

## Department of Commerce, Community, and Economic Development

Alcohol and Marijuana Control Office

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## **MEMORANDUM**

TO: Marijuana Control Board DATE: August 10, 2023

FROM: Kristina Serezhenkov, Regulations RE: Regulations Project – Business Specialist 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. This project addresses marketing and promotional activities. At the March 2023 meeting the board approved the draft and it was sent to Law for initial review. Law approved the draft and it was sent out for public comment. The public comment period closed on 7/21/2023. No comments were received.

Potential options for the board:

- 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 the project if not moving forward with it

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(Words in bo	ldface and underlined	d indicate language bein	ng added; words [CAPITALIZED AND
BRACKETE	D] indicate language	being deleted.)	
3 AAC 306.3	10(b)(3) is amended	to read:	
(b) A	licensed retail mariju	ıana store may not	
•••			
	(3) offer, [OR] deli	ver <u>, or sell an alcoholi</u>	c beverage to a consumer[, AS A
MARKETIN	G PROMOTION OR	R] for any [OTHER] rea	son[,
	(A) FREE N	MARIJUANA OR MAI	RIJUANA PRODUCT, INCLUDING A
SAMI	PLE; OR		
	(B) ALCOI	HOLIC BEVERAGES,	FREE OR FOR COMPENSATION];
•••			
(Eff. 2/21/20	16, Register 217; am	4/11/2019, Register 230	0; em am 4/17/2020 - 8/14/2020,
Register 234;	am 11/24/2020, Reg	gister 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
	AS 17.38.121		
3 AAC 306.7	70(b) is amended to	read:	
(b) A	licensed marijuana e	stablishment operating	within the boundary of a local
government	shall comply with the	he local government's	laws regarding the size, number, and

placement of any sign displayed at the licensed premises [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 areas without a local government, a licensed marijuana establishment sign may not violate AS 19.25.075 - 19.25.160. 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

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- (2) on or in a <u>publicly owned or operated property</u> [PUBLIC TRANSIT VEHICLE OR PUBLIC TRANSIT SHELTER]; or
- (3) within 1,000 feet of a substance abuse or treatment facility [ON OR IN A PUBLICLY OWNED OR OPERATED PROPERTY;
- (4) WITHIN 1,000 FEET OF A SUBSTANCE ABUSE OR TREATMENT FACILITY; OR
  - (5) ON A CAMPUS FOR POSTSECONDARY EDUCATION].

The introductory language of 3 AAC 306.770(g) is amended to read:

- (g) Each of the following warnings must appear in an [AN] advertisement for marijuana or any marijuana product with visual contrast for print advertisements and intelligible audio for audio advertisements [MUST CONTAIN EACH OF THE FOLLOWING WARNINGS, 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]:
- 3 AAC 306.770(k) is amended to read:
- (k) A licensed marijuana establishment may not encourage the sale of marijuana or a marijuana product
- (1) by <u>conducting games or competitions related to the consumption of</u>
  [USING GIVEAWAY COUPONS FOR] marijuana or a marijuana product [AS
  PROMOTIONAL MATERIALS]; <u>or</u>
- (2) by <u>providing promotional materials or activities of a manner or type that</u>
  <u>would be especially appealing to children</u> [CONDUCTING GAMES OR COMPETITIONS
  RELATED TO THE CONSUMPTION OF MARIJUANA;
- (3) BY PROVIDING PROMOTIONAL MATERIALS OR ACTIVITIES OF A MANNER OR TYPE THAT WOULD BE ESPECIALLY APPEALING TO CHILDREN; OR

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	(4) BY HO	OLDING PRO	MOTIONAL ACT	IVITIES OUTSID	E OF THE	
LICENSED I	PREMISES]	. (Eff. 10/17/	2018, Register 228;	am//	_, Register)	
Authority:	AS 17.38.	010 A	S 17.38.150	AS 17.38.200		
	AS 17.38.	070 A	S 17.38.190	AS 17.38.900		
	AS 17.38.	121				