laboratory achieves and maintains quality standards of practice; and
- (3) supervising all staff of the laboratory.

(b) The scientific director of a marijuana testing facility must have the following qualifications:

- (1) a doctorate degree in chemical or biological sciences from an accredited college or university and have at least 2 years of post-degree laboratory experience;
- (2) a master's degree in chemical or biological sciences from an accredited college or university and have at least 4 years of post-degree laboratory experience; or
- (3) a bachelor's degree in chemical or biological sciences from an accredited college or university and have at least 6 years of post-degree laboratory experience.

3 AAC 306.635. Testing methodologies.

(a) An applicant for a marijuana testing facility license and a licensed marijuana testing facility shall

(1) use the following materials, which are adopted by reference, as guidelines or references for testing methodologies:

(A) Cannabis Inflorescence: Standards of Identity, Analysis, and Quality Control, Revision 2014 published by the American Herbal Pharmacopoeia; and

(B) United Nations Office on Drugs and Crime: Recommended methods for the identification and analysis of cannabis and cannabis products: Manual for use by national drug analysis laboratories (2009).



(2) notify the board of any alternative scientifically valid testing methodology the facility proposes to use for any laboratory test it conducts; the board may require third-party validation of any monograph, peer reviewed scientific journal article, or analytical method the marijuana testing facility proposes to follow to ensure the methodology produces comparable and accurate results.

(b) An applicant for a marijuana testing facility license and the holder of a marijuana testing facility license must observe good laboratory practices.

(c) The board or the board's contractor may inspect the practices, procedures, and programs adopted, followed, and maintained by the applicant or the licensed marijuana testing facility; and may examine all records of the applicant or the licensed marijuana testing facility that are related to the inspection. The board may require an applicant or a licensed marijuana testing facility to have an independent third party inspect and monitor laboratory operations to assess testing competency and the facility's compliance with its quality program. The board may require random validation of a marijuana testing facility's execution of all testing methodologies the facility uses. The marijuana testing facility must pay all costs of validation.

Editor's note: Cannabis Inflorescence: Standards of Identity, Analysis, and Quality Control, Revision 2014, published by the American Herbal Pharmacopoeia may be obtained from the American Herbal Pharmacopoeia, P.O. Box 66809, Scotts Valley, California 95067, or at the Internet address <http://www.herbal-ahp.org/>

United Nations Office on Drugs and Crime: Recommended methods for the identification and analysis of cannabis and cannabis products: Manual for use by national drug analysis laboratories (2009).is available at the internet address

<https://www.unodc.org/documents/scientific/ST-NAR-40-Ebook.pdf>

OECD Principles of Good Laboratory Practice and Compliance Monitoring published by the Organisation for Economic Co-operation and Development as revised as of 1997 is available at the internet address

3 AAC 306.640. Standard operating procedure manual.

(a) An applicant for a marijuana testing facility license and a licensed marijuana testing facility must have a written procedures manual with detailed instructions explaining how to perform each testing method the applicant or marijuana testing facility uses, and minimum standards for each test. The written procedures manual must be available to each employee of the marijuana



testing facility at all times. A standard operating procedures manual must cover at least the following procedures:

- (1) sample preparation for each matrix that will be tested;
- (2) reagent, solution, and reference standard preparation;
- (3) instrument setup, where applicable;
- (4) standardization of volumetric reagent solutions, as applicable;
- (5) data acquisition; and
- (6) calculation of results;
- (7) identification criteria;
- (8) quality control frequency;
- (9) quality control acceptance criteria; and
- (10) corrective action protocol.

(b) The scientific director of a licensed marijuana testing facility shall approve, sign, and date each standard operating procedure, and each revision to any standard operating procedure.

3 AAC 306.645. Laboratory testing of marijuana and marijuana products

(a) A marijuana testing facility shall use the general body of required laboratory tests as set out in this section for marijuana plant material, an extract or concentrate of marijuana, and an edible marijuana product. Required tests may include potency analysis, moisture content, foreign matter inspection, microbial screening, pesticide, other chemical residue, and metals screening, and residual solvents levels. A marijuana testing facility shall establish a schedule of fees and sample size required for each test it offers.

(b) The tests required for each marijuana type or marijuana product, are as follows:



(1) potency testing is required on marijuana bud and flower, marijuana concentrate, and a marijuana product, as follows:

(A) the required cannabinoid potency test must at least determine the concentration of THC, THCA, CBD, CBDA and CBN cannabinoids; a marijuana testing facility may test and report results for any additional cannabinoid if the test is conducted in compliance with a validated method;

(B) a marijuana testing facility shall report potency test results as follows:

(i) for a potency test on marijuana and marijuana concentrate, the marijuana testing facility shall list for each required cannabinoid a single percentage concentration that represents an average of all samples within the test batch; alternatively, the sum of THC and THCA may be reported as total THC; the sum of CBD and CBDA may be reported as total CBD;

(ii) for a potency test on a marijuana product, whether conducted on each individual production lot or using process validation, the marijuana testing facility shall list for each cannabinoid the total number of milligrams contained within a single retail marijuana product unit for sale;

(iii) testing whether the THC content is homogenous, the marijuana testing facility shall report the THC content of each single serving in a multi-unit package; the reported content must be within 20 percent of the manufacturer's target; for example, in a 25 milligrams total THC package with five servings, each serving must contain between four and six milligrams of THC;

(C) the marijuana testing facility shall determine an edible marijuana product to have failed potency testing if

(i) an individually packaged edible retail marijuana product contained within a test lot is determined to have more than 60 milligrams of THC within it; or

(ii) the THC content of an edible marijuana product is not homogenous;

(2) microbial testing for the listed substances on the listed marijuana products is required as follows:

Substance Acceptable Limits Per Gram

(3) testing for the listed residual solvents and metals on the listed marijuana products is required as follows:



Substance Acceptable Limits Per Gram



3 AAC 306.650. Chain of custody.

A marijuana testing facility must establish an adequate chain of custody and sample requirement instructions that include

- (1) issuing instructions for the minimum sample requirements and storage requirements;
- (2) documenting the condition of the external package and integrity seals utilized to prevent contamination of, or tampering with, the sample;
- (3) documenting the condition and amount of sample provided at the time the sample is received at the facility;
- (4) documenting each person handling the original samples, aliquots, and extracts;
- (5) documenting any transfer of samples, aliquots, and extracts to another marijuana testing facility for additional testing or at the request of the marijuana cultivation facility or marijuana product manufacturer that provided the testing sample;
- (6) maintaining a current list of authorized personnel and restricting entry to the facility to those authorized persons;
- (7) securing the facility during non-working hours;
- (8) securing short-term and long-term storage areas when not in use;



- (9) using a secured area to log in and aliquot samples;
- (10) ensuring samples are stored appropriately; and
- (11) documenting the disposal of samples, aliquots, and extracts.

3 AAC 306.655. Marijuana inventory tracking system.

A marijuana testing facility shall use an inventory tracking system as provided in 3 AAC 306.730 to ensure all marijuana transported to the marijuana testing facility's premises is identified and tracked from the time the marijuana arrives at the testing facility to the use and destruction of the marijuana in testing, or disposal in compliance with 3 AAC 306.740.

3 AAC 306.660. Failed materials; retests

(a) If a sample tested by a marijuana testing facility does not pass the required tests based on the standards set out in 3 AAC 306.645, including a visual foreign matter inspection, the marijuana establishment that provided the sample shall

(1) dispose of in accordance with 3 AAC 306.740, the entire harvest batch or production lot from which the sample was taken; and

(2) document the disposal of the sample using the marijuana establishment's marijuana inventory tracking system.

(b) If a sample of marijuana fails a required test, any marijuana plant trim, leaf, and other usable material from the same plants automatically fail the required test. The board or director may approve a written request, on a form prescribed by the board, to allow a batch of marijuana that fails a required test to be used to make a carbon dioxide- or solvent-based extract. After processing, the carbon dioxide- or solvent-based extract must pass all required tests.

(c) If a marijuana cultivation facility or a marijuana product manufacturing facility submits a written request, on a form prescribed by the board, for a retest of marijuana or a marijuana product that failed a required test, the board or director may authorize a retest to validate the



test results. The marijuana cultivation facility or a marijuana product manufacturing facility shall pay all costs of a retest.

3 AAC 306.665. Supplemental marijuana quality testing.

(a) The board or director may at any time determine that the interests of the public require random supplemental testing of marijuana or a marijuana product. When the board or director requires random supplemental marijuana testing, the board or director will direct the marijuana cultivation facility that produced the marijuana, or the marijuana product manufacturing facility that manufactured the product, to submit a specified sample, batch, or packaged product to a designated marijuana testing facility. The material must be packaged in a manner that ensures the testing facility will be able to confirm that it has received and is testing the correct supplemental sample.

(b) When a marijuana testing facility receives a sample for supplemental laboratory testing under this section, the marijuana testing facility shall

(1) perform any required laboratory test the board requests; and

(2) report its results to the board or director and the facility that provided the sample.

(c) A marijuana testing facility that conducts laboratory testing under this section shall bill all costs directly to the marijuana cultivation facility or the marijuana product manufacturing facility that provided the samples for testing.

3 AAC 306.670. Reporting, verification.

(a) A marijuana testing facility must report the result of each required laboratory test directly into its marijuana inventory control system within twenty-four hours after the test is completed. A marijuana testing facility must provide the final report

(1) to the facility that submitted the sample in a timely manner; and

(2) to the director within 72 hours when results of tested samples exceed allowable levels.



(b) A marijuana testing facility shall establish procedures to ensure that reported results are accurate, precise, and scientifically valid. To ensure reported results are valid, a marijuana testing facility must include in all final reports: sample;

- (1) the name and location of the marijuana testing facility;
- (2) the unique sample identifier assigned by the testing facility;
- (3) the marijuana establishment or other person that submitted the testing sample;
- (4) the sample identifier provided by the person that submitted the testing
- (5) the date the facility received the sample;
- (6) the chain of custody identifier;
- (7) the date of report;
- (8) the type of product tested;
- (9) the test results;
- (10) the units of measure; and
- (11) any other information or qualifiers needed for interpretation of the test method and the results being reported, including any identified and documented discrepancy.

(c) A marijuana testing facility may amend a final report for clerical purposes except that test results may not be amended.

(d) A marijuana testing facility shall notify the director in writing not later than 24 hours after a significant equipment malfunction or failure that prevents the completion of required marijuana or marijuana product testing. The licensee shall notify the director of any action the licensee intends to take to provide for re- testing or destruction of the marijuana or marijuana product.



A marijuana testing facility shall maintain the business records required under 3 AAC 306.755 for the period of time specified in that section. The books and records required under 3 AAC 306.755(a)(1) include:

Authority:

- (1) test results;
- (2) quality control and quality assurance records;
- (3) standard operating procedures;
- (4) chain of custody records;
- (5) proficiency testing records;
- (6) analytical data to include printouts generated by the instrumentation;
- (7) accession numbers;
- (8) specimen type;
- (9) raw data of calibration standards and curves, controls and subject results;
- (10) final and amended reports;
- (11) acceptable reference range parameters;
- (12) identity of analyst; and
- (13) date of analysis.

MARIJUANA HANDLERS™ - Key Points

- A person may not offer or provide any marijuana testing service or test results unless the person has obtained a marijuana testing facility license.
- A licensed marijuana testing facility may have any amount of marijuana and marijuana product on its premises at any given time provided that the testing facility's marijuana inventory tracking system and other records document that all marijuana and marijuana



products are on the premises only for the testing purposes.

- A person seeking a marijuana testing facility license must first obtain the approval of the board by showing competence to perform each test the licensee will offer as an independent third party.
- A marijuana testing facility must employ a scientific director.
- An applicant for a marijuana testing facility license and a licensed marijuana testing facility must have a written procedures manual.
- If a sample tested by a marijuana testing facility does not pass the facility that provided the sample shall dispose of the entire harvest batch or production lot document the disposal.
- A marijuana testing facility must report the result of each required laboratory test directly into its marijuana inventory control system within twenty-four hours after the test is completed.

.7 Operating Requirements for All Marijuana Establishments.

Section

- 3 AAC 306.700. Marijuana handler permit
- 3 AAC 306.705. Licensed premises; alteration
- 3 AAC 306.710. Restricted access areas
- 3 AAC 306.715. Security alarm systems and lock standards
- 3 AAC 306.720. Video surveillance
- 3 AAC 306.725. Inspection of licensed premises
- 3 AAC 306.730. Marijuana inventory tracking system
- 3 AAC 306.735. Health and safety standards
- 3 AAC 306.740. Waste disposal
- 3 AAC 306.745. Standardized scales
- 3 AAC 306.750. Transportation
- 3 AAC 306.755. Business records
- 3 AAC 306.760. Trade Shows.
- 3 AAC 306.770. Signs, merchandise, advertisements, and promotions.

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- 3 AAC 306.700. Marijuana handler permit



(a) A marijuana establishment and each licensee, employee, or 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, 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) AS17.37, AS17.38, 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 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) 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.
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3 AAC 306.705. Licensed premises, alteration.

(a) A marijuana establishment license will be issued for a specific licensed premises, which is a place clearly designated in a license application and described by a line drawing submitted with the license application. The licensed premises must

- (1) have adequate space for its approved operations, including growing, manufacturing, processing, packaging, or storing marijuana or marijuana products; and
- (2) be located and constructed to facilitate cleaning, maintenance, and proper operation.

(b) A marijuana establishment's license must be posted in a conspicuous place within the licensed premises.

(c) A holder of a marijuana establishment license may not alter the functional floor plan or reduce or expand the area of the licensed premises without first obtaining the director's written approval. A marijuana establishment license holder seeking to change or modify the licensed premises shall submit a request for approval of the change on a form prescribed by the board,



along with

- (1) the fee prescribed in 3 AAC 306.100;
- (2) a drawing showing the proposed change;
- (3) evidence that the proposed change conforms to any local restrictions; and
- (4) evidence that the licensee has obtained any applicable local building permit.

3 AAC 306.710. Restricted access areas.

- (a) A marijuana establishment shall restrict access to any part of the licensed premises where marijuana or a marijuana product is grown, processed, tested, stored, or stocked.
- (b) Except as provided in 3 AAC 306.325 for a marijuana retail store, each entrance to a restricted access area must be marked by a sign that says "Restricted access area. Visitors must be escorted." A marijuana establishment shall limit the number of visitors to not more than five visitors for each licensee, employee, or agent of the licensee who is actively engaged in supervising those visitors.
- (c) In a restricted access area, any licensee, employee, and agent of the marijuana establishment shall wear a current identification badge bearing the person's photograph. A person under the age of 21 may not enter any restricted access area. Any visitor to the restricted area must
 - (1) show identification as required in 3 AAC 306.350 to prove that person is not under the age of 21;
 - (2) obtain a visitor identification badge before entering the restricted access area; and
 - (3) be escorted at all times by a licensee, or an employee or an agent of the marijuana establishment.

3 AAC 306.715. Security alarm systems and lock standards



(a) Each licensee, employee, or agent of a marijuana establishment shall display an identification badge issued by the marijuana establishment at all times when on the marijuana establishment's licensed premises.

(b) The licensed premises of a marijuana establishment must have

(1) exterior lighting to facilitate surveillance;

(2) a security alarm system on all exterior doors and windows; and

(3) continuous video monitoring as provided in 3AAC 306.720.

(c) A marijuana establishment shall have policies and procedures that

(1) are designed to prevent diversion of marijuana or marijuana product;

(2) prevent loitering;

(3) describe the use of any additional security device, such as a motion detector, pressure switch, and duress, panic, or hold-up alarm to enhance security of licensed premises; and

(4) describe the actions to be taken by a licensee, employee, or agent of the marijuana establishment when any automatic or electronic notification system alerts a local law enforcement agency of an unauthorized breach of security.

(d) A marijuana establishment shall use commercial grade, non-residential door locks on all exterior entry points to the licensed premises.

(e) A marijuana establishment shall notify the Department of Commerce, Community, and Economic Development, Alcohol and Marijuana Control Office as soon as reasonably practical and in any case not more than 24 hours after any unauthorized access to the premises or the establishment's knowledge of evidence or circumstances that reasonably indicate theft, diversion, or unexplained disappearance of marijuana, marijuana products, or money from the licensed premises.



(a) A marijuana establishment shall install and maintain a video surveillance and camera recording system as provided in this section. The video system must cover

- (1) each restricted access area and each entrance to a restricted access area within the licensed premises;
- (2) each entrance to the exterior of the licensed premises;
- (3) each point-of-sale area.

(b) At a marijuana establishment, a required video camera must be placed in a way that produces a clear view adequate to identify any individual inside the licensed premises, or within 20 feet of each entrance to the licensed premises. Both the interior and the exterior of each entrance to the facility must be recorded by a video camera.

(c) Any area where marijuana is grown, cured, or manufactured, or where marijuana waste is destroyed, must have a camera placement in the room facing the primary entry door, and in adequate fixed positions, at a height which will provide a clear, unobstructed view of the regular activity without a sight blockage from lighting hoods, fixtures, or other equipment, in order to allow for the clear and certain identification of any person and activity in the area at all times.

(d) Surveillance recording equipment and video surveillance records must be housed in a locked and secure area or in a lock box, cabinet, closet or other secure area that is accessible only to a marijuana establishment licensee or authorized employee, and to law enforcement personnel including an agent of the board. A marijuana establishment may use an offsite monitoring service and offsite storage of video surveillance records as long as security requirements at the offsite facility are at least as strict as onsite security requirements as described in this section.

(e) Each surveillance recording must be preserved for a minimum of 40 days, in a format that can be easily accessed for viewing. All recorded images must clearly and accurately display the time and date, and must be archived in a format that does not permit alteration of the recorded image, so that the images can readily be authenticated. After 40 days, a marijuana establishment may erase video recordings, unless the licensee knows or should know of any pending criminal, civil, or administrative investigation for which the video recording may contain relevant information.



(a) A marijuana establishment or an applicant for a marijuana establishment license under this chapter shall, upon request, make the licensed premises or the proposed licensed premises, including any place for storage, available for inspection by the director, an employee or agent of the board, or an officer charged with the enforcement of this chapter. The board or the director may also request a local fire protection agency or any other state agency with health and safety responsibilities to inspect licensed premises or proposed licensed premises.

(b) Inspection under this section includes inspection of the premises, facilities, qualifications of personnel, methods of operation, business and financial records, marijuana inventory tracking system, policies, and purposes of any marijuana establishment and of any applicant for a marijuana establishment license.

3 AAC 306.730. Marijuana inventory tracking system

(a) A marijuana establishment shall use a marijuana inventory tracking system capable of sharing information with the system the board implements to ensure all marijuana cultivated and sold in the state, and each marijuana product processed and sold in the state, is identified and tracked from the time the marijuana is a seed or cutting to a completed sale of marijuana or a marijuana product, or disposal of the harvest batch of marijuana or production lot of marijuana product.

(b) All marijuana delivered to a marijuana establishment must be weighed on a scale certified in compliance with 3 AAC 306.745.

3 AAC 306.735. Health and safety standards.

(a) A marijuana establishment is subject to inspection by the local fire department, building inspector, or code enforcement officer to confirm that no health or safety concerns are present.

(b) A marijuana establishment shall take all reasonable measures and precautions to ensure that

(1) any person who has an illness, an open sore or infected wound, or other potential source of infection may not come in contact with marijuana or a marijuana product while the illness or source of infection persists;

(2) the licensed premises have



(A) adequate and readily accessible toilet facilities that are maintained in good repair and sanitary condition; and

(B) convenient hand-washing facilities with running water at a suitable temperature; the marijuana establishment shall require employees to wash or sanitize their hands, and must provide effective hand-cleaning, sanitizing preparations, and drying devices;

(3) each person working in direct contact with marijuana or a marijuana product shall conform to good hygienic practices while on duty, including (A) maintaining adequate personal cleanliness; and

(B) washing hands thoroughly in an adequate hand-washing area before starting work, after using toilet facilities, and at any other time when the person's hands may have become soiled or contaminated;

(4) litter, waste, and rubbish are properly removed; the waste disposal equipment must be maintained and adequate to

(A) avoid contaminating any area where marijuana or any marijuana product is stored, displayed, or sold; and

(B) prevent causing odors or attracting pests;

(5) floors, walls, and ceilings must be constructed to allow adequate cleaning, and must be kept clean and in good repair;

(6) adequate lighting is installed in any area where marijuana or a marijuana product is stored, displayed, or sold, and where any equipment or utensil is cleaned;

(7) screening or other protection adequately protects against the entry of pests;

(8) any building, fixture, and other facility is maintained in sanitary condition;

(9) any toxic cleaning compound, sanitizing agent, and pesticide chemical must be identified and stored in a safe manner to protect against contamination of marijuana or marijuana product and in compliance with any applicable local, state, or federal law;

(10) adequate sanitation principles are used in any receiving, inspecting, transporting, and storing of marijuana or marijuana product; and



(11) any marijuana or marijuana product must be held in a manner that prevents the growth of bacteria, microbes, or other undesirable microorganisms.

(c) A marijuana establishment shall ensure that any marijuana or marijuana product that has been stored beyond its usable life, or was stored improperly, is not salvaged and returned to the marketplace; in this section, “stored improperly” means being exposed to extremes in temperature, humidity, smoke, fumes, pressure, or radiation due to a natural disaster, fire, accident, or equipment failure.

(d) If a marijuana establishment does not have reliable information about the age or storage conditions of marijuana or a marijuana product in its possession, the marijuana establishment may salvage the marijuana only if:

(1) a licensed marijuana testing facility determines from quality assurance testing that the marijuana or marijuana product meets all applicable standards of moisture, potency, and contaminants;

(2) inspection of the premises where a disaster or accident occurred shows that the marijuana or marijuana product stored there was not adversely affected by the disaster or accident; and

(3) the marijuana establishment maintains a record of the salvaged marijuana or marijuana product in its marijuana inventory tracking system, including the name, lot number and final disposition.

3 AAC 306.740. Waste disposal

(a) A marijuana establishment shall store, manage, and dispose of any solid or liquid waste, including wastewater generated during marijuana cultivation production, processing, testing, or retail sales, in compliance with applicable federal, state, and local statutes, ordinances, regulations, and other law

(b) Marijuana waste must be rendered unusable for any purpose for which it was grown or produced before it leaves a marijuana establishment. Marijuana waste includes

(1) marijuana plant waste, including stalks, leaves, and stems that have not been processed with solvent;



- (2) solid marijuana sample plant waste in the possession of a marijuana testing facility;
- (3) marijuana or a marijuana product that has been found by the licensee unfit for sale or consumption;
- (4) expired marijuana products; and
- (5) other waste as determined by the board.

(c) A marijuana establishment shall

- (1) give the board notice, on a form prescribed by the board, not later than three days before making the waste unusable and disposing of it; however, the director may authorize immediate disposal on an emergency basis;
- (2) record the waste in the marijuana inventory tracking system required under 3 AAC 306.730; and
- (3) keep a record through the marijuana inventory tracking system of the final destination of marijuana waste made unusable.

(d) Marijuana plant waste must be made unusable by grinding the marijuana plant waste and mixing it with at least an equal amount of other compostable or non-compostable materials. A marijuana establishment may use another method to make marijuana waste unusable if the board approves the method in advance. Material that may be mixed with the marijuana waste includes

- (1) compostable materials including food waste, yard waste, vegetable based grease or oils, or other wastes approved by the board when the mixed material can be used as compost feedstock or in another organic waste method such as an anaerobic digester with approval of any applicable local government entity; or
- (2) non-compostable materials including paper waste, cardboard waste, plastic waste, oil, or other wastes approved by the board when the mixed material may be delivered to a permitted solid waste facility, incinerator, or other facility with approval of any applicable local government entity.

(e) If marijuana or a marijuana product is found by, or surrendered to, a law enforcement officer including a peace officer or an airport security officer, the officer may dispose of the marijuana or marijuana product as provided in this section or by any method that is allowed under any



applicable local ordinance.

3 AAC 306.745. Standardized scales.

A marijuana establishment shall use certified scales in compliance with AS 45.75.080, the Alaska Weights and Measures Act. A marijuana establishment shall

- (1) maintain registration and inspection reports of certified scales; and
 - (2) upon request by the board or the director, provide a copy of the registration and inspection reports of the certified scales to the board or the director for review.
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3 AAC 306.750. Transportation

(a) Marijuana or a marijuana product may only be transported to a licensed marijuana establishment by a licensee or an agent or employee of a licensee.

(b) A marijuana establishment from which a shipment of marijuana or marijuana product originates is responsible for preparing, packaging, and securing the marijuana or marijuana product during shipment, for recording the transfer in the marijuana inventory tracking system, and for preparing the transport manifest. An individual transporting marijuana in compliance with this section shall have a marijuana handler permit required under 3 AAC 306.700.

(c) When marijuana or a marijuana product is transported, the marijuana establishment that originates the transport shall use the marijuana inventory tracking system to record the type, amount and weight of marijuana or marijuana product being transported, the name of the transporter, the time of departure and expected delivery, and the make, model, and license plate number of the transporting vehicle. A complete printed transport manifest on a form prescribed by the board must be kept with the marijuana or marijuana product at all times.

(d) During transport, the marijuana or marijuana product must be in a sealed package or container and in a locked, safe, and secure storage compartment in the vehicle transporting the marijuana or marijuana product. The sealed package may not be opened during transport. A vehicle transporting marijuana or a marijuana product must travel directly from the shipping marijuana establishment to the receiving marijuana establishment, and may not make



unnecessary stops in between except to deliver or pick up marijuana or a marijuana product at another licensed marijuana establishment.

(e) When a marijuana establishment receives marijuana or a marijuana product transported in compliance with this section, the recipient of the shipment shall use the marijuana inventory tracking system to report the type, amount, and weight of marijuana or marijuana product received. The recipient shall refuse to accept any shipment of marijuana or marijuana product that is not accompanied by the transport manifest.

(f) A marijuana establishment shall keep records of all marijuana or marijuana products shipped from or received at that marijuana establishment as required under 3 AAC 306.755.

(g) A marijuana establishment may transport marijuana or a marijuana product to and from a trade show or similar industry event in accordance with 3 AAC 306.760 and this section.

3 AAC 306.755. Business records.

(a) A marijuana establishment shall maintain, in a format that is readily understood by a reasonably prudent business person, the following information:

(1) all books and records necessary to fully account for each business transaction conducted under its license for the current year and three preceding calendar years; records for the last six months must be maintained on the marijuana establishment's licensed premises; older records may be archived on or off premises;

(2) a current employee list setting out the full name and marijuana handler permit number of each licensee, employee, and agent who works at the marijuana establishment;

(3) the business contact information for vendors that maintain video surveillance systems and security alarm systems for the licensed premises;

(4) records related to advertising and marketing;

(5) a current diagram of the licensed premises including each restricted access area;

(6) a log recording the name, and date and time of entry of each visitor permitted in a restricted access area;



(7) all records normally retained for tax purposes;

(8) accurate and comprehensive inventory tracking records that account for all marijuana inventory activity from seed or immature plant stage until the retail marijuana or retail marijuana product is sold to a consumer, to another marijuana establishment, or destroyed; and

(9) transportation records for marijuana and marijuana product as required under 3 AAC 306.750(f).

(b) A marijuana establishment shall provide any record required to be kept on the licensed premises to an employee of the board upon request. Any record kept off premises must be provided to the board's employees within three business days after a request for the record.

(c) A marijuana establishment is required to exercise due diligence in preserving and maintaining all required records. Loss of records and data, including electronically maintained records, will not be considered an excuse for a violation of this rule. Failure to retain records required under this section may be interpreted by the board as a license violation affecting public safety.

3 AAC 306.760. Trade Shows.

(a) Licensed marijuana establishments must comply with this section when participating in trade shows and similar industry events.

(b) A licensed cultivation facility may bring one plant to the trade show or event for display. The removal from and return of the plant to the licensed premises must be tracked in the inventory tracking system. Any marijuana removed from the plant at the event must be retained by the licensee and returned to the licensed premises.

(c) A licensed cultivation facility and a licensed retail facility may bring up to one ounce of marijuana to the trade show or event for display. The removal from and return of the marijuana to the licensed premises must be tracked in the marijuana inventory tracking system. The marijuana shall be contained so that the marijuana may not be removed from the display's immediate vicinity by a member of the public.

(d) A licensed product manufacturing facility and a licensed retail facility may bring one sample package of each marijuana product made or sold by the facility to the event for display. The removal from and return of the marijuana product to the licensed premises must be tracked in



the marijuana inventory tracking system. The marijuana product must remain packaged in the approved packaging throughout the duration of the event.

(e) A licensed testing facility may not perform required tests on samples from a licensed facility at any trade show or similar event.

(f) No marijuana or marijuana product may be sold or distributed by a licensee at the event.

(g) Marijuana and marijuana product displayed at an event by a licensee must be handled only by a licensee, or employee or agent of a licensee, who holds a valid marijuana handler permit.

(h) Advertising or promotions displayed or distributed at the event by a licensee shall comply with the requirements of this chapter.

3 AAC 306.770. Signs, merchandise, advertisements, and promotions.

(a) Business cards and merchandise, including t-shirts, hats, and stickers, that are distributed by a licensed marijuana establishment and contain only the business name and logo, license name, and location and contact information, are not advertising or promotions.

(b) A licensed marijuana establishment may have not more than three signs that are visible to the general public from the public right-of-way. Two of the three signs may only be placed in the marijuana facility's window or attached to the outside of the licensed premises. The size of each sign may not exceed 4,800 square inches. A sign meeting these requirements is not advertising or promotions.

(c) An advertisement for a licensed marijuana establishment and for marijuana or a marijuana product must include the business name and license number.

(d) An advertisement for a licensed marijuana establishment is exempt from providing the warning statement in (g) of this section if

(1) the advertisement contains only the business name, logo, business type, contact information, location, and hours of operation; and

(2) the advertisement does not contain any written information about marijuana or a marijuana product or any photographic or illustrative depictions of marijuana or a marijuana product, other



than depictions contained within the established business name font and logo.

(e) A logo or an advertisement for a licensed marijuana establishment and for marijuana or a marijuana product may not contain a statement or illustration that

(1) is false or misleading;

(2) promotes excessive consumption;

(3) represents that the use of marijuana has curative or therapeutic effects;

(4) depicts a person under 21 years of age consuming marijuana; or

(5) includes any object or character, including a toy, a cartoon character, or any other depiction that appeals to a person under 21 years of age.

(f) An advertisement for a licensed marijuana establishment and for marijuana or a marijuana product may not be placed

(1) within 1,000 feet of the perimeter of any child-centered facility, including a school, a child care facility or other facility providing services to children, a playground or recreation center, a public park, a library, or a game arcade that is open to persons under 21 years of age, except when included in an established publication intended for general readership;

(2) on or in a public transit vehicle or public transit shelter;

(3) on or in a publicly owned or operated property;

(4) within 1,000 feet of a substance abuse or treatment facility; or

(5) on a campus for postsecondary education.

(g) An advertisement for marijuana or any marijuana product must contain each of the following warnings, that must be plainly visible and at least half the font size of an advertisement on a sign, and no smaller than size nine font when the advertisement is in printed form; warnings in audio advertisements must be intelligible and played at the same speed as the advertisement;

(1) "Marijuana has intoxicating effects and may be habit forming and addictive.";



(2) “Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence.”;

(3) “There are health risks associated with consumption of marijuana.”;

(4) “For use only by adults twenty-one and older. Keep out of the reach of children.”;

(5) “Marijuana should not be used by women who are pregnant or breast feeding.”

(h) A licensed marijuana establishment that advertises by means of a web page must utilize appropriate measures to ensure that individuals visiting the web page are 21 years of age or older.

(i) A licensed marijuana establishment may not engage in advertising by means of marketing directed towards location-based devices, including cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and the application includes a permanent and easy opt-out feature.

(j) As long as no more than 30 percent of the event’s participants and audience is reasonably expected to be under 21 years of age, a licensed marijuana establishment may sponsor

(1) an industry trade show;

(2) a charitable event;

(3) a sports event or competition;

(4) a concert; or

(5) any other even approved in advance by the board.

(k) A licensed marijuana establishment may not encourage the sale of marijuana or a marijuana product

(1) by using giveaway coupons for marijuana or a marijuana product as promotional materials;

(2) by conducting games or competitions related to the consumption of marijuana or a marijuana product;



(3) by providing promotional materials or activities of a manner or type that would be especially appealing to children; or

(4) by holding promotional activities outside of the licensed premises.

MARIJUANA HANDLERS™ - Key Points

- A marijuana establishment and each licensee, employee, or 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, must obtain a marijuana handler permit from the board before being licensed or beginning employment at a marijuana establishment.
- A marijuana establishment license will be issued for a specific licensed premises.
- A marijuana establishment shall use a marijuana inventory tracking system capable of sharing information with the system the board implements
- A marijuana establishment is subject to inspection by the local fire department, building inspector, or code enforcement officer to confirm that no health or safety concerns are present
- Any toxic cleaning compound, sanitizing agent, and pesticide chemical must be identified and stored in a safe manner.
- Marijuana cultivation facility may transport marijuana to another marijuana cultivation facility.
- The marijuana establishment that originates the transport shall use the marijuana tracking system.
- Marijuana establishment shall maintain all books and records necessary to fully account for each business transaction.

.8 Enforcement and Civil Penalties.

Section

3 AAC 306.800. Inspection and investigation

3 AAC 306.805. Report or notice of violation

3 AAC 306.810. Suspension or revocation of license

3 AAC 306.812. Suspension or revocation of marijuana handler permit



- 3 AAC 306.815. Suspension or revocation based on act of employee
 - 3 AAC 306.820. Procedure for action on license suspension or revocation
 - 3 AAC 306.825. Summary suspension to protect public health, safety, or welfare
 - 3 AAC 306.830. Seizure of marijuana or marijuana product
 - 3 AAC 306.835. Hearing
 - 3 AAC 306.840. Civil fines
 - 3 AAC 306.845. Appeal
 - 3 AAC 306.850. Surrender or destruction of license
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3 AAC 306.800. Inspection and investigation.

(a) The director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity, may

(1) inspect the licensed premises of any marijuana establishment, including any marijuana and marijuana product on the premises, equipment used in cultivating, processing, testing, or storing marijuana, the marijuana establishment's inventory tracking system, business records, and computers, at any reasonable time and in a reasonable manner;

(2) issue a report or notice as provided in 3 AAC 306.805; and

(3) as authorized under AS 17.38.085, exercise peace officer powers and take any other action the director determines is necessary.

(b) A marijuana establishment, and any licensee, employee, or agent in charge shall cooperate with the director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity, to enforce the laws related to marijuana, including

(1) permitting entry upon and inspection of the licensed premises; and

AS 17.38.070 an employee of the board, or a peace officer acting in an official capacity, may issue an inspection report, an advisory report, or a notice of violation before taking action to suspend or revoke a marijuana establishment license.

(b) An inspection report documents an investigator's inspection of licensed premises. An inspection report must be prepared on a form the board prescribes and include information prescribed by statute, regulation, or the board.



(c) The director, an enforcement agent, an employee of the board, or a peace officer may issue an advisory notice when an incident occurs or a defect is noted that could result in a violation of a statute, regulation, or municipal ordinance. An advisory notice may result from an inspection report, but is not a basis for administrative action unless the incident or defect

(2) providing access to business records at reasonable times when requested by the director, an enforcement agent, an employee of the board, or a peace officer.

3 AAC 306.805. Report or notice of violation.

(a) The director, an enforcement agent, continues or is not corrected.

(d) The director, an enforcement agent, an employee of the board, or a peace officer may issue a notice of violation when an inspection report or other credible information shows a marijuana establishment is in violation of AS 17.38, this chapter, or other law relating to marijuana. The notice of violation must be delivered to the marijuana establishment at its licensed premises, and to the board. The notice must describe any violation, and cite the applicable statute, regulation, or order of the board. A marijuana establishment that receives a notice of violation may respond to the notice orally or in writing, and may, within ten days after receiving the notice, request an opportunity to appear before the board. A notice of violation may be the basis of a proceeding to suspend or revoke a marijuana establishment's license as provided under 3 AAC 306.810.

3 AAC 306.810. Suspension or revocation of license.

(a) The board will suspend or revoke a marijuana establishment license issued under this chapter if any licensee is convicted of a felony, or a crime listed in 3 AAC 306.010 (c) (2) or (3), or if the board becomes aware that a licensee did not disclose a previous felony conviction or a conviction of a crime listed in 3 AAC 306.010(c)(2) or (3).

(b) The board may suspend or revoke a license issued under this chapter, refuse to renew a license, or impose a civil fine, if the board finds that a licensee for any marijuana establishment

(1) misrepresented a material fact on an application for a marijuana establishment license, or an affidavit, report, or signed statement under AS 17.38 or this chapter; or



(2) is following any practice or procedure that is contrary to the best interests of the public, including

(A) using any process not approved by the board for extracting or manufacturing marijuana concentrate or products; or

(B) selling or distributing any marijuana concentrate or product that has not been approved by the board;

(3) failed, within a reasonable time after receiving a notice of violation from the director, to correct any defect that is the subject of the notice of violation of

(A) AS 17.38 or this chapter;

(B) a condition or restriction imposed by the board; or

(C) other applicable law;

(4) knowingly allowed an employee or agent to violate AS 17.38, this chapter, or a condition or restriction imposed by the board;

(5) failed to comply with any applicable public health, fire, safety, or tax law or regulation in the state; or

(6) used the licensed premises for any illegal purpose including gambling, possession or use of narcotics other than marijuana, prostitution, or sex trafficking.

(c) A local government may notify the director if it obtains evidence that a marijuana establishment has violated a provision of AS 17.38, this chapter, or a condition the board has imposed on the marijuana establishment. Unless the board finds that the local government's notice is arbitrary, capricious, and unreasonable, the director will prepare the notice and supporting evidence as an accusation against the marijuana establishment under AS 44.62.360, and conduct proceedings to resolve the matter as described under 3 AAC 306.820.

3 AAC 306.812. Suspension or revocation of marijuana handler permit

The board may suspend or revoke a permit issued under this chapter, refuse to renew a permit,



or impose a civil fine if the board or the director finds that a marijuana handler permit holder acted in violation of this chapter.

3 AAC 306.815. Suspension or revocation based on act of employee.

If, in a proceeding to suspend or revoke a marijuana establishment license under 3 AAC 306.810 and 3 AAC 306.820, evidence shows that an employee or agent of a licensed marijuana establishment was responsible for an act that would justify suspension or revocation of the marijuana establishment's license if committed by a licensee, the board may find that licensee knowingly allowed the act if

- (1) the licensee was physically present when the violation occurred, and knew or should have known, the violation was occurring and took no action to stop it;
 - (2) the licensee failed to adequately supervise the agent or employee;
 - (3) the licensee failed to adequately train the agent or employee in the requirements of AS 17.38 and this chapter relating to marijuana; or
 - (4) the licensee was reckless or careless in hiring the agent or employee.
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3 AAC 306.820. Procedure for action on license suspension or revocation.

A proceeding to suspend or revoke a license must be initiated by service of an accusation on the marijuana establishment in compliance with AS 44.62.360 and AS 44.62.380, and conducted in compliance with AS 44.62.330 - AS 44.62.630. The accusation must be served at the address of the licensed premises, or at the address of the licensee who is responsible for management and compliance with laws as listed in the marijuana establishment license application in compliance with 3 AAC 306.020(b)(5). The marijuana establishment is entitled to a hearing as provided under AS 44.62.390.

3 AAC 306.825. Summary suspension to protect public health, safety, or welfare.



(a) If the director finds that a person holding a marijuana establishment license has acted and appears to be continuing to act in a way that constitutes an immediate threat to the public health, safety or welfare, the director may issue an order immediately suspending the license of that person, and ordering an immediate stop to the activity that constitutes the threat to the public health, safety, or welfare.

(b) When the director issues a summary suspension under this section, the director shall immediately give the marijuana establishment subject to the summary suspension order notice of the reasons for the summary suspension, and of the time and place for an expedited hearing before the board. Unless the marijuana establishment subject to the summary suspension order requests a delay, the hearing will be held within five days after the director gives notice of the reasons for the summary suspension and the scheduled hearing.

3 AAC 306.830. Seizure of marijuana or marijuana product.

(a) The director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity, may seize marijuana or any marijuana product from a licensed or previously licensed marijuana establishment if the marijuana establishment has

- (1) any marijuana or marijuana product not properly logged into the marijuana establishment's marijuana inventory tracking system;
- (2) any adulterated marijuana food or drink product forbidden under 3 AAC 306.510(a)(4); or
- (3) any marijuana or marijuana product that is not properly packaged and labeled as provided in 3 AAC 306.465 and 3 AAC 306.470 or 3 AAC 306.565 and 3 AAC 306.570;
- (4) not renewed its license as required under 3 AAC 306.035.

(b) If the director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity, seizes marijuana or a marijuana product under this section, the director shall update the marijuana inventory control tracking system to reflect the seizure and ensure that the seized items are stored in a reasonable manner. The director shall immediately give the marijuana establishment from which the marijuana or marijuana product was seized notice of the reasons for the seizure and the time and place of a hearing before the board. Unless the marijuana establishment from which the marijuana or marijuana product was seized requests a delay, the hearing will be held within ten days after the director gives notice of the reasons for



seizure and the scheduled hearing. If the seizure occurs in connection with a summary suspension under 3 AAC 306.825, the hearing will be combined with a hearing on the summary suspension.

(c) If the marijuana establishment from which the marijuana or marijuana product was seized does not request or participate in a hearing under this section, or if, after a hearing the board finds that seizure of the marijuana or marijuana product was justified, the marijuana or marijuana product will be destroyed by burning, crushing, or mixing with other material to make the marijuana or marijuana product unusable as provided in 3 AAC 306.740.

(d) If a seizure under this section is of marijuana plants in place in a licensed standard or limited marijuana cultivation facility, the seizure order may direct the cultivation facility to continue care of the plants until the hearing, but prohibit any transfer, sale, or other commercial activity related to the plants.

3 AAC 306.835. Hearing.

(a) Except as provided in 3 AAC 306.825 or 3 AAC 306.830, any person aggrieved by an action of the director, an enforcement agent, or an employee of the board, may request a hearing in compliance with AS 44.62.390 by filing a notice of defense within 15 days after receiving a written accusation. Failure to file a notice of defense as provided in this section constitutes a waiver of the right to a hearing.

(b) The Office of Administrative Hearings will conduct the hearing in compliance with due process, the Alaska Administrative Procedure Act, AS 44.62.330 - AS 44.62.630, and the applicable regulations adopted by the Office of Administrative Hearings at 2 AAC 64.100 - 2 AAC 64.990.

3 AAC 306.840. Civil fines.

(a) The board may, in addition to any other penalties imposed under this title, impose a civil fine on a marijuana establishment, licensee, or person that the board determines has violated a provision of AS 17.38 or this chapter.

may suspend or revoke a license issued under this chapter, refuse to renew a license, or impose a



civil fine, if the board finds that a licensee for any marijuana establishment

(1) misrepresented a material fact on an application for a marijuana establishment license, or an affidavit, report, or signed statement under AS 17.38 or this chapter; or

(2) is following any practice or procedure that is contrary to the best interests of the public, including

(A) using any process not approved by the board for extracting or manufacturing marijuana concentrate or products; or

(B) selling or distributing any marijuana concentrate or product that has not been approved

may suspend or revoke a license issued under this chapter, refuse to renew a license, or impose a civil fine, if the board finds that a licensee for any marijuana establishment

(1) misrepresented a material fact on an application for a marijuana establishment license, or an affidavit, report, or signed statement under AS 17.38 or this chapter; or

(2) is following any practice or procedure that is contrary to the best interests of the public, including

(A) using any process not approved by the board for extracting or manufacturing marijuana concentrate or products; or

(B) selling or distributing any marijuana concentrate or product that has not been approved

of AS 17.38 or this chapter.

(b) In a proceeding under 3 AAC 306.810 - 3 AAC 306.830, the board may impose a civil fine, not to exceed the greater of

(1) an amount that is three times the monetary gain realized by the marijuana establishment, licensee, or person as a result of the violation, as determined by the board;

(2) \$10,000 for the first violation;

(3) \$30,000 for the second violation; or



(4) \$50,000 for the third or subsequent violation.

3 AAC 306.845. Appeal.

(a) An aggrieved party may appeal to the board regarding any action of the director, an enforcement agent, or an employee of the board charged with enforcing AS 17.38 or this chapter, including suspending or revoking a license, seizing marijuana or a marijuana product, or imposing a civil fine.

(b) A person aggrieved by a final decision of the board suspending or revoking a license under this chapter, or imposing a civil fine may appeal to the superior court under AS 44.62.560.

3 AAC 306.850. Surrender or destruction of license.

A license issued under this chapter must be surrendered to the director, an enforcement agent, or an employee of the board on demand if the director or board so orders. A license issued under this chapter must be surrendered within 10 days after the marijuana establishment loses or vacates the licensed premises. If a license is destroyed, the marijuana establishment shall promptly notify the board.

MARIJUANA HANDLERS™ - Key Point

- If an individual who is the sole licensee of a marijuana establishment dies, the marijuana establishment shall cease operation.
- The director, an enforcement agent, an employee of the board, or a peace officer may issue a notice of violation when an inspection report or other credible information shows a marijuana establishment is in violation.
- The board will suspend or revoke a marijuana establishment license issued under this chapter if any licensee is convicted of a felony, or a crime listed in 3 AAC 306.010 (c) (2) or (3).
- May suspend or revoke a license, misrepresented a material fact, following any practice or procedure that is contrary to the best interests of the public, process not approved, selling or distributing any marijuana concentrate or product that has not been approved.
- Director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity, may seize marijuana.



- The board may, in addition to any other penalties imposed under this title, impose a civil fine on a marijuana establishment, licensee, or person that the board determines has violated a provision.
 - Not to exceed the greater of an amount that is three times the monetary gain realized by the marijuana establishment, licensee, or person as a result of the violation, as determined by the board, \$10,000 for the first violation, \$30,000 for the second violation; or \$50,000 for the third or subsequent violation.
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.9 General Provisions.

Section

- 3 AAC 306.905. Public records
 - 3 AAC 306.910. Refusal to sell marijuana
 - 3 AAC 306.915. Exercise of authority
 - 3 AAC 306.920. Death of licensee
 - 3 AAC 306.925. Submissions to the board
 - 3 AAC 306.930. Staff
 - 3 AAC 306.935. Conduct of board meetings
 - 3 AAC 306.990. Definitions
-

3 AAC 306.905. Public records.

Marijuana establishment applications are public records. The board may, at the request of any applicant, designate materials confidential if they

- (1) contain proprietary information including trade secrets; or
 - (2) are required to be kept confidential by any federal or state law.
-

3 AAC 306.910. Refusal to sell marijuana.



Nothing in this chapter prohibits a licensee from refusing to sell marijuana or marijuana products to any person unless that refusal is a violation of AS 18.80.210.

3 AAC 306.915. Exercise of authority.

Until a marijuana establishment surrenders its license to the board, and so long as business is conducted under the license on the licensed premises, the person holding the license, whether an individual, a partnership, a limited liability company, a corporation, or a local government, is responsible and liable for the conduct of the business. Any individual exercising actual authority over the conduct of business on the licensed premises must be the holder of the marijuana establishment license, or an agent or employee of that person unless the board has approved a transfer of the license to a different person.

3 AAC 306.920. Death of licensee.

(a) If an individual who is the sole licensee of a marijuana establishment dies, the marijuana establishment shall cease operation. A personal representative appointed by the superior court for the estate of the deceased licensee may submit to the director a written request to reopen the business, along with a copy of the court order appointing the personal representative. If the licensed marijuana establishment is in good standing, and the personal representative is not a person prohibited from holding a marijuana establishment by AS 17.38.100(i), the director shall grant permission to the personal representative to operate the business on the licensed premises subject to (b) of this section. In this section, "good standing" means the marijuana establishment

- (1) has a valid current license;
- (2) has paid all fees due under this chapter, and all local taxes due; and
- (3) has no unresolved suspension or revocation proceedings against it.

(b) A personal representative authorized to operate a marijuana establishment under (a) of this section must submit an application for a transfer of ownership to another person in compliance with 3 AAC 306.045 within 90 days after obtaining the director's approval to operate. The board may extend the time allowed in this section for another 90 days if the personal representative requests the additional time.



(c) This section does not authorize the transfer of a marijuana establishment license unless the board approves the personal representative's application for transfer of license to another person.

3 AAC 306.925. Submissions to the board

Except as otherwise specifically provided in this chapter, applications and communications of a formal nature must be submitted in writing, upon prescribed forms as appropriate, to the board at its main office, and are not considered timely filed until received there.

3 AAC 306.930. Staff

(a) The director of the board is responsible for the management of the board's offices, the administration of the board's functions, and the enforcement of AS 17.38 and this chapter.

(b) The director shall employ and supervise necessary clerical and investigative personnel and shall prescribe their duties an authority. (c) The director shall prescribe forms for application for new licenses, transfers, and renewals and for endorsements, petitions, and other necessary documents.

3 AAC 306.935. Conduct of board meetings

(a) The board will, at the first meeting of each calendar year, select a chair from among its members to preside over board meetings during the ensuing year.

(b) The board will meet at the call of the chair after reasonable public notice is given.

(c) For the purposes of AS 17.38.111(b), the whole membership is all persons appointed and serving as members of the board.

(d) The director is responsible for preparing an informative agenda for each board meeting. A copy of the agenda must be available for inspection by persons who request it.



3 AAC 306.990. Definitions.

(a) In AS17.38 and this chapter,

(1) “assisting” does not include

(A) using, displaying, purchasing, or transporting marijuana in excess of the amount allowed in AS 17.38.020;

(B) possessing, growing, processing, or transporting marijuana plants in excess of the number allowed in AS 17.38.020;

(C) growing marijuana plants for another person in a place other than

(i) that other person’s primary residence; or

(ii) a garage, shed, or similar place under the other person’s control;

(3) “delivering”

(A) means handing to a person who purchases the product on licensed premises only;

(B) does not include transferring or transporting to a consumer off licensed premises;

(4) “flowering” means a marijuana plant that has visible crystals, buds, or flowers, or for which the exposure to light is scheduled with the intent to produce crystals, buds, or flowers;

(5) “immature” means a marijuana plant with no visible crystals, buds, or flowers, and in which the exposure to light is scheduled with the intent to prevent formation of crystals, buds, or flowers;

(6) “in public”

(A) means in a place to which the public or a substantial group of people has access;

(B) except as provided in(C) of this paragraph, 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;

(C) does not include an area on the premises of a licensed marijuana retail store designated for on-site consumption under 3 AAC 306.305.

(7) “personal cultivation” does not include

(A) using, displaying, purchasing, or transporting marijuana in excess of the amount allowed in AS 17.38.020;

(B) possessing, growing, processing, or transporting marijuana plants in excess of the number allowed in AS 17.38.020;

(C) growing marijuana plants for another person in a place other than

(i) that other person’s primary residence; or

(ii) a garage, shed, or similar place under the other person’s control;

(8) “possess” means having physical possession or control over property;

(9) “registration” means “licensure,” or “license;”

(1) “adulterated food or drink product”

(A) means a product that is intended to be consumed orally and that existed without marijuana in a form ready for consumption before marijuana was added by any process;

(B) does not include raw ingredients that are combined with marijuana in a manufacturing process;

(2) “agent”

(A) means a representative who is authorized to act for a licensee, the board, or the director;

(B) includes a contractor or subcontractor;



(3) “batch” or “harvest batch” means a specifically identified quantity of plant trim, leaf, and other usable product from marijuana plants that are uniform in strain, cultivated in one place and under the same conditions, using the same medium and agricultural chemicals including pesticides and fungicides, and harvested at the same time;

(4) “bud and flower” means the hairy, sticky, or crystal-covered parts of mature female marijuana plants generally harvested for their high potency content;

(5) “business day” means a day other than a Saturday, Sunday, or a state holiday;

(6) “CBN” means cannabitol;

(7) “CBD” means cannabidiol;

(8) “CBDA” means CBD Acid;

(9) “clones” or “cuttings” means small starter plants (A) shorter than eight inches tall; and

(B) used to propagate marijuana plants;

(10) “compensation”

(A) means money, bartered objects or services, or anything else of value, whether given as payment or voluntarily as a donation, when accepted by a person who gives, distributes, or delivers marijuana to another;

(B) includes a cover charge, a delivery charge, and a packaging charge;

(11) “concentrate” or “marijuana concentrate” means resin, oil, wax, or any other substance produced by extracting or isolating cannabinoids, THC, or other components from a marijuana plant or from materials harvested from a marijuana plant;

(12) “consumer”

(A) means an individual who purchases and uses marijuana or a marijuana product; and

(B) does not include any marijuana establishment that re-sells marijuana or incorporates marijuana into a manufactured product;



species;

(13) “contaminant” means one or more of the following:

(A) harmful microbials, including *Escherichia coli* (*E. coli*), or *Salmonella*

(B) residual solvents;

(C) poisons or toxins;

(D) harmful chemicals, including pesticides;

(E) dangerous molds, mildew, or filth;

(14) “controlling interest” means ownership or control of

(A) 50 percent or more of the ownership interest or voting shares of a corporation; or

(B) less than 50 percent if a person and family members jointly exert actual control as demonstrated by

(i) making decisions for the corporation without independent participation of other owners;

(ii) exercising day-to-day control over the corporation’s affairs;

(iii) disregarding formal legal requirements;

(iv) using corporation funds for personal expenses or investments, or intermingling corporation finances with personal finances; or

(v) taking other actions that indicate the corporation is a mere instrumentality of the individual;

(15) “distribute” means spread out or pass out among several or many members of a group;

(16) “edible” and “edible marijuana product”

(A) means a marijuana product that is intended to be consumed orally, whether as food or drink;



(B) does not include an adulterated food or drink product;

(17) “extraction” or “marijuana extraction” means production of marijuana concentrate by any water-based, food-based, or solvent-based method;

(18) “homogenous” means a component or quality, such as THC, is spread evenly throughout the product, or can be found in equal amounts in each part of a multi-serving unit;

(19) “individual” means a natural person;

(20) “in-house testing”

(A) means laboratory testing as provided in 3 AAC 306.635;

(B) does not include consumption of any marijuana or marijuana product on the licensed premises;

(C) does not meet the requirements of 3 AAC 306.645;

(21) “licensed”

(A) means holding a current and valid license that the board has issued under this chapter;

(B) does not include holding a formerly valid license that has expired or that the board has suspended or revoked;

(22) “licensee” means each individual identified in 3 AAC 306.020 who must be listed in an application for a marijuana establishment license under this chapter;

(23) “licensed premises” means any or all designated portions of a building or structure, or rooms or enclosures in the building or structure, at the specific address for which a marijuana establishment license is issued, and used, controlled, or operated by the marijuana establishment to carry out the business for which it is licensed;

(24) “lot” or “production lot” means a group of marijuana products that were prepared at the same time from the same batch of marijuana, using the same recipe or process;

(25) “marijuana” has the meaning given in AS 17.38.900;



(26) “marijuana cultivation facility” has the meaning given in AS 17.38.900;)

(27) “marijuana infused product”

(A) means a product that contains marijuana or marijuana concentrate and is intended for human use;

(B) does not include bud and flower marijuana;

(28) “marijuana plant” means a living organism of the genus Cannabis capable of absorbing water and inorganic substances through its roots, and synthesizing nutrients in its leaves by photosynthesis;

(29) “marijuana product” has the meaning given in AS 17.38.900;

(30) “marijuana product manufacturing facility” has the meaning given in

(31) “peace officer” has the meaning given in AS 01.10.060;

(32) “person” has the meaning given in AS 01.10.060;

(33) “process” or “processing” means harvesting, curing, drying, trimming of a marijuana plant;

(34) “propagate” means to cause a marijuana plant to grow by planting clones or cuttings, and nurturing them into viable plants up to 8 inches in height;

(35) “recreation or youth center” means a building, structure, athletic playing field, or playground

(A) run or created by a local government or the state to provide athletic, recreational, or leisure activities for minors; or

(B) operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age;

(36) “retail marijuana store” has the meaning given in AS 17.38.900;

(37) “square feet under cultivation”



(A) means an area of the licensed premises of a standard or limited marijuana cultivation facility that is used for growing marijuana, measured from the perimeter of the floor or growing space for marijuana;

(B) does not include a processing or storage area, an equipment storage area, an office, a hallway, or another area, if that area is not used for growing marijuana;

(38) "THC" means tetrahydrocannabinol, the main psychoactive substance found in marijuana;

(39) "THCA" means THC Acid;

(40) "transaction" means one single occurrence in which marijuana or a marijuana product not exceeding the limits set out in 3 AAC 306.355 is passed from a licensed marijuana establishment to another person.

MARIJUANA HANDLERS™ - Key Points

- Marijuana establishment applications are public records.
- The person holding the license, whether an individual, a partnership, a limited liability company, a corporation, or a local government, is responsible and liable for the conduct of the business.
- If an individual who is the sole licensee of a marijuana establishment dies, the marijuana establishment shall cease operation.



MARIJUANA HANDLERS™ - Lesson Introduction - MHC/107

How to go about securing YOUR PLACE in the Marijuana industry!

MARIJUANA HANDLERS™ - Lesson Goals

- Student should be able to identify employment opportunities in the Marijuana industry.
- Student should be able to locate employment resources.

MARIJUANA HANDLERS™ - Lesson Outline

- Introduction
- What We Saw at Colorado's Cannabis Business Summit - Video
- Job Examples
- The Business of Marijuana Edibles - Video
- Employment Resources
- Lesson Key Points
- Lesson Quiz

INTRODUCTION

Legalization of marijuana has opened up an entirely new industry. What was once illegal has now become legal and viable as one's profession. Jobs will be available directly within the industry and outside of the industry in the form of ancillary jobs complimentary to the industry. This lesson will provide you with job examples and other resources.

JOB EXAMPLES

Analytical Chemist□

There's a lot more to weed than meets the eye. Heather Despres is the lab director of



Denver-based cannabis products testing facility CannLabs, where her scientists and chromatographers test for potency, pesticides, heavy metals, and microbial bodies. Despres's jobs is to make sure her clients' products are safe for human consumption and their quality remains consistent.

Budtender[]

A bud tender is dispensary employee, similar to a pharmacist, who works behind the counter and showcases the stores different products. They are usually very knowledgeable and will help guide you through your marijuana experience. Remember, they are there to help; if you have any questions from strain types to ingestion methods, feel free to ask.

Extractor[]

A big part of the future of the cannabis industry will come from edibles like gum, mints, and tinctures. THC concentrates have been around for centuries, but industrial extraction equipment and pharmaceutical-grade solvents are helping to refine their development and increase their potency. The popularity of these products is providing a steady stream of work for the master extractors who oversee the process at companies like Gold Coast Extracts and Exotic Genetix.

Security Operator[]

Armed guards might seem a bit over the top, but to protect their assets and ensure compliance with government regulations, pot businesses need assistance with security and delivery for dispensaries and grow houses. This is the job of people like military veteran Dominic Powelson, a security supervisor with Blue Line Protection Group, who drives an armored truck around Denver dropping off dozens of pounds of pot and picking up tens of thousands of dollars in cash.

Tour Guide[]



Colorado Cannabis Tours founder Michael Eymer picks up tourists in a party bus, gives them cannabis flowers and THC concentrate vape pens, and lets them partake safely before showing them around Denver dispensaries and a grow facility. Eymer, who launched the company in 2014, also offers a VIP tour during the 4/20 pot-smokers' holiday with comedy icon and famous toker Tommy Chong.

Trimmer

There is a whole process — or art — to making the finished product look perfect for customer sale. Trimming, although incredibly tedious, can be attractive to many people. Essentially, the process entails taking buds from the plants and chopping off the larger leaves to leave an aesthetically pleasing product. This also helps cut down on excess weight, which ensures customers are getting the most for their money. The job doesn't pay extremely well, but trimming is a job that needs to be done.

Weed Critic

As with the beer and wine businesses, marijuana has its own connoisseurs and critics. Perhaps the best known is Jake Browne, who reviews pot strains for The Denver Post's weed-centric site The Cannabist. A comedian and former buyer for dispensaries, Browne mixes his knowledge of the plant with a healthy dose of humor to detail his experience with each variety.

3 AAC 306.325. Access restricted at retail marijuana store.

EMPLOYMENT RESOURCES

- ALEXsys - Alaska Department of Labor & Workforce Development - State of Alaska's Job Bank. - [ALEXsys](#)



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- MARIJUANA HANDLERS™ - Industry resource-state certification training, find jobs, post jobs, network and more..... [MARIJUANA HANDLERS™](#)

MARIJUANA HANDLERS™ - Key Points

- Jobs will be available directly within the industry and outside of the industry in the form of ancillary jobs.
- Analytical Chemist☐ - test for potency.
- Budtender☐ - a dispensary employee, similar to a pharmacist, who works behind the counter.
- Extractor☐ - produce THC concentrates for edibles like gum, mints, and tinctures.
- Security Operator☐ - are Armed guards that protect industry assets.
- Trimmer☐ - entails taking buds from the plants and chopping off the larger leaves.
- Weed Critic - connoisseurs and critics reviews pot strains.