

## Department of Commerce, Community, and Economic Development

Alcohol and Marijuana Control Office

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## **MEMORANDUM**

TO: Marijuana Control Board DATE: October 22, 2020

FROM: Jane P. Sawyer, Regulations Specialist RE: Regulations Project – Tribal

Identifications

The board opened this regulations project at the August 2020 meeting to allow for tribal identifications to be accepted as proof of age.

As part of my research, I reached out to the U.S. Department of the Interior, Indian Affairs, Alaska Region, for help in obtaining samples of identifications that tribes issue to their members. The response from Indian Affairs was more than I had hoped for and I am very appreciative of them: they distributed my request to over 200 Alaska tribes. The response was immediate.

Although I did not get samples for every single tribe, I received enough to have a better sense of what the draft language would say. I also read about what the Transportation Security Administration, and Washington accept. TSA simply states "Federally recognized, tribal-issued photo ID". Washington requires the tribe to notify the liquor and cannabis board that the tribe intends to use the identification to determine age, the card has a photo, signature, and date of birth, the card has security features comparable to state Driver's license.

The draft language, itself, is simple and easy to follow but it does not necessarily contemplate the impact (positive or negative) on tribes or the people who would need to use a tribal identification to prove their age. So, if the board chooses to send this draft out for public comment, or amend the draft and put out for public comment, I ask that it be at least 60 days. My goal is to once again request the help of Indian Affairs, Alaska Region, to distribute the draft to the tribes, and hope the tribes distribute it to their members in order to get feedback from everyone who can potentially be affected by this project. I have some notes for the board on my draft.

## Options for the board:

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

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|  |  |  |  |  |  |  |
| (Words in boldface and underlined indicate language being added; words [CAPITALIZED AND        |  |  |  |  |  |  |
| BRACKETED] indicate language being deleted.)   |  |  |  |  |  |  |
| 3 AAC 306.350 is amended to read:  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| (a) A retail marijuana store shall refuse to sell marijuana or a marijuana product to a        |  |  |  |  |  |  |
| person who does not produce a form of valid photographic identification showing that person is |  |  |  |  |  |  |
| 21 years of age or older.  |  |  |  |  |  |  |
| (I) For the susuance of this position of [A] solid forms of the countries dentify at its       |  |  |  |  |  |  |
| (b) For the purpose of this section, a [A] valid form of photographic identification is        |  |  |  |  |  |  |
| [INCLUDES]   |  |  |  |  |  |  |
| (1) an unexpired, unaltered passport;  |  |  |  |  |  |  |
| (2) an unexpired, unaltered driver's license, instruction permit, or identification            |  |  |  |  |  |  |
| card of a state or territory of the United States, the District of Columbia, or a province or  |  |  |  |  |  |  |
| territory of Canada;   |  |  |  |  |  |  |
| (3) an identification card issued by a federal or state agency authorized to issue a           |  |  |  |  |  |  |
| driver's license or identification card.   |  |  |  |  |  |  |
| (4) a tribal identification card, issued by a federally recognized Alaska                      |  |  |  |  |  |  |
| Tribe, that meets the following criteria   |  |  |  |  |  |  |
| (A) the identification card has a photo, a signature, and a date of                            |  |  |  |  |  |  |

Commented [SJP(1]: From the samples received, the vast majority have a photo and date of birth, but not all have a signature from the member.

Most look like they might be laminated, or hard plastic.

birth; and

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|---|-----------------------|------------------------------|---------------------------------|---------|---|
|   | (B) the ide           | o state                      |                                 |         |   |
|   |                       |                              | /2016, Register 217; am         |         | Commented [SJP(2]: Although some tribes are moving toward this phase, It is unlikely that a tribal ID will have the |
| /_  | , Regist              | er)                          |                                 |         | features.   |
| Authority:  | AS 17.38.010          | AS 17.38.070                 | AS 17.38.121                    |         |   |
|   | AS 17.38.150          | AS 17.38.190                 | AS 17.38.200                    |         |   |
|   | AS 17.38.900          |                              |                                 |         |   |
|   |                       |                              |                                 |         |   |
| https://www.f   | ederalregister.gov/do | ocuments/2019/02/01/2        | 2019-00897/indian-entities-reco | gnized- |   |
| by-and-eligib   | le-to-receive-service | s-from-the-united-state      | es-bureau-of.                   |         |   |
| 3 AAC 306.701(b) is amended to read:  |                       |                              |                                 |         |   |
| (b) The topics that an approved marijuana handler permit education course covers must |                       |                              |                                 |         |   |
| include   |                       |                              |                                 |         |   |
|   | (1) AS 17.37, AS 1    | 7.38, 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  | ne valid <b>photographic</b> | identification;                 |         |   |
|   | (5) how to interven   | e to prevent unlawful        | marijuana consumption; and      |         |   |
|   | (6) the penalty for a | an unlawful act by a lie     | censee, an employee, or an agen | t of a  |   |
| marijuana establishment.  |                       |                              |                                 |         |   |
| (Eff. 8/21/201  | 19, Register 231; am  | /, Ro                        | egister)                        |         |   |

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|            | AS 17.38.150  | AS 17.38.190                      | AS 17.38.200   |  |
|            | 112 17.00.100 | 112 17.00.170                     | 110 1710 01200 |  |

AS 17.38.900