JDW
COUNSEL
ALIGNED FOR EXCELLENCE

Jana D. Weltzin
Licensed in Alaska & Arizona
901 Photo Ave, Second Floor
Anchorage, Alaska 99503
Phone 907-231-3750
JDW, LLC
jana@jdwcounsel.com

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Re: Comment on Regulation Change to 3 AAC 306; Exterior Window Pick-up

Dear Honorable Members of the Alaska Marijuana Control Board,

Thank you for putting this regulation project out for public comment. It is this type of forward-thinking that keeps this industry thriving.

As much as I am in favor of this proposed regulation, I strongly feel that a couple of revisions need to be made to make this regulation's intended purpose fully achievable.

First, let me clearly state that I am 100% in favor of the first part of 3 AAC 306.380(e): "Prior to completing a sale at a walk-up or drive-through exterior window, the licensee or the employee shall physically view and inspect the consumer's photo identification." I struggle to understand how licensees could reasonably comply with the following requirement: "[e]ach person in a vehicle at the drive-through exterior window must be 21 years of age or older unless the person is the consumer's own child, grandchild, or ward who is not older than seven years of age seated or otherwise required by local or State law to be seated in a car seat or booster seat." Parents typically do not get IDs for their children or carry around their child's passport if they even have one. As per 3 AAC 306.350 (a) only the consumer needs to prove they are 21 years of age or older. How does one prove the age of a tall/large child, who does not need to be in a booster seat?[1]

Furthermore, the proposed drive-through regulation, as written, would force parents, grandparents or guardians to carry identification for children under and over the age of seven, up

[1] *AS 28.05.095- Use of Seat Belts and Child Safety Devices Required. Subsection (3) Over four years of age but less than eight years of age who is less than 57 inches in height and weighs 20 or more pounds but less than 65 pounds shall be properly secured in a booster seat that is secured by a seat belt system or by another child passenger restraint system that meets or exceeds the standards of the United States Department of Transportation and is used in accordance with the manufacturer's instructions;* ***(4) over four years of age who exceeds the height or weight requirements in (3) of this subsection shall be properly secured in a seat belt.***

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to the age of twenty-one, along with legal documentation proving guardianship – this seems like setting licensees up for failure to comply and failure of the drive through model as parents simply do not have this type of legal documentation handy on a daily basis. Instead, a suggested change would be "All passengers in the front seat of the drive through vehicle must be 21 years of age or older", keeping in mind that the first pass through a drive-through window, consumers will not know this. Enforcement should provide for leeway to allow licensees to educate their consumers on such a regulation that would require all persons under 21 to not be seated in the front seat of the vehicle. An additional suggestion to help licensees educate their customers would be an amendment to the regulation to include additional signage, such as; "Retail Marijuana Stores with drive-through windows must have signage before arriving at the drive-through window that clearly states, 'All persons in the front seat of a vehicle using the drive-through must be 21 years of age or older and must show valid identification evidencing age over 21 years'", or something similar.

The minor change to the proposed regulation would eliminate the issue of parents having to leave their children in a running vehicle during the long Alaskan winter months or in a running or hot car in the summer months, or the added expense of having to hire a babysitter to purchase Alaskan made products from an Alaskan owned company that are placed in opaque child resistant packages upon sale.

Let's not interfere with how our local families want to raise their children, liquor stores are allowed to have children of any age in the store with their parents – there's no requirement that the child show proof they are related to the adults whom accompany them. Allowing for children to merely be in the vehicle while the adult makes a legal purchase and receives its legal purchase in an opaque child resistant package is one small step towards creating some parity between the treatment of liquor vs. marijuana in Alaska. Allow parents the freedom to make the choices they feel are suitable for their families and open the door to have proper conversations with their children. Thank you for your dedication to our community and a responsible regulated industry and thank you for your thoughtful consideration of this public comment.

Truly and Sincerely Yours,

Jana D. Weltzin, *Esq.*