



MEMORANDUM

TO: Marijuana Control Board

DATE: May 27, 2020

FROM: Jane P. Sawyer, Regulations Specialist

RE: Regulations Project – Onsite
Consumption Clean-up

The board opened this regulations project at the February 2019 meeting. The last action on this project was at the January 2020 meeting where the board sent the draft back to staff to amend it based on Mr. Miller's comments/concerns and to send it back out for public comment for 90 days. The draft was open for public comment for about 95 days, two comments were received. Draft and comments attached.

Brief summary of the changes:

3 AAC 306.030(a) and (b) would allow a retail marijuana store located in an area without a local government to apply for an onsite consumption endorsement.

3 AAC 306.080(a) and (b) adds onsite consumption endorsement as one of the applications that may be denied by the board.

3 AAC 306.370 is repealed and readopted.

3 AAC 306.990 further defines "freestanding" and adds definitions for "smoking" and "vaping"

Options for the board:

- Vote to adopt
- Amend and put out for public comment
- Send back to staff for revisions
- Close the project without action

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

3 AAC 306.030(a) is amended to read:

(a) The board will not approve a new license **or a new onsite consumption endorsement** 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 **or endorsement** signed by a majority of the permanent residents residing within one mile of the proposed premises.

3 AAC 306.030(b) is amended to read:

(b) The board will not approve a new license **or a new onsite consumption endorsement** 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 **or endorsement** 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.

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

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200
AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

3 AAC 306.080(a) is amended to read:

(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 **or a new**

endorsement 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;
- (2) the license **or endorsement** would violate any restriction in 3 AAC 306.010 or 3 AAC 306.015;
- (3) the license **or endorsement** would violate any restriction applicable to the particular license **or endorsement** type authorized under this chapter;
- (4) the license **or endorsement** is prohibited under this chapter as a result of an ordinance or election conducted under AS 17.38.210, 3 AAC 306.200, or 3 AAC 306.230;
- (5) the applicant's actions or the operating plan does not adequately demonstrate that the applicant will comply with applicable provisions of this chapter;
- (6) the license **or endorsement** would not be in the best interests of the public; or
- (7) a protest by the local governing body is not arbitrary, capricious, and unreasonable.

The introductory language of 3 AAC 306.080(b) is amended to read:

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

3 AAC 306.080(b)(3) is amended to read:

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

(Eff. 2/21/2016, Register 217; am 2/21/2019, Register 229; am 8/21/2019, Register 231; am
____/____/_____, Register _____)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200
AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

3 AAC 306.370 is repealed and readopted to read:

3 AAC 306.370. **Onsite consumption endorsement for retail marijuana stores.** (a)

Unless prohibited by local or state law, the board may approve an onsite consumption
endorsement for a licensed retail marijuana store for

(1) consumption by any method in an indoor area, as long as the licensed retail
marijuana store is or is in a freestanding building; or

(2) consumption by any method, in an outdoor area, in compliance with AS
18.35.301.

(b) A licensed retail marijuana store with an approved onsite consumption endorsement is
authorized to sell, for consumption at the time of purchase and only in an area designated as the
marijuana consumption area,

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

(2) edible marijuana products in quantities not to exceed 25 mg of THC to any
one person per day; and

(3) a vaping device that contains not more than 0.3 grams of marijuana
concentrate to any one person per day .

(c) A licensed retail marijuana store with an approved onsite consumption endorsement may

(1) sell food or beverages not containing marijuana or alcohol; and

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) a ventilation system, separate from the ventilation system of the other areas of the retail marijuana store or other licensed marijuana establishments in a freestanding building, that directs air from the marijuana consumption area to the outside of the building through a filtration system sufficient to remove visible smoke, consistent with all applicable building codes and ordinances, and adequate to eliminate odor at the property line, if consumption by smoking is permitted;

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

(A) neighboring uses;

(B) the location of air intake vents on neighboring buildings, if consumption by smoking is permitted;

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

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

(E) any other information the board finds relevant.

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

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

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

- (i) doors and locks;
- (ii) windows;
- (iii) measures to prevent diversion; and
- (iv) measures to prohibit access to persons under the age of 21;

(B) ventilation, if consumption by smoking is to be permitted in an indoor area; ventilation plans must be

- (i) signed and approved by a licensed mechanical engineer;
- (ii) sufficient to remove visible smoke; and
- (iii) consistent with all applicable building codes and ordinances;

(C) monitoring overconsumption;

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

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

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

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

(B) serving area or areas;

(C) ventilation exhaust points, if applicable;

(D) the employee monitoring area;

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

(F) access control points;

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

(4) for an outdoor marijuana consumption area,

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

(B) information showing compliance with AS 18.35.301.

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

- (1) destroy all unconsumed marijuana left abandoned or unclaimed in the marijuana consumption area in accordance with the operating plan and 3 AAC 306.740;
- (2) monitor patrons in the marijuana consumption area at all times, specifically for overconsumption;
- (3) display all warning signs required under 3 AAC 306.360 and 3 AAC 306.365 within the marijuana consumption area, visible to all consumers;
- (4) provide written materials containing marijuana dosage and safety information for each type of marijuana or marijuana product sold for consumption in the marijuana consumption area at no cost to patrons;
- (5) package and label all marijuana or marijuana product sold for consumption on the premises as required by 3 AAC 306.345; and
- (6) comply with any conditions set by the local government or placed on the endorsement by the board.
- (h) The holder of an onsite consumption endorsement must apply for renewal annually at the time of renewal of the underlying retail marijuana store license. (Eff. 4/11/2019, Register 230; am __/__/__, Register __)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200
AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

3 AAC 306.990(b)(42) is amended to read:

(42) “freestanding” has the meaning given in AS 18.35.301(i)(1), **and does not include buildings that contain tenants other than licensed marijuana establishments owned by the same company, individual, or individuals that is or are seeking the endorsement;**

(Eff. 2/24/2015, Register 213; am 2/21/2016, Register 217; am 10/11/2017, Register 224; am 8/11/2018, Register 227; am 10/20/2018, Register 228; am 4/11/2019, Register 230; am 5/9/2019, Register 230; am ____/____/_____, Register ____)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200
AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

3 AAC 306.990(b) is amended to add:

(50) “smoking” has the meaning given in AS 18.35.399(12);

(51) “vaping” means the action or practice of inhaling the aerosol produced by an electronic device that heats up and vaporizes a liquid or solid. (Eff. 2/24/2015, Register 213; am 2/21/2016, Register 217; am 10/11/2017, Register 224; am 8/11/2018, Register 227; am 10/20/2018, Register 228; am 4/11/2019, Register 230; am 5/9/2019, Register 230; am ____/____/_____, Register ____)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200
AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

3 AAC 306.370 is repealed:

[3 AAC 306.370. Onsite consumption endorsement for retail marijuana stores

(a) UNLESS PROHIBITED BY LOCAL OR STATE LAW, A FREESTANDING LICENSED RETAIL MARIJUANA STORE WITH AN APPROVED ONSITE CONSUMPTION ENDORSEMENT IS AUTHORIZED TO

(1) SELL MARIJUANA AND MARIJUANA PRODUCTS, EXCLUDING MARIJUANA CONCENTRATES, TO PATRONS FOR CONSUMPTION ON THE LICENSED PREMISES AT THE TIME OF PURCHASE ONLY IN AN AREA DESIGNATED AS THE MARIJUANA CONSUMPTION AREA AND SEPARATED FROM THE REMAINDER OF THE PREMISES, EITHER BY A SECURE DOOR AND HAVING A SEPARATE VENTILATION SYSTEM, OR BY BEING OUTDOORS IN COMPLIANCE WITH

(c)(4) BELOW;

(2) SELL FOR CONSUMPTION ON THE PREMISES

(A) MARIJUANA BUD OR FLOWER IN QUANTITIES NOT TO EXCEED ONE GRAM TO ANY ONE PERSON PER DAY;

(B) EDIBLE MARIJUANA PRODUCTS IN QUANTITIES NOT TO EXCEED 10 MG OF THC TO ANY ONE PERSON PER DAY; AND

(C) FOOD OR BEVERAGES NOT CONTAINING MARIJUANA OR ALCOHOL;

AND

(3) ALLOW A PERSON TO REMOVE FROM THE LICENSED PREMISES MARIJUANA OR MARIJUANA PRODUCT THAT HAS BEEN PURCHASED ON THE LICENSED PREMISES FOR CONSUMPTION UNDER THIS SECTION, PROVIDED IT IS PACKAGED IN ACCORDANCE WITH 3 AAC 306.345.

(b) A LICENSED RETAIL MARIJUANA STORE WITH AN APPROVED ONSITE CONSUMPTION ENDORSEMENT MAY NOT

(1) SELL MARIJUANA CONCENTRATE FOR CONSUMPTION IN THE MARIJUANA CONSUMPTION AREA OR ALLOW MARIJUANA CONCENTRATE TO BE CONSUMED IN THE MARIJUANA CONSUMPTION AREA;

(2) ALLOW ANY LICENSEE, EMPLOYEE, OR AGENT OF A LICENSEE TO CONSUME MARIJUANA OR MARIJUANA PRODUCT, INCLUDING MARIJUANA CONCENTRATE, DURING THE COURSE OF A WORK SHIFT;

(3) ALLOW A PERSON TO CONSUME TOBACCO OR TOBACCO PRODUCTS IN THE MARIJUANA CONSUMPTION AREA;

(4) ALLOW A PERSON TO BRING INTO OR CONSUME IN THE MARIJUANA CONSUMPTION AREA ANY MARIJUANA OR MARIJUANA PRODUCT THAT WAS NOT PURCHASED AT THE LICENSED RETAIL MARIJUANA STORE;

(5) SELL, OFFER TO SELL, OR DELIVER MARIJUANA OR MARIJUANA PRODUCT AT A PRICE LESS THAN THE PRICE REGULARLY CHARGED FOR THE MARIJUANA OR MARIJUANA PRODUCT DURING THE SAME CALENDAR WEEK;

(6) SELL, OFFER TO SELL, OR DELIVER AN UNLIMITED AMOUNT OF MARIJUANA OR MARIJUANA PRODUCT DURING A SET PERIOD OF TIME FOR A FIXED PRICE;

(7) SELL, OFFER TO SELL, OR DELIVER MARIJUANA OR MARIJUANA PRODUCT ON ANY ONE DAY AT PRICES LESS THAN THOSE CHARGED THE GENERAL PUBLIC ON THAT DAY;

(8) ENCOURAGE OR PERMIT AN ORGANIZED GAME OR CONTEST ON THE LICENSED PREMISES THAT INVOLVES CONSUMING MARIJUANA OR MARIJUANA PRODUCT OR THE AWARDING OF MARIJUANA OR MARIJUANA PRODUCT AS PRIZES; OR

(9) ADVERTISE OR PROMOTE IN ANY WAY, EITHER ON OR OFF THE PREMISES, A PRACTICE PROHIBITED UNDER THIS SECTION.

(c) A MARIJUANA CONSUMPTION AREA SHALL HAVE THE FOLLOWING CHARACTERISTICS:

(1) THE CONSUMPTION AREA SHALL BE ISOLATED FROM THE OTHER AREAS OF THE RETAIL MARIJUANA STORE, SEPARATED BY WALLS AND A SECURE DOOR, AND SHALL HAVE ACCESS ONLY FROM THE RETAIL MARIJUANA STORE;

(2) A SMOKE-FREE AREA FOR EMPLOYEES TO MONITOR THE MARIJUANA CONSUMPTION AREA;

(3) A VENTILATION SYSTEM THAT DIRECTS AIR FROM THE MARIJUANA CONSUMPTION AREA TO THE OUTSIDE OF THE BUILDING THROUGH A FILTRATION SYSTEM

SUFFICIENT TO REMOVE VISIBLE SMOKE, CONSISTENT WITH ALL APPLICABLE BUILDING CODES AND ORDINANCES, AND ADEQUATE TO ELIMINATE ODOR AT THE PROPERTY LINE;

(4) IF OUTDOORS, BE FOUND BY THE BOARD TO BE COMPATIBLE WITH USES IN THE SURROUNDING AREA THROUGH EVALUATION OF

(A) NEIGHBORING USES;

(B) THE LOCATION OF AIR INTAKE VENTS ON NEIGHBORING BUILDINGS;

(C) A SIGHT-OBSCURING WALL OR FENCE AROUND THE OUTDOOR MARIJUANA CONSUMPTION AREA;

(D) OBJECTIONS OF PROPERTY OWNERS, RESIDENTS, AND OCCUPANTS WITHIN 250 LINEAR FEET OR THE NOTIFICATION DISTANCE REQUIRED BY THE LOCAL GOVERNMENT, WHICHEVER IS GREATER; AND

(E) ANY OTHER INFORMATION THE BOARD FINDS RELEVANT.

(d) AN APPLICANT FOR AN ONSITE CONSUMPTION ENDORSEMENT MUST FILE AN APPLICATION ON A FORM THE BOARD PRESCRIBES, INCLUDING THE DOCUMENTS AND ENDORSEMENT FEE SET OUT IN THIS SECTION, WHICH MUST INCLUDE

(1) THE APPLICANT'S OPERATING PLAN, IN A FORMAT THE BOARD PRESCRIBES, DESCRIBING THE RETAIL MARIJUANA STORE'S PLAN FOR

(A) SECURITY, IN ADDITION TO WHAT IS REQUIRED FOR A RETAIL MARIJUANA STORE, INCLUDING:

(i) DOORS AND LOCKS;

(ii) WINDOWS;

(iii) MEASURES TO PREVENT DIVERSION; AND

(iv) MEASURES TO PROHIBIT ACCESS TO PERSONS UNDER THE AGE OF 21;

(B) VENTILATION. IF CONSUMPTION BY INHALATION IS TO BE PERMITTED, VENTILATION PLANS MUST BE

(i) SIGNED AND APPROVED BY A LICENSED MECHANICAL ENGINEER;

(ii) SUFFICIENT TO REMOVE VISIBLE SMOKE; AND

(iii) CONSISTENT WITH ALL APPLICABLE BUILDING CODES AND ORDINANCES;

(C) MONITORING OVERCONSUMPTION;

(D) UNCONSUMED MARIJUANA, BY DISPOSAL OR BY PACKAGING IN ACCORDANCE WITH 3 AAC 306.345; AND

(E) PREVENTING INTRODUCTION INTO THE MARIJUANA CONSUMPTION AREA OF MARIJUANA OR MARIJUANA PRODUCTS NOT SOLD BY THE RETAIL MARIJUANA STORE, AND MARIJUANA OR MARIJUANA PRODUCTS NOT SOLD SPECIFICALLY FOR ONSITE CONSUMPTION;

(2) THE APPLICANT'S DETAILED DIAGRAM OF THE MARIJUANA CONSUMPTION AREA WHICH MUST SHOW THE LOCATION OF

(A) THE LICENSED PREMISES OF THE RETAIL MARIJUANA STORE;

(B) SERVING AREA OR AREAS;

(C) VENTILATION EXHAUST POINTS, IF APPLICABLE;

(D) THE EMPLOYEE MONITORING AREA;

(E) DOORS, WINDOWS, OR OTHER EXITS; AND

(F) ACCESS CONTROL POINTS;

(3) THE TITLE, LEASE, OR OTHER DOCUMENTATION SHOWING THE APPLICANT'S SOLE RIGHT OF POSSESSION OF THE PROPOSED MARIJUANA CONSUMPTION AREA, IF THE AREA IS NOT ALREADY PART OF THE APPROVED LICENSED PREMISES FOR THE RETAIL MARIJUANA STORE;

(4) AN AFFIDAVIT THAT NOTICE OF AN OUTDOOR MARIJUANA CONSUMPTION AREA HAS BEEN MAILED TO PROPERTY OWNERS, RESIDENTS, AND OCCUPANTS OF PROPERTIES WITHIN 250 LINEAR FEET OF THE BOUNDARIES OF THE PROPERTY ON WHICH THE ONSITE CONSUMPTION ENDORSEMENT IS PROPOSED, OR THE NOTIFICATION DISTANCE REQUIRED BY THE LOCAL GOVERNMENT, WHICHEVER IS GREATER.

(e) THE RETAIL MARIJUANA STORE HOLDING AN ONSITE CONSUMPTION ENDORSEMENT UNDER THIS CHAPTER SHALL

(1) DESTROY ALL UNCONSUMED MARIJUANA LEFT ABANDONED OR UNCLAIMED IN THE MARIJUANA CONSUMPTION AREA IN ACCORDANCE WITH THE OPERATING PLAN AND 3 AAC 306.740;

(2) MONITOR PATRONS IN THE MARIJUANA CONSUMPTION AREA AT ALL TIMES, SPECIFICALLY FOR OVERCONSUMPTION;

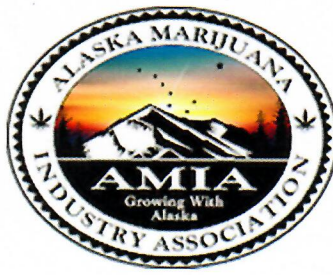
(3) DISPLAY ALL WARNING SIGNS REQUIRED UNDER 3 AAC 306.360 AND 3 AAC 306.365 WITHIN THE MARIJUANA CONSUMPTION AREA, VISIBLE TO ALL CONSUMERS;

(4) PROVIDE WRITTEN MATERIALS CONTAINING MARIJUANA DOSAGE AND SAFETY INFORMATION FOR EACH TYPE OF MARIJUANA OR MARIJUANA PRODUCT SOLD FOR CONSUMPTION IN THE MARIJUANA CONSUMPTION AREA AT NO COST TO PATRONS;

(5) PACKAGE AND LABEL ALL MARIJUANA OR MARIJUANA PRODUCT SOLD FOR CONSUMPTION ON THE PREMISES AS REQUIRED BY 3 AAC 306.345; AND

(6) COMPLY WITH ANY CONDITIONS SET BY THE LOCAL GOVERNMENT OR PLACED ON THE ENDORSEMENT BY THE BOARD.

(F) THE HOLDER OF AN ONSITE CONSUMPTION ENDORSEMENT MUST APPLY FOR RENEWAL ANNUALLY AT THE TIME OF RENEWAL OF THE UNDERLYING RETAIL MARIJUANA STORE LICENSE.]



May 15, 2020

Via email

Subject: Public Comment on 3 AAC 306 - PROPOSED CHANGES ON ONSITE CONSUMPTION CLEAN-UP

Dear Honorable Marijuana Control Board Members,

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC.306 specifically around onsite consumption.

The Alaska Marijuana Industry Association supports the onsite consumption regulation clean-up package in its current form. The regulations create opportunity for responsible onsite consumption business operators and can be implemented with respect to public health and safety.

We believe the regulations will help onsite licensees cut down on visible smoke in consumption areas. We also believe that offering a variety of consumption methods coupled with moderate serving limits in a regulated environment is a prudent path forward for the industry, consumers, and the public.

Allowing for the vaporization of flower and extracts provides consumers alternatives to smoking and may contribute to lower consumption overall. Electronic vaporization devices allow for precise micro-dosing or sipping, something that is impossible to achieve when smoking a joint.

Vaporizing flower is a good alternative for those who want a quick and predictable effect, but they don't like smoking and don't want to try concentrates. Vaporization is also a favorite method for cannabis connoisseurs as it showcases flavor.

Allowing for effective doses of edibles is another way to encourage alternatives methods of consuming, especially for regular smokers who have a higher tolerance.

We appreciate the efforts of AMCO and the Marijuana Control Board to continue to improve the industry. We look forward to continuing to work together to that end.

Respectfully,

Lacy Wilcox, President
On behalf of the
Alaska Marijuana Industry Association
Board of Directors

The Alaska Marijuana Industry Association is Alaska's only statewide cannabis industry trade group.

Our mission is to promote and advocate for a vibrant and reasonably regulated Alaska-based marijuana industry.

The AMIA serves to strengthen and enhance a network of connected, independent, informed, regionally and community directed Alaska marijuana organizations.

www.alaskamia.org

From: [Chris Farris](#)
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Public Comment on Onsite Consumption Cleanup
Date: Thursday, February 06, 2020 12:17:10 PM

AMCO Board and Staff,

I support this regulation project as written with one small change. The per-day sales limit per customer needs to be changed to per transaction as it is in confliction with 17.38 as shown below:

Sec. 17.38.190. Rulemaking, Subsection (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.

3 AAC 306.370 (b) A licensed retail marijuana store with an approved onsite consumption endorsement is authorized to sell, for consumption at the time of purchase and only in an area designated as the marijuana consumption area, (1) marijuana bud or flower, in quantities not to exceed one gram to any one person per day; (2) edible marijuana products in quantities not to exceed 25 mg of THC to any one person per day; and (3) a vaping device that contains not more than 0.3 grams of marijuana concentrate to any one person per day .

As you can see, a retail licensee is unable to comply with a per-day limit due to the Rulemaking section in 17.38 and this should be changed to per transaction not only in this regulation but in all regulations that set a per-day sales limit.

I think the limits set out in this draft for onsite consumption is a good starting place. The limits for each section are set really low and will serve to prevent overconsumption. I know that this draft, as well as votes for onsite consumption endorsements, have been met with some apprehension from several board members. I urge the members of the board to remember that allowing onsite consumption is not introducing anything new or anything that is not already taking place. People have been buying, growing and consuming marijuana in Alaska for decades. Not allowing onsite consumption endorsements will not prevent consumption and allowing onsite consumption endorsements is not going to promote any more consumption than is already taking place in this state.

Thank you for your time.

Best Regards,
Chris Farris
CFO | Co-Owner
Green Jar