

From: [Marijuana Licensing \(CED sponsored\)](#)
To: [Marijuana, CED ABC \(CED sponsored\)](#)
Subject: Letter Addressed to Bruce Schulte and MCB - Received 10/28/2019
Date: Wednesday, October 30, 2019 11:36:15 AM
Attachments: [Dutch Crown Consulting, Inc. Correspondence.pdf](#)



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BOSTON, MA 02109

FOREVER / USA



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PRESIDENT

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October 20, 2019

Due to the new and emerging market of the CBD and Cannabis industry, there has never been a more important time to hire an expert with over a decade of experience dedicated to this industry. There are many new regulations and products on the market, and not much legal or medical precedence. As a long time cancer patient who has spent years working with and studying cannabis, I have a working knowledge of the industry that is unmatched. As a former underwriter, I am skilled at interpreting guidelines and applying them to practical situations. My ancestry is part Dutch, and so as a result, I have spent extensive time in Amsterdam and the surrounding areas in North Holland studying the cannabis market and culture. It would be hard to find a more qualified consultant.

I specialize in reviewing current and pending changes to regulations, auditing current programs, providing analysis and statistics based on passed or pending legislation, creation or implementation of application process for producers, product testing and reviews, dosage recommendations, and creating or expanding infrastructure for state and local governments. I work with existing infrastructure to ensure compliance with an impartial, non political, and unbiased knowledge to implement new regulations or revise existing programs, including facility inspections and application review. I am qualified to advise within many different areas of the industry, including working with elected officials, government representatives, and various government agencies such as Agriculture or Health and Human Services.

I have spent extensive time working across several different fields within the industry and possess unparalleled knowledge of the cannabis/CBD industry. I also have over 15 years of real estate and finance experience, as well as working with several charities and nonprofits.

I have attached a brief summary of my qualifications, I look forward to the possibility of speaking with you.

Thank you for your time and consideration,

Kate vom Steeg

Kate vom Steeg

AMCO

OCT 28 2019



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Dutch Crown Consulting, Inc provides expert advice based on extensive experience within multiple areas of the industry.

Experience and Qualifications

- 3 time Cancer survivor/patient with medical cannabis certification
- Licensed by the state of Michigan for 12 years as a producer and caregiver
- Over 15 years of mortgage underwriting and real estate development experience, currently work with commercial building owners and cannabis tenants.
- Degree in Horticulture from Oaksterdam University; concentration in methods of cannabis cultivation and production
- Certification from Cannabis College in Amsterdam, concentration in marijuana studies and cannabis culture
- Completed certifications to produce cannabis infused edibles, oils, and products
- Spent several months over the last 2 decades in Amsterdam researching market infrastructure and analyzing market conditions
- Expert on dosage, side effects, range, and types of cannabis produced
- Access to large network of cancer, terminally ill, and chronically ill patients (some who consume cannabis products and others who do not)
- Expert in onsite cannabis clubs, dispensaries, production development, and product knowledge
- Affiliated with several charities, active volunteer for 3 and mentor for patients for 4 organizations

Sample of Services/Products Offered

- Create legal and program infrastructure or improve existing system (tracking, taxes, building requirements, seed to sale, etc)
- Convert system from medical to recreational or implement first time program
- Establish guidelines for manufacturing and consumption
- Facility compliance checks, site analysis, audit licensed companies
- Educate and work with legislators, law enforcement, investors, and applicants to interpret guidelines and provide information
- Review current regulatory guidelines and provide market analysis
- Review applications for patients, caregivers, or companies for compliance

AMCO

OCT 28 2019

How the global market for legal marijuana exploded in 2018

Nation Dec 27, 2018 6:13 PM EST

PORTLAND, Ore. — The last year was a 12-month champagne toast for the legal marijuana industry as the global market exploded and cannabis pushed its way further into the financial and cultural mainstream.

Liberal California became the largest legal U.S. marketplace, conservative Utah and Oklahoma embraced medical marijuana, and the U.S. East Coast got its first commercial pot shops. Canada ushered in broad legalization, and Mexico's Supreme Court set the stage for that country to follow.

U.S. drug regulators approved the first marijuana-based pharmaceutical to treat kids with a form of epilepsy, and billions of investment dollars poured into cannabis companies. Even main street brands like Coca-Cola said they are considering joining the party.

"I have been working on this for decades, and this was the year that the movement crested," said U.S. Rep. Earl Blumenauer, an Oregon Democrat working to overturn the federal ban on pot. "It's clear that this is all coming to a head."

With buzz building across the globe, the momentum will continue into 2019.

Luxembourg is poised to become the first European country to legalize recreational marijuana, and South Africa is moving in that direction. Israel's Parliament approved a law allowing exports of medical marijuana. Thailand legalized medicinal use of marijuana, and other Southeastern Asian countries may follow South Korea's lead in legalizing cannabidiol, or CBD. It's a non-psychoactive compound found in marijuana and hemp plants and used for treatment of certain medical problems.

"It's not just the U.S. now. It's spreading," said Ben Curren, CEO of Green Bits, a San Jose, California, company that develops software for marijuana retailers and businesses.

Curren's firm is one of many that blossomed as the industry grew. He started the company in 2014 with two friends. Now, he has 85 employees, and the company's software processes \$2.5 billion in sales transactions a year for more than 1,000 U.S. retail stores and dispensaries.

Green Bits raised \$17 million in April, pulling in money from investment firms including Snoop Dogg's Casa Verde Capital. Curren hopes to expand internationally by 2020.

"A lot of the problem is keeping up with growth," he said.

Legal marijuana was a \$10.4 billion industry in the U.S. in 2018 with a quarter-million jobs devoted just to the handling of marijuana plants, said Beau Whitney, vice president and senior economist at New Frontier Data, a leading cannabis market research and data analysis firm. There are many other jobs that don't involve direct work with the plants, but they are harder to quantify, Whitney said.

AMCO

OCT 28 2019

Investors poured \$10 billion into cannabis in North America in 2018, twice what was invested in the last three years combined, he said, and the combined North American market is expected to reach more than \$16 billion in 2019.

"Investors are getting much savvier when it comes to this space because even just a couple of years ago, you'd throw money at it and hope that something would stick," he said. "But now investors are much more discerning."

Increasingly, U.S. lawmakers see that success and want it for their states.

Nearly two-thirds of U.S. states now have legalized some form of medical marijuana.

Voters in November made Michigan the 10th state — and first in the Midwest — to legalize recreational marijuana. Governors in New York and New Jersey are pushing for a similar law in their states next year, and momentum for broad legalization is building in Pennsylvania and Illinois.

"Let's legalize the adult use of recreational marijuana once and for all," New York Gov. Andrew Cuomo said last week.

The East Coast's first recreational pot shops opened in November in Massachusetts.

State lawmakers in Nebraska just formed a campaign committee to put a medical cannabis initiative to voters in 2020. Nebraska shares a border with Colorado, one of the first two states to legalize recreational marijuana, and Iowa, which recently started a limited medical marijuana program.

"Attitudes have been rapidly evolving and changing. I know that my attitude toward it has also changed," said Nebraska state Sen. Adam Morfeld, a Democrat. "Seeing the medical benefits and seeing other states implement it ... has convinced me that it's not the dangerous drug it's made out to be."

With all its success, the U.S. marijuana industry continues to be undercut by a robust black market and federal law that treats marijuana as a controlled substance like heroin. Financial institutions are skittish about cannabis businesses, even in U.S. states where they are legal, and investors until recently have been reluctant to put their money behind pot.

Marijuana businesses can't deduct their business expenses on their federal taxes and face huge challenges getting insurance and finding real estate for their brick-and-mortar operations.

"Until you have complete federal legalization, you're going to be living with that structure," said Marc Press, a New Jersey attorney who advises cannabis businesses.

At the start of the year, the industry was chilled when then-U.S. Attorney General Jeff Sessions rescinded a policy shielding state-licensed medical marijuana operators from federal drug prosecutions. Ultimately the move had minimal impact because federal prosecutors showed little interest in going after legal operators.

Sessions, a staunch marijuana opponent, later lost his job while President Donald Trump said he was inclined to support an effort by U.S. Sen. Cory Gardner, a Colorado Republican, to relax the federal prohibition.

In November, Democrats won control of the U.S. House and want to use it next year to pass legislation that eases federal restrictions on the legal marijuana industry without removing it from the controlled substances list.

AMCO
OCT 28 2019

From: Lacy Wilcox
To: [CED AMCO REGS \(CED sponsored\); Marijuana, CED ABC \(CED sponsored\)](#)
Subject: Public Comment on Proposed Regulation dealing with Testing Oversight
Date: Wednesday, October 30, 2019 4:20:09 PM
Attachments: [Lab oversight 10_30_19.pdf](#)

Please see the attached public comment from the Alaska Marijuana Industry Association (AMIA).

Thank you,

Lacy Wilcox, President
AMIA



October 29, 2019

Via email

Subject: Public Comment on 3 AAC 306.100, 306.620, 306.635, 306.640, dealing with marijuana testing oversight

Dear Honorable Marijuana Control Board Members:

The proposed regulation **should not be adopted**. We ask the MCB to table this project.

As far as we can tell, the testing working group has essentially been disbanded and now consists of only one individual. While we appreciate his time on this project, no one person is qualified to create and review scientific testing lab standards on their own.

The AMIA feels strongly that the testing working group should be re-established and maintained. The group should include qualified industry stakeholders, representatives from all licensed marijuana testing facilities, and scientists with the appropriate experience and credentials.

We suggest a microbial biologist and analytical chemist experienced with potency and residual solvents to be included in the working group. These scientists should also be experts in gas chromatography and high-performance liquid chromatography.

We would like Brandon Emmett to be reappointed to the testing working group as he is capable of communicating effectively with lab operators, scientists, and industry members.

Representatives from Fairbanks Analytical Testing and Peak Analytical in Ketchikan are interested in volunteering their time to ensure sound testing lab standards.

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

Respectfully,

Alaska Marijuana Industry Association
Board of Directors

www.alaskamarijuanaindustry.org

From: Lacy Wilcox
To: [CED AMCO REGS \(CED sponsored\); Marijuana, CED ABC \(CED sponsored\)](#)
Subject: Public Comment on Proposed Regulation dealing with Testing Facility Ownership
Date: Wednesday, October 30, 2019 4:21:09 PM
Attachments: [Testing lab ownership 10_30_19.pdf](#)

Please see the attached public comment from the Alaska Marijuana Industry Association (AMIA).

Thank you,

Lacy Wilcox, President
AMIA



October 28, 2019

Via email

Subject: Public comment on 3 AAC 306.015, dealing with marijuana testing facility ownership

Dear Honorable Marijuana Control Board Members:

The proposed regulation **should not be adopted**.

Without baseline standards in place, this regulation project is out of sequence and should be placed on hold. The testing working group should first be re-established and allowed to work through common issues facing labs and the industry in a robust, transparent, and inclusive manner.

We believe that bringing in outside competition at this early stage, when testing oversight is still up in the air, is like putting the cart before the horse.

Establish proper laboratory oversight and standards through collaborative relationships with labs and industry members. Allow labs a reasonable amount of time to rework their operations and business plans to meet new standards.

Please respect the Alaska-owned and operated testing facilities that have pioneered this industry with us. Give them every opportunity to meet increased standards before drastically changing the playing field.

If Alaska labs are eventually unable to meet advancing requirements without outside investment, then we would be happy to discuss expanding ownership of these businesses.

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

Respectfully,

Alaska Marijuana Industry Association
Board of Directors

www.alaskamarijuanaindustry.org

From: Cheryl Bowie
To: [Marijuana, CED ABC \(CED sponsored\); Marijuana Licensing \(CED sponsored\)](#)
Subject: Re:
Date: Thursday, October 31, 2019 11:28:43 AM

Wouldn't that mean the state would have to address other protests as such? The Tribal governments won't address other issues and some tribes are moving away from certain organizations previously authorized to provide services and those decisions won't be decided until next year at least. Making a decision in place of the tribes when these non-profits are changing organizations based on their ethnic status defined under ANCSA ANILCA laws is setting up the marijuana program for failure, conflicts and misguidance. Just a couple of years ago and elderly caucasian man was drug down the road by his ankles in the name of justice and Tribal law and no one has been arrested for the violence perpetrated against the nontribal member(s).

On Thu, Oct 31, 2019, 8:41 AM Cheryl Bowie <cherylbwab@gmail.com> wrote:

I disagree w Mr Springer; allowing non-profit organization's that may only represent certain ethnic groups as is the case in Alaska gives unelected bureaucrats authority over voter initiatives & they have a conflict of interest. Whoever representation the community cannot be limited by federal contracting rules that stop competition for the people not represented by the groups or be excluded due to race & ethnic registration status. The rules are not uniform and in Alaska the state has stayed silent when one tribe steals from another like with the federal water money in southeast Alaska when the one Tribe took one million dollars of federal water money designated for a different tribe. There is not inclusive representation; there are many cases now where non-tribal members that are Alaska native get rejected because of where they were assigned to in the ANCSA ANILCA status over our certificate of Indian blood status. I think you need to be very cautionary as this will perpetuate monopolies and oligopoly type control with little oversight and legal remedy. It gets further complicated when there is non-federal money and no one to report fraud or adverse events to. It's why many rural areas are in poverty now. Educate them on a process to build local legal capacity that follows the state and federal constitutions and not just a special interest group with financial conflicts of interest.

Alaska marijuana board wrestles... <https://t.co/xdluqS1dN1>

Sincerely
Cheryl Bowie

From: Cheryl Bowie
To: [Marijuana, CED ABC \(CED sponsored\); Marijuana Licensing \(CED sponsored\)](#)
Subject: Re:
Date: Thursday, October 31, 2019 11:17:48 AM

If you recognize the non-profit Tribal Health Organizations developed under and through ANCSA ANILCA laws based on certificate of Indian blood status the marijuana control board would be reversing the state's decision.

I believe I'm correct on that.

On Thu, Oct 31, 2019, 8:41 AM Cheryl Bowie <cherylbwab@gmail.com> wrote:

I disagree w Mr Springer; allowing non-profit organization's that may only represent certain ethnic groups as is the case in Alaska gives unelected bureaucrats authority over voter initiatives & they have a conflict of interest. Whoever representation the community cannot be limited by federal contracting rules that stop competition for the people not represented by the groups or be excluded due to race & ethnic registration status. The rules are not uniform and in Alaska the state has stayed silent when one tribe steals from another like with the federal water money in southeast Alaska when the one Tribe took one million dollars of federal water money designated for a different tribe. There is not inclusive representation; there are many cases now where non-tribal members that are Alaska native get rejected because of where they were assigned to in the ANCSA ANILCA status over our certificate of Indian blood status. I think you need to be very cautionary as this will perpetuate monopolies and oligopoly type control with little oversight and legal remedy. It gets further complicated when there is non-federal money and no one to report fraud or adverse events to. It's why many rural areas are in poverty now. Educate them on a process to build local legal capacity that follows the state and federal constitutions and not just a special interest group with financial conflicts of interest.

Alaska marijuana board wrestles... <https://t.co/xdluqS1dN1>

Sincerely
Cheryl Bowie

From: [Marijuana Licensing \(CED sponsored\)](#)
To: [Marijuana, CED ABC \(CED sponsored\)](#)
Subject: FW: Local marijuana retail, Tok Alaska
Date: Friday, November 1, 2019 8:04:49 AM

From: Iron Age Reclamation <ironagereclamation@aptalaska.net>
Sent: Thursday, October 31, 2019 3:51 PM
To: CED AMCO REGS (CED sponsored) <amco.regs@alaska.gov>
Subject: Local marijuana retail, Tok Alaska

AMCO board members, Hello, and thank you for your public service. My Name is Duke Marshall, my wife and I have lived in this community since the mid seventies and established a small business in 1982, Iron Age Reclamation a salvage yard here in Tok Alaska. There are many challenges to a small business in rural Alaska and consequently many fail. But I applaud the effort, anyone with the ambition that has put up the investment, complied with all the regulatory process, has a plan and obviously worked very hard, should be allowed a retail license to make a go of this legal enterprise. After all we voted on it, and it looks like a good source of revenue and job creation, as well as increasing commerce and property value wherever these stores have opened. My wife and I both signed Mr. John Guest petition and have no objection to his proposed business. We are located at mile 1318 Alaska hwy within the five mile radius of Tok. Thank you, Duke Marshall 907 883 5311

From: Ron And Linda Kuzina
To: [Marijuana, CED ABC \(CED sponsored\)](#)
Subject: Marijuana Cultivation Facility
Date: Saturday, November 2, 2019 7:36:26 PM

November 2, 2019

AMCO,

I was directed to you by Mr. Hoelscher to share our frustration with AMCO's inability to enforce odor compliance for cultivation facilities in the Mat-Su Borough. June, July, August, September and October are months in which odor complaints have reached AMCO for Mr. Happy Farms LLC. In October alone, we called in 6 separated dates where we had marijuana odor engulfing our property. This is totally ridiculous and unacceptable— no one should have to put up with this.

You respond the day an Anchorage odor complaint comes in, where all 29 Anchorage cultivation facilities are located on commercial property. The Valley has 60 operating cultivation facilities which are all located on private property next to residents like myself. There are 10 more scheduled to operate in the Valley- awaiting their inspection. You cannot respond to the Valley because your office is closed when we have odor violation happening— so our complaints are coming to you after-the-fact.

AMCO wrote a NOV to Mr. Happy Farms on June 25th. In the September Meeting, owner Mr. Shelter stated he fixed numerous things. We still had odor on our property in July, August, September and October— nothing he did stopped or fixed the problem. Mr. Hoelscher said he sent out an officer 4 times to Mr. Happy Farms and they did not smell odor. On those days we did not have odor issues taking place and had not called in. He is wasting his staff's time if you cannot respond when it is happening (like AMCO does for Anchorage)— because you have to smell it to write a NOV. Without a NOV— nothing gets fixed!

In September's meeting the Board receive a letter from Ms. Hanson and she also presented during public comments detailing your inability to enforce Odor complaints in the Mat-Su Valley (both attached). She stated that AMCO wrote only one NOV in 14 months for the Valley and 18 for Anchorage. Read your NOV's for Anchorage— the odor is not just at the facility but reaches in and around the location and into the surrounding residential areas. One actually crossed Tudor Road reaching residential property. Mr. Happy Farms is located only 35 feet from the lot line of one of his neighbors. His odor was witnessed, in his NOV, to reach 360 feet across the street where our children meet the bus 4 times a day. We have had to close our windows and doors to keep it from engulfing our home. No one should have to retreat from their property because of marijuana stench coming from a license who is not in compliance for five months.

During the September meeting, Mr. Hoelscher addressed the board's questions on this issue. He confirmed that this is indeed a real concern and has become a large problem (as he also reported to the board during the February 2019 meeting). He stated that his 4 compliance officers (who are responsible for both Alcohol and Marijuana licenses) have to prioritize their work and that odor violations are not high on the list. They seem to be high on the list for controlling Anchorage's cultivation facilities— because AMCO staff provides NOV's for those complaints on the day they are called in. Mr. Hoelscher can provide you with statistics on odor complaints from the Valley. I can only assume, since we have twice as many cultivation facilities than Anchorage, that I am not the only one experiencing odor in the Valley.

AMCO is the only responsible organization directed by state regulations to maintain the compliance of cultivation facilities for odor violations. Your current staff and hours of operation do not allow you to fulfill this requirement.

In addition, and this can be discussed later, is something that has not been addressed and needs to be addressed: the illegal distance from school grounds and the proximity to neighbors per borough regulations, that is not being met. And last but not least, is the AMCO ignorance of the subdivision covenants where the facility is located, which clearly state that commercial businesses are not allowed.

Do not make us wait five more months to have this resolved. You would not put up with this. No one would or should have to. We are concerned for our own health.

I look forward to hearing what AMCO is doing to correct this problem.

Sincerely,

Ron Kuzina

From: Cheryl Bowie
To: [Marijuana, CED ABC \(CED sponsored\); Marijuana Licensing \(CED sponsored\)](#)
Subject: Re:
Date: Monday, November 4, 2019 5:13:48 PM

This explains the remedy process under the non-profit organizations regulated and funded by IHS/Tribes in urban and rural Alaska. There is no clear system and I don't think it would be proper to have a state voter passed program administrated by organizations that have a federal reporting line. I think it violates the bill thestate passed. The state reporting system can't deal with these issue 9 times out of ten.

I think it sets up people to not have the same rights passed in state law because right now they're arguing marijuana is still illegal at the federal level and they cited their federal contracts.

The Malpractice Tort Claim Review Process | Manual <https://t.co/gLWplJk3j2>

Sincerely,

Cheryl Bowie
@dreamgbutterfly botanicals

From: [CED AMCO REGS \(CED sponsored\)](#)
To: [Marijuana, CED ABC \(CED sponsored\)](#)
Cc: [CED AMCO REGS \(CED sponsored\)](#)
Subject: FW: DHSS Comment - Infants in Restricted Access Areas.11.6.19.pdf
Date: Wednesday, November 6, 2019 11:32:59 AM
Attachments: [DHSS Comment - Infants in Restricted Access Areas.11.6.19.pdf](#)

Please include this email with the attached document in the emails for marijuana board for January 2020 meeting.

Thank you
Jane Sawyer
Regulations Specialist II
Alcohol and Marijuana Control Office
907-269-0490

From: CED AMCO REGS (CED sponsored)
Sent: Wednesday, November 06, 2019 11:29 AM
To: Zink, Anne B (HSS) <anne.zink@alaska.gov>; McConnell, Erika B (CED) <erika.mcconnell@alaska.gov>; CED AMCO REGS (CED sponsored) <amco.regs@alaska.gov>
Cc: Hedberg, Heidi R (HSS) <heidi.hedberg@alaska.gov>; Carpenter, Heather R (HSS) <heather.carpenter@alaska.gov>; Crum, Adam R (HSS) <adam.crum@alaska.gov>; Muse, Eliza J (HSS) <eliza.muse@alaska.gov>
Subject: RE: DHSS Comment - Infants in Restricted Access Areas.11.6.19.pdf

Good morning, Ms. Zink,

Because your questions and/or comments came in after the comment period for this regulations project, your letter will be forwarded to the regular Marijuana Control Board's email box. However, your questions/comments will not be seen by the board until the January 2020 meeting as the deadline for next week's board meeting has also passed.

Respectfully,
Jane Sawyer
Regulations Specialist II
Alcohol and Marijuana Control Office
907-269-0490

From: Zink, Anne B (HSS) <anne.zink@alaska.gov>
Sent: Wednesday, November 06, 2019 10:16 AM
To: McConnell, Erika B (CED) <erika.mcconnell@alaska.gov>; CED AMCO REGS (CED sponsored) <amco.regs@alaska.gov>
Cc: Hedberg, Heidi R (HSS) <heidi.hedberg@alaska.gov>; Carpenter, Heather R (HSS) <heather.carpenter@alaska.gov>; Crum, Adam R (HSS) <adam.crum@alaska.gov>; Muse, Eliza J (HSS) <eliza.muse@alaska.gov>
Subject: DHSS Comment - Infants in Restricted Access Areas.11.6.19.pdf

Director McConnell,

Please find our questions and comments regarding regulation 3 AAC 306.710 c. As the public comment period has ended, we are submitting this as a question, but also ask that this letter be considered as part of the public comment process as we were not able to respond with our health concerns earlier in the process.

Sincerely.

Anne

Anne Zink, MD, FACEP | Chief Medical Officer
Alaska Department of Health and Social Services
3601 C Street, Suite 756 | Anchorage, AK 99503
(907) 375-7725 (office)
anne.zink@alaska.gov

-



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Health and Social Services

OFFICE OF THE COMMISSIONER

Anchorage

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Fax: 907.269.0060

Juneau

350 Main Street, Suite 404
Juneau, Alaska 99801-1149
Main: 907.465.3030
Fax: 907.465.3068

November 6, 2019

Erika McConnell, Director

Alcoholic Beverage Control Board

550 W 7th Ave, Suite 1600

Anchorage, AK 99501

Dear Ms. McConnell:

On behalf of the Department of Health and Social Services, Office of Substance Misuse and Addiction Prevention, we respectfully submit comments on regulations 3 AAC 306.710(c) regarding access to infants in restricted access areas. As the public comment period has ended, we are submitting this as a question but also ask that this letter be considered as part of the public comment process.

Based on these concerns for the health and safety of Alaskans, we would like clarification that Board has consider the following questions:

1. Has the board considered the risks associated with exposure to THC by way of unintentional ingestion and/or topical exposure of products in the restricted access area?
2. How will licensees mitigate the risks associated with unintentional exposure or accidental ingestion in restricted access areas?
3. Will products and materials present in the restricted access area comply with 3 AAC 306.345(a)(3) related to child-resistant packaging?
4. Given the air ventilation and air filtration cannot fully eliminate exposure to secondhand smoke, what considerations will the board make in relation to the restricted access area's proximity to potential onsite consumption areas as regulated under 3 AAC 306.370?

The proposed regulations raise concern for Alaskans 'health and safety due to the risk of unintentional injury associated with exposure to THC of infants under the age of one in restricted access areas. While the science and data on infant

exposure of THC is still rapidly evolving, we do know that the younger the child is when exposed to high THC concentrations, the more the child is at risk for negative consequences associated with exposure.^{1, 2}

An article published in the Journal of American Medical Association Pediatrics found that the average marijuana-related visit to the Children's Hospital of Colorado nearly doubled, increasing from 1.2 per 100,000 population to 2.3 per 100,000 two years after legalization (3). Most of these incidents of marijuana exposure have primarily been unintentional and accidental. The symptoms and effects of marijuana intoxication in children vary and can be dangerous, even life-threatening. In a recent [advisory](#), the U.S. Surgeon General raised concerns related to increased youth access to high potency marijuana products, potential harms to the developing brain, and the risks associated with accidental ingestion among children. Further stating that "these harms are costly to individuals and to our society." He goes on to say "everyone has a role in protecting our young people from the risks of marijuana" and "no amount of marijuana use during childhood or adolescence is safe."

This regulatory change has the potential to increase the exposure of infants to marijuana products some of which may contain high levels of THC, which may lead to adverse events. We believe this regulation unnecessarily puts young children at significant health risk and strongly request you consider our questions in light of the proposed regulatory changes.

Thank you for your time and consideration in supporting the health and safety of all Alaskans.

Sincerely,

A handwritten signature in black ink, appearing to read 'AZink', with a horizontal line extending from the end of the signature.

Anne Zink, MD, FACEP

Chief Medical Officer

1. Freeman, T. P., & Winstock, A. R. (2015). Examining the profile of high-potency cannabis and its association with severity of cannabis dependence. *Psychological medicine*, 45(15), 3181–3189. doi:10.1017/S0033291715001178
2. Richards, J.R., Smith N.E., Moulin, A.K. Unintentional Cannabis Ingestion in Children: A Systematic Review. *J Pediatr* 2017; 190:142-52.
3. Wang GS, Le Lait M, Deakyne SJ, Bronstein AC, Bajaj L, Roosevelt G. Unintentional Pediatric Exposures to Marijuana in Colorado, 2009-2015. *JAMA Pediatr*. Published online September 01, 2016;170(9):e160971. doi:10.1001/jamapediatrics.2016.0971

From: [Hoelscher, James C. \(CED\)](#)
To: mitch@ciswholesale.com
Cc: [Alcohol, CED AMCO \(CED sponsored\)](#); [Marijuana, CED ABC \(CED sponsored\)](#); [CED AMCO Enforcement \(CED sponsored\)](#); [Klinkhart, Glen Edward \(HSS\)](#); [Davies, Jason M. \(CED\)](#)
Subject: RE: Houston Grass Station Pesticide Issue - URGENT
Date: Monday, November 18, 2019 11:08:34 AM
Attachments: [Advisory Calm N Collective 10799 Marijuana and Marijuana Product Hold.pdf](#)

Mitch Potter,

I hope your nephew's health improves soon.

I will give you a call, however I do not know what pesticides, if any, where in the marijuana your nephew smoked. If you have any dates or packages of the marijuana he smoked, that would be helpful to us.

The pesticides that were reported were listed in the advisory that was posted in the news, which I have included for you in this email. I will call you shortly.

Thank you,

James

From: Alcohol, CED AMCO (CED sponsored)
Sent: Monday, November 18, 2019 9:00 AM
To: Marijuana, CED ABC (CED sponsored) <marijuana@alaska.gov>; CED AMCO Enforcement (CED sponsored) <amco.enforcement@alaska.gov>
Subject: FW: Houston Grass Station Pesticide Issue - URGENT

Please read below and respond.

From: Mitch Potter - CIS Wholesale <mitch@ciswholesale.com>
Sent: Monday, November 18, 2019 5:51 AM
To: Alcohol, CED AMCO (CED sponsored) <alcohol@alaska.gov>
Subject: Re: Houston Grass Station Pesticide Issue - URGENT

Good morning,

I want to my sure someone is planning on getting back to me. My nephew just had a heart attack and is currently at Children's in Minneapolis. Please get back to me as soon as possible.

Thanks in advance,

Mitch Potter
CIS, LLC
O: 763-488-6900
C: 612-735-2184

F: 763-488-6901
Sent from my iPhone

On Nov 13, 2019, at 9:50 AM, Mitch Potter - CIS Wholesale <mitch@ciswholesale.com> wrote:

Good morning,

I spoke with Jennifer on the phone yesterday and she said it would be best to send an email. My nephew spent the better part of the summer in AK (Wasilla & Anchorage areas). It's been brought to my attention that he was smoking product from the Houston Grass Station. He spent roughly a month in the hospital when he returned to MN and is still very sick. He's had major intestinal issues and from what I understand they're side effects of the product he was smoking which had pesticides. I'm all but certain the doctors were not and are still not privy to why he has been having issues so I want to get them as much info as I can. Please email me any info you have as I'd like to get it to the proper people as soon as possible.

Please feel free to give me a call on my cell if you have any questions.
Thanks in advance,

Mitch Potter
Cell: 612-735-2184

Advisory Notice

Marijuana Advisory (AAC 306.805)

Date: 11/1/19

Licensee:

DBA:

License #/Type: All Licensees

Address:

This is a notice to you as licensee that an incident has occurred or a defect is noted that could result in a violation of a statute, regulation or municipal ordinance.

Note: This is not an accusation or a criminal complaint.

On 11/1/19, all packages that originated from Calm N collective have been placed on administrative hold. If you have any affected product in your inventory, it must be immediately removed from your shelves and placed into quarantine. Affected packages are identifiable in Metrc in the On Hold tab in packages.

AMCO and the Department of Environmental Conservation Pesticide Control Program are conducting an investigation. AMCO took this action under 3 AAC 306.830 because we have received credible information that the licensee used one or more pesticides on marijuana grown in this facility that pose a threat to human health. Specifically, the licensee is alleged to have used Eagle 20, a pesticide containing myclobutanil, which is stable at room temperature but releases a toxic gas (hydrogen cyanide) when combusted.

Any updates will be communicated with all licensees as soon as possible.

If you need immediate assistance, please contact Criminal Justice Technician Jason Davies at 754-3410 or amco.enforcement@alaska.gov.

Issuing Investigator: J. Hoelscher

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA: Email

Date:

From: Lucier Staub
To: [Marijuana, CED ABC \(CED sponsored\)](#)
Subject: Myclobutanil
Date: Wednesday, November 13, 2019 10:20:50 PM

Myclobutanil

Hey Guys!

Thanks for all your work.

Please have a look at Myclobutanil, a fungicide, that breaks down into >>>HYDROGEN CYANIDE GAS<<< when heated above 350(F).

This is ONE of the substances behind the "Vaping Illness" that is killing marijuana users.

Straight-up, legal, licensed, marijuana growers use this product to reduce the >>>VISIBLE<<< signs of fungus and mildew on their crops (this is Very Bad).

When Myclobutanil is detected in a marijuana sample (it is the most common adulterant in California Marijuana samples) the entire crop is worthless, on the legal market.

Myclobutanil makes it's way into the market when growers sell contaminated crops to individuals who make marijuana concentrates.

Once concentrated, marijuana products are "treated" or "tuned" with substances meant to provide flavoring, uniform viscosity and vaporizability (is that even a word?). One of these substances is Tocopheryl acetate (Honey Cut).

As far as I am able to determine (I'm nobody), there is no testing of marijuana concentrate samples for Tocopheryl acetate. Please cause this to change.

Stay away from flavorings and black market Vape Cartridges and you'll most likely be safe from Tocopheryl acetate, which, while it has it's place in the world, should never be inhaled as a heated vapor.

Myclobutanil is tested for within the legal marijuana market, at the grower level, although, as far as I know there is NO post process testing of concentrates. That's just dumb.

As if all that weren't enough, Myclobutanil doesn't work. Period. And it's CRAZY poisonous.

Get yours on Amazon:

[https://urldefense.com/v3/https://www.amazon.com/Quali-Pro-Myclobutanil-Fungicide-Equivalent-Eagle/dp/B006M459K4/ref=sr_1_2?keywords=Myclobutanil&qid=1573247823&sr=8-2_!9_CTV20a17M!76SqQ4CiAhwGzpOV5jSWocuyQSsstXJXtVn0fZ6TwWRMEajCO9DP8gMsYdNCQMtM_2c\\$](https://urldefense.com/v3/https://www.amazon.com/Quali-Pro-Myclobutanil-Fungicide-Equivalent-Eagle/dp/B006M459K4/ref=sr_1_2?keywords=Myclobutanil&qid=1573247823&sr=8-2_!9_CTV20a17M!76SqQ4CiAhwGzpOV5jSWocuyQSsstXJXtVn0fZ6TwWRMEajCO9DP8gMsYdNCQMtM_2c$)

I'm convinced that the manufacturers of Myclobutanil are aware of the shortcomings and risks associated with their product, just have a look

at the directions.

I became aware of this situation when I purchased a product (since discontinued) called Promise from NPK Industries. When I communicated my concerns to NPK, they stopped replying to my emails.

Thanks for All your work!

Luci

PS:

I tried to send this information to the (Federal) CDC. They actually told me that they didn't want to hear from me again. We're on our own with this one.

From: [AMCO Admin \(CED sponsored\)](#)
To: [Marijuana, CED ABC \(CED sponsored\)](#)
Subject: FW: Please share with Board Members
Date: Thursday, November 14, 2019 12:18:06 PM
Attachments: [Complications with License Process.docx](#)
[Tax Structure Change \(1\).docx](#)

From: The Waffle Company <akushtopia@gmail.com>
Sent: Thursday, November 14, 2019 11:39 AM
To: AMCO Admin (CED sponsored) <amco.admin@alaska.gov>
Subject: Please share with Board Members

I will be reading and referencing these today.

--

Thanks,
Phillip Izon
KushTopia, Alaska
[KushTopia.Co](#)



My background, I have worked in the Alaska Business Environment since I was 21, I have worked in the construction industry, financial industry, real estate industry, and now the cannabis industry. During my time as a business banker here in Alaska I was able to help many people with opening businesses in every industry.

One trend was that opening a business in Alaska was easy. Some were a little more difficult and required multiple steps (liquor license for LED Ultra Lounge and the Local Government). Overall though, no business owner had to have council to represent them.

In my opinion and based on a couple years in the Alaskan Cannabis Industry I have noticed a trend of business owners depending on lawyers and attorneys to get their cannabis license. I see two major concerns with this.

One, business owners are not familiar with the cannabis regulations and depend too heavily on their council to complete the license process. Which leaves the licensee at a disadvantage not knowing the process or regulations.

Two, business owners are put under an increased financial burden to start a business. This is a very uncommon thing in most other industries, business owners have council, though they do not represent them at every state meeting.

My point is that making the process more streamlined and easier for the common man and woman will do two things, it will bring better educated business owners that are more involved in the process. Two, the cost of starting a cannabis business will be much cheaper.

Combining the tax changes I recommend along with these simple changes, I believe we can drive the industry into a healthy 2020 and beyond, but the goal at the end of the day is to make it easier to do business and make it cheaper for people to start a business, you can do this by streamlining the process. You can help keep businesses in business, by changing the tax structure to foster industry growth.

To Whom it May Concern,

I wrote this letter in November of 2018, the issues brought up in the letter are still the same issues the state, industry, companies, and individuals are dealing with today. The issues are worse than they were during that time as well. Instead of **32** taxpayers, I believe this has more than doubled. I would encourage all that read this letter to take the information seriously and work to find a solution. The sooner the tax code changes, the sooner our state and industry can thrive.

Written November 2018:

I'd like to start this letter off with a status of the existing marijuana tax structure in Alaska. **32** taxpayers owing a total of **\$728,400** – this is **25% of all marijuana (farmers/cannabis growers) taxpayers that owe past due taxes**. Retail licensees, Concentrate licensees, and Manufacturing licensees do not pay state taxes in the State of Alaska.

I believe it is time to reform marijuana taxes in Alaska. I believe if we follow other recreational marijuana states' example (see attachment) we will have more tax revenue, depending on selected tax structure, in some cases 2x or 3x as much as our State has made so far.

Current Tax Structure:

Puts the entire state tax on the cultivation companies, both large and small. As more companies come online, the supply in the market has increased and prices have started to come down.

In a normal free market, we will have a price equilibrium between the supply and demand and throughout the year, depending on supply in the market and the demand in the market, prices may fluctuate. This is normally great for industry, competition normally benefits the community and the consumers first and foremost.

This is not the case however and I blame the tax structure. Instead of a flat percentage of sale-based system taxing the result of all cannabis production in Alaska. We attempted to build a tax structure like Alaska's Alcohol tax structure, also attached.

Issue is that in the alcohol structure, the taxes go up or down depending on the strength of the alcohol. The cannabis industry does not benefit from a sliding scale structure based on the percentage of THC. At this time the tax is taken prior to the final sale. At this time extracts/concentrates/edibles and other cannabis products are not taxed, which is a large part of the cannabis industry that the state does not benefit from.

I do not believe a sliding scale tax structure would be the most effective way to manage our structure. I believe considering other states' tax structures is important in making the decision. Somewhere along the line, under the Walker Administration, this research was not completed or the information was not used in crafting our tax structure. As can be seen from the attachment, Alaska currently taxes their farmers/cannabis growers 5x as much as California.

California uses a 15% sales tax to offset the tax we charge growers and in my data analysis, using our sales numbers I know that California's tax plan will outperform our existing tax structure by \$10 million dollars over the same time period.

Other states have moved to a simple sales tax (Washington 37% and Oregon 17%). I believe this is the most effective way to manage our taxes here in Alaska. The reasons and benefits are many and the cons are few.

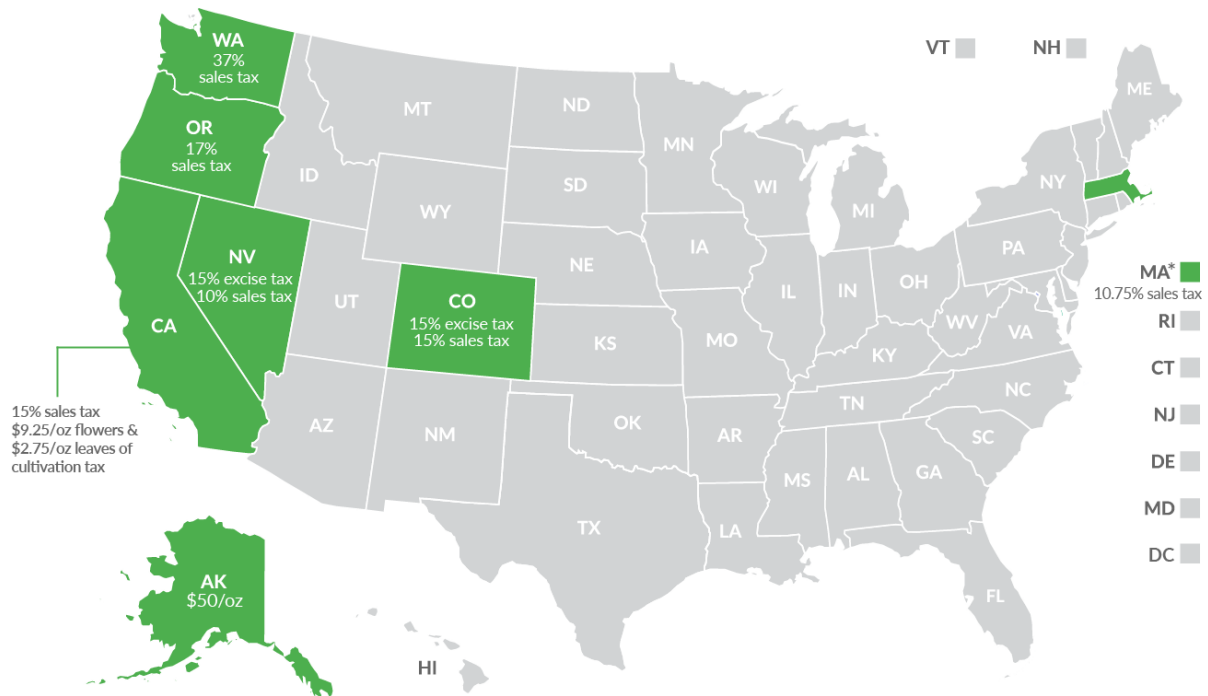
- This would help our farmers/cannabis cultivation companies (by spreading the cannabis tax burden across the industry).
- This will allow competition to take hold and we can compete with the black-market cannabis industry (Currently our tax structure limits how low we can price our products because it is based on a flat rate \$800/lb tax or \$50/oz instead of a percentage of the sale. So, the market has already hit the bottom and black market can undercut that pricing).
- The State will benefit from more tax revenue and the management is very simple compared to the existing system.
- The community, industry, and consumers will benefit from increased pricing competition. Black market will naturally become smaller over time due to economies of scale.

I hope you find value in my work and look forward to the opportunity to present my tax plan to you for your review.

Kindest Regards,
Phillip A. Izon II

How High Are Marijuana Taxes in Your State?

State Recreational Marijuana Excise Tax Rates, January 2018



Note: (*) Massachusetts has not yet begun recreational sales.

D.C. voters approved legalization and purchase of marijuana in 2014 but federal law prohibits any action to implement it. The New Hampshire Legislature voted this year to legalize the possession and growing of marijuana, but sales are not permitted. Alabama, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Nebraska, Oklahoma, Rhode Island, Tennessee, and Wisconsin impose a controlled substance tax on the purchase of illegal products. Vermont legalized the possession of recreational marijuana legislatively in January 2018, but is not implementing a legal recreational market. Maine legalized recreational marijuana in November 2016 by ballot initiative, but the state has not implemented a legal recreational market. Legislation is pending that would create a taxing structure.

Source: Tax Foundation, "Massachusetts Increases Marijuana Tax Rate" (2017); state statutes; Bloomberg BNA.

Alaska Department of Revenue
Tax Division
Alcoholic Beverage Excise Tax Increase
Effective October 1, 2002

Alcoholic Beverage Type and Amount	Old Tax Rate	New Tax Rate	Tax Inci
Beer manufactured by small breweries¹			
1 gallon	\$0.35	\$0.35	
12 oz. bottle/can (1 drink)	\$0.03	\$0.03	
16 oz. draft	\$0.04	\$0.04	
6-pack (12 oz. bottles/cans)	\$0.20	\$0.20	
case (24 12 oz. bottles/cans)	\$0.79	\$0.79	
Malt Beverages & Beer²			
1 gallon	\$0.35	\$1.07	
12 oz. bottle/can (1 drink)	\$0.03	\$0.10	
16 oz. draft	\$0.04	\$0.13	
6-pack (12 oz. bottles/cans)	\$0.20	\$0.60	
case (24 12 oz. bottles/cans)	\$0.79	\$2.41	
Hard Cider with alcohol content of .5 to 7 percent			
1 gallon	\$0.85	\$1.07	
12 oz. bottle (1 drink)	\$0.08	\$0.10	
6-pack (12 oz. bottles)	\$0.48	\$0.60	
Wine & Other Beverages with 21% or less alcohol by volume			
1 gallon	\$0.85	\$2.50	
5 oz. glass (1 drink)	\$0.03	\$0.10	
750 ml bottle	\$0.17	\$0.50	
1 liter bottle	\$0.22	\$0.66	
Liquor with greater than 21% alcohol by volume			
1 gallon	\$5.60	\$12.80	
1 oz. cocktail (1 drink)	\$0.04	\$0.10	
750 ml bottle	\$1.10	\$2.54	
1 liter bottle	\$1.48	\$3.38	

¹Alaska allows breweries, both in and out of the state, that produce less than 2,000,000 barrels of beer a year to pay the excise tax on the first 60,000 barrels (1,860,000 gallons) sold in the state during a fiscal year.

²Malt beverages includes beer and all other alcoholic beverages, e.g. "wine coolers", "hard lemonade", etc. that

FOR BUSINESSES

TAXES

Retail marijuana is subject to the following taxes:

- 15 percent excise tax on the wholesale sale; paid by the cultivator
- 10 percent excise tax on the retail sale; paid by the retail store
- Retail sales tax at the local rate

The 15 percent excise tax on the wholesale sale is calculated on the [Fair Market Value at Wholesale](#), established by the Department of Taxation.

During the 2017 legislative session, the tax structure for medical marijuana was changed from 2 percent excise tax on each sale to 15 percent excise tax on the wholesale sale, paid by the cultivator. This change means marijuana establishments that hold both medical registration certificates and retail licenses do not have to designate which portion of their inventory is medical and which is retail. Marijuana inventory can be kept as a single stream until the point it is sold to the consumer. If it is sold to a retail customer, the additional 10 percent retail excise tax will be applied. If it is sold to a medical cardholder, the 10 percent will not be applied to the sale. Regular sales tax at the local rate will be charged to both medical and retail customers.

Revenue from the 15 percent wholesale excise tax will go toward Nevada schools (less the amount to cover the costs of the program for the state and local governments).

Revenue from the 10 percent retail excise tax will go the state Rainy Day Fund.

Nevada Tax Structure

Revenue disbursement

State marijuana tax revenues—minus tax program administration costs—will be distributed quarterly as follows:

- 40 percent for education.
- 20 percent for mental health treatment or for alcohol and drug abuse prevention, early intervention, and treatment.*
- 15 percent for state law enforcement.
- 10 percent to cities, based on population and number of licensees.
- 10 percent to counties, based on total available grow canopy size and number of licensees.
- 5 percent for alcohol and drug abuse prevention, early intervention, and treatment services.

Marijuana taxes



www.oregon.gov/dor/news

An overview of Oregon's recreational marijuana taxes

- The state tax rate is 17 percent.
- Municipalities can enact an additional tax of up to 3 percent with the approval of voters.
- Only retailers licensed by the Oregon Liquor Control Commission (OLCC) can sell recreational marijuana.
- Our rules require monthly payments. Payments are due on the last day of each month for retail sales from the previous month. For example, the tax for January's sales would be due by February 28.
- Payments are accepted by check, money order, cashier's check, or cash. Cash payments are by appointment only at the Revenue building in Salem only.
- Taxpayers can keep 2 percent of the state tax to cover their administrative costs.
- Returns are due on the last day of the month following the quarter's end (January 31, April 30, July 31, October 31).
- Returns are only accepted electronically through Revenue Online at www.oregon.gov/dor.

Oregon Tax Structure

From: dollynda Phelps
To: [Marijuana, CED ABC \(CED sponsored\)](#)
Subject: Participation in workgroups
Date: Friday, November 15, 2019 7:17:20 PM

Hello, Dollynda Phelps here with Peace Frog Botanicals cultivation in Kenai. This week's meetings were packed full of new concerns and priorities, specifically a Waste management workgroup and to revitalize the Testing workgroup.

A letter I sent in February 2019 with my first formal waste log was brought up this week by another licensee, citing "disgusting pictures" of waste and the problems it creates. I would very much like to participate in the Waste management workgroup as suggested by Nick Miller to address the specific problems and solutions to our current waste regulations. As a cultivator, I struggle with safe practices and regulation, which in this case, conflict. Public safety is #1 priority and we must all work as partners to achieve the best possible outcome. A change in regulations regarding "keeping waste for 3 days before making unusable" is a danger to not only the public, but business owners, staff, and AMCO inspection officers when conducting inspections. Please highly consider me as a participant of the Waste management group when it is assembled.

Great work this week, your time and effort is appreciated by all.

Dollynda Phelps
907-252-8026

[Sent from Yahoo Mail on Android](#)

From: Martin, Mikal C (CED)
To: [Marijuana, CED ABC \(CED sponsored\)](#)
Subject: Post Mailed Letter to the Board
Date: Thursday, December 12, 2019 12:48:10 PM
Attachments: [Post Mail Public Comment.pdf](#)

Hello,

Please find attached a letter to the board.

Thank You

Mikal Martin
she/her
Records and Licensing Supervisor
Alcohol and Marijuana Control Office
Phone: 907.269.0350
alcohol.licensing@alaska.gov
marijuana.licensing@alaska.gov



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carolyn V Brown MD MPH
1640 Second Street
Douglas Alaska
99824-5211 USA

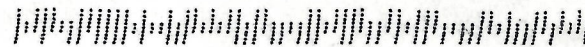


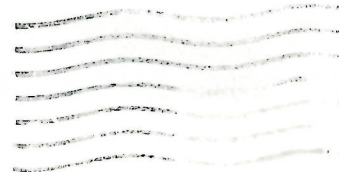
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AMCO

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Preventive Medicine-Public Health (FACPM)**

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cvbrown1937@yahoo.com

907-321-0784 cellular

3 December 2019

Director
Marijuana Control Board
550 West 7th Avenue
Ste 1600
Anchorage Alaska 99501

Dear Director:

I know there is a new Director, but we have not heard much from him (?you?).

I will appreciate your review of this abstract and then to perhaps share with the Control Board.

It does appear that the Control Board has a responsibility to provide "due diligence" in the work to be done. This brief article points to one of many issues to be dealt with.

To do otherwise would appear to put the "cart before the horse" (the cart being the depository of money that will be garnered" and the horse being the "due diligence" necessary to protect the public's health.

I continue to hope that the Control Board will have an open mind – but not so open that their brains fall out and serious damage is done to others.

Sincerely,


carolyn V Brown MD MPH

AMCO

DEC 06 2019

Marijuana During Pregnancy: Is It Safe?

Daily marijuana use during pregnancy can have significant effects on fetal health, including low birth weight and low resistance to infection, according to the authors of a recent study.

Although previous research has linked marijuana use with adverse fetal neurodevelopmental outcomes, the number of women using marijuana during pregnancy has increased following its legalization, according to the researchers.

They conducted a retrospective cohort study using data from pregnant women who self-reported daily marijuana use and controls. Maternal demographics, fetal biometry, nuchal translucency, and umbilical artery Dopplers were compared between the two groups.

In first and second trimester ultrasounds, no differences were noted between marijuana users and controls. However, second trimester umbilical artery systolic to diastolic ratios were higher in the marijuana users compared with controls (4.02 versus 3.92). In the third trimester, growth restriction was noted in 26 of the 192 marijuana exposed fetuses compared with 6 of 192 controls. Among the marijuana users, 4 cases of absent and reversed end diastolic flow were observed. None were observed among controls.

“Our data shows that daily marijuana use is associated with impaired fetal growth and increased placental vascular resistance. Marijuana consumption in pregnancy should be avoided until further studies delineate its exact potential for fetotoxicity,” the researchers concluded.

—Michael Potts

Reference:

Brar BK, Patil JS, Jackson DN, et al. Effect of intrauterine marijuana exposure on fetal growth patterns and placental vascular resistance [published online November 11, 2019]. *J Matern Fetal Neonatal Med* . <https://doi.org/10.1080/14767058.2019.1683541>.