MEMORANDUM

TO: Marijuana Control Board
FROM: Jane P. Sawyer, Regulations Specialist
DATE: June 10, 2021
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; the board sent out the draft for public comment. The draft was out for 60 days closing on February 5, 2021. Some comments were received.

This project would amend:

- 3 AAC 306.350(b) by adding a paragraph describing the type of Alaska tribal identifications, and the criteria to meet, that would be acceptable as proof of age.
- 3 AAC 306.701(b)(4) is amended by adding the word “photographic”.

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
3 AAC 306.350(b) is amended to read:

(b) For the purpose of this section, a valid form of photographic identification 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 birth; and

(B) the identification card has security features comparable to state driver license or identification card. (Eff. 2/21/2016, Register 217; am ____/___/_____, Register _____)
Author's note: A list of federally recognized, Alaska Tribes can be found at

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 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 photographic 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.

(Eff. 8/21/2019, Register 231; am ____/____/______, Register ______)
February 5, 2021  
Via email to: amco regs@alaska.gov

Subject: Public Comment on 3 AAC 306 - PROPOSED CHANGES ON TRIBAL IDENTIFICATIONS

Dear Honorable Marijuana Control Board Members,

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC.306.350(b) as well as changes in 3 AAC. 306.701(b)(4).

**We do not support this regulation change as currently written but support the project.**

We ask for an amendment to the regulation draft. Justification follows.

There are currently 574 federally recognized tribes with a majority living in Alaska, according to a collection of sources gathered by the National Conference of State Legislators. Recognizing that tribal identification is accepted federally, we believe it is imperative that the regulation change should reflect and recognize registered federal tribes as well.

Alaska is known for its diverse communities. We believe we should not discriminate, but rather respect the choice of identification that Indigenous Alaskans and other federally recognized tribes prefer to use. We believe that broadening the scope for identifying criteria aligns with the culture of inclusion and equity we strive to build in Alaska.

We also see an opportunity for error in the incertitude of the language in the regulation change, “(B) the identification card has security features comparable to state driver license or identification card.” This vague language does not provide a clear indication of the Board’s aspirations. It allows for widespread interpretation of what constitutes as a “comparable” feature. This regulation change at its nucleus is commendable and long overdue. With a few changes this regulation would improve drastically. Please spell out clearly in this regulation what features would be acceptable. We hope this change moves forward with the requested amendment and clarification of the acceptable features and detailed explanation as to the liability, enforcement measures taken and finally the licensee and employee training that will be given.

The AMIA would like to extend our gratitude to the AMCO staff and the Marijuana Control Board for your hard work, time, and dedication to our industry.

Thank you for your time.

Respectfully,

Alaska Marijuana Industry Association  
Board of Directors & Governance Committee

*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](http://www.alaskamia.org)
Dear Members of the Marijuana Control Board,

I am in full support of changes to the 3 AAC 306 that would allow tribal identification cards to be accepted as legitimate proof of age for the purpose of purchasing marijuana in the state of Alaska. This is a good step to rectifying a rather insulting policy of excluding them prior to this proposed change.

I ask that the board consider including all federally recognized tribes, instead of limiting the regulation change to only “Alaskan Tribes” as currently written. I do not understand how we could, in good consciousness, accept other states identification while rejecting the federally recognized tribes that reside outside of Alaska.

Furthermore, 3 AAC 306.350(b)(4)(B) is ambiguous as written. The section states, “(B) the identification card has security features comparable to state driver license or identification card.” Who is to determine what is “comparable” in this statement? I understand the board’s desire to limit the opportunity for false identification, but do not believe vague statements will do anyone a service. If the Board desires a particular security feature, they could authorize only identification cards with a hologram or a watermark or other specified security feature, and could require those security features within regulation.

While I would like to see this change move through expeditiously, I appreciate you taking the time to consider these points.

Sincerely,

C. Barret Goodale
GOOD Cultivation Manager
907-699-9478

Follow GOOD on Instagram, Twitter, and Facebook
Alaska Marijuana Industry Association member
Thank you Sarah – I have a question for Jane that I think most tribes may ask as well: Where can we find a list of the security features that are comparable to the State? Our ID machine does not imprint holograms and as far as I’m aware, we have the most “high tech” IDs in the Bristol Bay region. That statement could make the use of tribal ids impossible so clarification would be helpful.
Quyana,
Courtenay Carty
Tribal Administrator
Curyung Tribal Council
PO Box 216 - 715 Seward Street
Dillingham, AK 99576
907-842-2384
907-842-4510 fax
**Comments on: NOTICE OF PROPOSED CHANGES ON TRIBAL IDENTIFICATIONS IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD**

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<th>Submitted By</th>
<th>Comment</th>
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<tr>
<td>1/18/2021 1:28:46 PM</td>
<td>AMCO Board and Staff,</td>
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<tr>
<td>Christopher Farris</td>
<td>I approve of the regulation change to include tribal ID's as written.</td>
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<tr>
<td><a href="mailto:cfarris@greenjarak.com">cfarris@greenjarak.com</a></td>
<td>Thank you,</td>
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<tr>
<td>Wasilla, AK, US</td>
<td>Chris Farris</td>
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<tr>
<td>Anonymous User</td>
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