



MEMORANDUM

TO: Marijuana Control Board

FROM: Rick Helms, Program Coordinator

DATE: August 11, 2021

RE: Amending **3 AAC 306.325 Access restricted at retail marijuana store** providing for an enforcement exception for underage individuals assisting peace officers.

Issue: Limiting the supply of alcohol, marijuana and tobacco accessible to underage individuals is an important tool in preventing underage use. One of the most effective enforcement strategies for detecting and deterring those who provide or sell to underage citizens requires the use of underage individuals for compliance checks/shoulder tap operations. Compliance checks test retailers' compliance with state laws that regulate the sale of marijuana. Compliance checks are a prevention strategy to reduce retail sales to minors and underage adults. Shoulder tap operations use underage individuals to approach an individual 21 or older entering an establishment and ask the person to purchase marijuana for them. Shoulder tap operations focus on deterring adults from providing marijuana to those who are underage to purchase.

Need: To facilitate the use of underage individuals in compliance enforcement the following amendment providing an enforcement exception for underage individuals assisting peace officers in enforcement activities is recommended by staff:

**3 AAC 306.325. Access restricted at retail marijuana store**

(a) Except as provided under 3 AAC 306.712, a person under 21 years of age may not enter a retail marijuana store.

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**(e) A person under 21 years of age does not violate this section if the person enters or remains on premises licensed under AS 17.38 or 3 AAC 306 at the request of a peace officer, if the peace officer accompanies, supervises, or otherwise observes the person's entry or remaining on premises, and the purpose for the entry or remaining on premises is to assist in the enforcement of this section.**

This suggested amendment mirrors a similar action taken by the Alcohol Beverage Control Board some time ago that resulted in amending AS 04.16.049 by adding a paragraph providing an enforcement exception for underage individuals assisting peace officers in alcohol enforcement.

Action: If the Board elects to open a regulations project, it can provide the suggested draft or an amended draft for public comment. Alternatively, the Board may direct staff to revise and resubmit the suggested draft. No action is needed if the Board does not wish to open a regulation project.