



MEMORANDUM

TO: Marijuana Control Board **DATE:** March 4, 2023
FROM: Jane P. Sawyer, Program Coordinator **RE:** Regulations Project – Business
For Joan M. Wilson, Director Signs and Promotional
Advertisement

The board opened this project at its December 2022 meeting. The project is the result of discussions held with the public regarding Article 7.

The attached draft is for board discussion and it addresses

- marketing activities and advertising – currently prohibited activities are proposed to be removed/deleted
- business signs
 - local control by local government
 - no laws regarding signs within the local government
 - no local government
- the font and size of consumer warnings.

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

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

3 AAC 306.310(b) is amended to read:

(b) A licensed retail marijuana store may not

(1) conduct business on or allow a consumer to access the retail marijuana store's licensed premises between the hours of 5:00 a.m. and 8:00 a.m. each day;

(2) allow a person to consume marijuana or a marijuana product on the retail marijuana store's licensed premises, except as provided in 3 AAC 306.305(a)(4);

(3) offer or deliver to a consumer, as a marketing promotion, **alcoholic beverages, free or for compensation** ~~[OR FOR ANY OTHER REASON,~~

~~(A) FREE MARIJUANA OR MARIJUANA PRODUCT, INCLUDING A SAMPLE; OR~~

~~(B) ALCOHOLIC BEVERAGES, FREE OR FOR COMPENSATION];~~

or

(4) allow intoxicated or drunken persons to enter or to remain on the licensed premises. (Eff. 2/21/2016, Register 217; am 4/11/2019, Register 230; em am 4/17/2020 – 8/14/2020, Register 234; am 11/24/2020, Register 236, 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

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AS 17.38.121

3 AAC 306.770(b) is amended to read:

(b) In areas where there is a local government, whether that is a municipality, a city, a borough, or the city and borough with combined jurisdiction, a [A] licensed marijuana establishment must comply with its local government or local governments laws regarding the size of a sign and the number of signs permitted to be displayed at the licensed facility.

In areas where there is no local government, a licensed marijuana establishment may not.

???? board discussion ??~~MAY HAVE NOT MORE THAN THREE SIGNS THAT ARE VISIBLE TO THE GENERAL PUBLIC FROM THE PUBLIC RIGHT OF WAY. TWO OF THE THREE SIGNS MAY ONLY BE PLACED IN THE MARIJUANA FACILITY'S WINDOW OR ATTACHED TO THE OUTSIDE OF THE LICENSED PREMISES. THE SIZE OF EACH SIGN MAY NOT EXCEED 4,800 SQUARE INCHES.]~~ **In any case, a licensed**

marijuana establishment sign may not violate AS 19.25.075 A sign meeting these requirements is not advertising or promotions.

3 AAC 306.770(f) is amended to read:

(f) An advertisement for a licensed marijuana establishment and for marijuana or a marijuana product may not be placed

(1) within 1,000 feet of the perimeter of any child-centered facility, including a school, a child care facility or other facility providing services to children, a playground or recreation center, a public park, a library, or a game arcade that is open to persons under 21 years

Commented [SJP(1): Couple of things to discuss here regarding signs.
•Local control on signs or the lack thereof (example might be MSB), and
•What about areas where there is no local government, and the MCB IS the governing body.

Commented [SJP(2): Billboard signs laws.

of age, except when included in an established publication intended for general readership;

~~[(2) ON OR IN A PUBLIC TRANSIT VEHICLE OR PUBLIC TRANSIT SHELTER;]~~

~~(2)~~**[(3)]** on or in a publicly owned or operated property; **or**

~~(3)~~**[(4)]** within 1,000 feet of a substance abuse or treatment facility; ~~OR~~

~~(5) ON A CAMPUS FOR POSTSECONDARY EDUCATION.]~~

3 AAC 306.770(g) is amended to read:

(g) An advertisement for marijuana or any marijuana product must contain each of the following warnings **and have visual contrast**, ~~THAT MUST BE PLAINLY VISIBLE AND AT LEAST HALF THE FONT SIZE OF AN ADVERTISEMENT ON A SIGN, AND NO SMALLER THAN SIZE NINE FONT WHEN THE ADVERTISEMENT IS IN PRINTED FORM~~; warnings in audio advertisements must be intelligible ~~[AND PLAYED AT THE SAME SPEED AS THE ADVERTISEMENT]~~;

- (1) “Marijuana has intoxicating effects and may be habit forming and addictive.”;
- (2) “Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence.”;
- (3) “There are health risks associated with consumption of marijuana.”;
- (4) “For use only by adults twenty-one and older. Keep out of the reach of children.”;
- (5) “Marijuana should not be used by women who are pregnant or breast feeding.”

3 AAC 306.770(k) is amended to read:

Commented [SJP(3): Board discussion. This is a difficult one to rewrite, if we are not requiring a specific size and/or font of the text, then it's all up to interpretation.

From Google: By visual contrast we mean the total perceived color and lightness difference between the text and the background. As text gets smaller and/or thinner, visual contrast may need to be increased to achieve the same readability.

Visual contrast, (luminance contrast) means the brightness ratio between an object and its immediate background/surrounding which allows the object to be distinguished from its background/surroundings.

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(k) A licensed marijuana establishment may not encourage the sale of marijuana or a marijuana product

~~[(1) BY USING GIVEAWAY COUPONS FOR MARIJUANA OR A MARIJUANA PRODUCT AS PROMOTIONAL MATERIALS];~~

~~(1)(2)]~~ by conducting games or competitions related to the consumption of marijuana or a marijuana product; **or**

~~(2)(3)]~~ by providing promotional materials or activities of a manner or type that would be especially appealing to children.~~]; OR~~

~~(4) BY HOLDING PROMOTIONAL ACTIVITIES OUTSIDE OF THE LICENSED PREMISES.]~~ (Eff. 10/17/2018, Register 228; 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