



Department of Commerce, Community, and Economic Development

Alcohol and Marijuana Control Office

550 West 7th Avenue, Suite 1600 Anchorage, AK 99501 Main: 907.269.0350

MEMORANDUM

TO: Marijuana Control Board

DATE: December 7, 2022

FROM: Jane P. Sawyer, Regulations Specialist/Acting PC RE: Regulations Project – Video Surveillance – power backup

At the September 2022 meeting, the board had discussions regarding the cost to licensees of complying with this regulation and whether enforcement is qualified to inspect backup power supplies such as generators. The board also considered AMIA's recommendations to the language. Board tabled the project to this meeting for further discussion.

The project was enforcement's request due to an incident where they were not able to obtain the records for an investigation. The amendment to 3 AAC 306.720 would require licensees to have backup power supply to support a minimum of one hour of recording time in the event of power interruption.

Potential board actions after further consideration:

- move to adopt
- move to amend and adopt as amended (or send back out for public comment if amendments are substantive)
- move to send back to staff for more work
- close project if not moving forward with it

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

The introductory language of 3 AAC 306.720(a) is amended to read:

(a) A marijuana establishment shall install and maintain a video surveillance [AND CAMERA] recording system as provided in this section. The video <u>surveillance recording</u> system must [COVER]

3 AAC 306.720(a)(1) is amended to read:

(1) <u>cover</u> each restricted access area and each entrance to a restricted access area
within the licensed premises; <u>each entrance to the exterior of the licensed premises; each</u>
point-of-sale area; and

3 AAC 306.720(a)(2) is amended to read:

(2) have backup power supply to support a minimum of one hour of

recording time in the event of power interruption [EACH ENTRANCE TO THE EXTERIOR OF THE LICENSED PREMISES; AND

3 AAC 306.720(a)(3) is repealed:

(3) repealed _____; [EACH POINT-OF-SALE AREA].

(Eff. 2/21/2016, Register 217; am 12/10/2020, Register 236; am ____/___, Register

____)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200

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Register	,20	COMMERCE, COMMUNITY, AND EC. DEV.		
	AS 17.38.070	AS 17.38.190	AS 17.38.900	
	AS 17.38.121			



Date:09/02/2022To:amco.regs@alaska.govFrom:Alaska Marijuana Industry Association (AMIA)

Re: Public Comment on 3 AAC 306 of the Alaska Administrative Code, dealing with video surveillance-power backup

Dear Honorable Marijuana Control Board Members,

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with video surveillance—power backup. We **do not** support this change as written. There are regulation clean up elements in parts of this proposed change that we agree with, i.e. 3 AAC 306.720 (a)(1) "(1) cover each restricted access area and each entrance to a restricted access area within the licensed premises; each entrance to the exterior of the licensed premises; each point-of-sale area" Additionally, we support the clarity that is provided by defining video surveillance system.

However, changes to 3 AAC 306.720 (a)(2) "(2) *have a backup power supply to support a minimum of one hour of recording time in the event of power interruption*" we do not support. We believe that in the event of a power outage there is nobody who is more focused on getting things back up and running than the business owner. There could be a requirement to have a power backup, but defining the time it must back up for is not appropriate. Additionally, the appropriate language to use would be to require a Uninterruptible Power Supply (UPS), the language as written in this proposed change suggests that an operator needs to have complete power backup. By design UPS are "fail-on," meaning that if the system that it is attached to loses power, the UPS will turn on automatically. So there is already a layer of protection and redundancy built in. Requiring a UPS alone would be ok. But to define the time that it must stay on is an overreach. For businesses to comply with this regulation change as it is currently written, they would need to obtain expensive equipment, but they also would need to make arrangements for its installation. We have concerns that requiring a time limit of 1 hour may not be able to be obtained in the case of a power outage or interruption resulting in arbitrary compliance situations for licensees. We ask that you please rewrite this change with no arbitrary time limit and define instead as an uninterruptible power supply. Our objection to this aside, we do believe that it is wise, as a protection for the licensee, to have a UPS on their surveillance systems, and that UPS should be maintained in proper working order.

Respectfully,

On behalf of the AMIA Board of Directors:

KonTunseth

Ryan Tunseth President (AMIA) president@alaskamia.org

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