



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

ALCOHOL AND MARIJUANA CONTROL OFFICE

550 W 7<sup>TH</sup> AVENUE, STE 1600  
Anchorage, AK 99501  
Main: 907.269.0350

Friday, June 20, 2025

To: Marijuana Control Board  
From: Kevin Richard, Director  
RE: Minors on Licensed Premises

Marijuana Control Board Members,

In the April Marijuana Control Board Meeting, there was discussion surrounding minors on licensed premises. Relevant marijuana regulations include:

[3 AAC 306.325](#) (Access restricted at retail marijuana store)

[3 AAC 306.712](#) (Breastfeeding on licensed premises)

[3 AAC 306.380](#) (Walk-up or drive-through exterior window pick-up for retail marijuana stores)

[3 AAC 306.710](#) (Restricted Access Areas)

Board members inquired as to whether this was handled similarly to alcohol. This is largely addressed in [AS 04.16.049 Access of persons to licensed premises](#). This statute provides a blanket restriction on persons under 21 to be on the licensed premises, but then provides exceptions based on license type, age, accompaniment, etc.

Please note that SB 15 did incorporate language that changes the privileges of certain license types that is not included in this citation.

Sincerely,

A handwritten signature in black ink, appearing to read "KR", written over a horizontal line.

Kevin Richard  
Director



## STATUTES & REGULATIONS

### **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.

(b) Each entry to a retail marijuana store must be posted with a sign that says "No one under 21 years of age allowed." The sign must be not less than 12 inches long and 12 inches wide, with letters at least one-half inch in height in high contrast to the background of the sign.

(c) An area of a retail marijuana store's licensed premises where marijuana or any marijuana product is stocked for sale or dispensed for sale is a restricted access area. The retail marijuana store must post signs, require identification, and escort visitors in compliance with [3 AAC 306.710](#).

(d) If a retail marijuana store displays marijuana to a consumer for the purpose of smelling the marijuana before purchase, the retail marijuana store shall package the marijuana in a sample jar that is protected by a plastic, metal, or other protective mesh screen, and the jar must remain in the monitored custody of the retail marijuana store during consumer inspection.

### **3 AAC 306.712. Breastfeeding on licensed premises.**

(a) A licensee or employee of a licensee may bring a child up to 18 months of age, who is the child of the licensee or employee, onto the licensed premises for the purpose of breastfeeding.

(b) A licensee may designate an area for breastfeeding or for the expression of breast milk. An area designated for breastfeeding must not expose the child in any way to marijuana or any marijuana product, including marijuana pollen. A designated area may not include an onsite consumption area described under [3 AAC 306.370](#).

(c) This section may not be construed to supersede or change the requirements of 29 U.S.C. 207 (Section 7 of the Fair Labor Standards Act of 1938) or any other law applicable to breastfeeding in the workplace.

### **3 AAC 306.380. Walk-up or drive-through exterior window pick-up for retail marijuana stores.**

(a) Unless prohibited by local law, a licensed retail marijuana store may serve a consumer through a walk-up or drive-through exterior window in compliance with the requirements of this section.

(b) Before accepting orders for sales of marijuana or marijuana products through a walk-up or drive-through exterior window, a licensed retail marijuana store shall submit an operating plan or



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modification of an operating plan of the licensed premises to the board for approval. The operating plan or modified operating plan must depict the walk-up or drive-through exterior window area and the video surveillance of the walk-up or drive-through exterior window area.

(c) The area immediately outside a walk-up or drive-through exterior window must be under the licensee's sole possession and control and may not include any public property including public streets, public sidewalks, or public parking lots.

(d) The licensed retail marijuana store may accept Internet or telephone orders or may accept orders from the consumer at the walk-up or drive-through exterior window. Internet or telephone orders must be paid for and picked up in person by the consumer placing the order. All orders received through the walk-up or drive-through exterior window must be placed by the consumer from a menu. The retail marijuana store may not display marijuana or marijuana products at the walk-up or drive-through exterior window.

(e) Before 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 photographic identification. **Each 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.**

(f) All sales must occur within the licensed premises. This requirement is satisfied if payment is made through the following means:

(1) by an electronic Internet-based payment platform;

(2) by a mobile payment point-of-sale system;

(3) by payment transferred through the walk-up or drive-through exterior window into the interior of the retail marijuana store.

(g) A walk-up or drive-through exterior window area

(1) must be located

(A) so that compromises to security are minimized;

(B) so that for each transfer of marijuana or marijuana product through the walk-up or drive-through exterior window, the licensed retail marijuana store's video surveillance records

(i) the licensee's or employee of the licensee's verification of the consumer's photographic identification; and

(ii) the complete transaction; and

(C) within the licensed premises of the retail marijuana store;

(2) may not be



- (A) in a building separate from the licensed premises of the retail marijuana store;
- (B) in a movable structure, including a trailer or separate drive-through structure;
- or
- (C) accessible only through a licensed premises of a different license type or the overlapping premises with another license type.

(h) The licensee shall ensure that sales and all interactions at the walk-up or drive-through exterior window are video recorded and the records are stored in compliance with [3 AAC 306.720](#). (i) Sales of marijuana or marijuana products via a walk-up or drive-through exterior window are subject to requirements and restrictions imposed by the relevant local government.

### **3 AAC 306.710. Restricted access areas.**

- (a) A marijuana establishment shall restrict access to any part of the licensed premises where marijuana or a marijuana product is grown, processed, tested, stored, or stocked.
- (b) Except as provided in [3 AAC 306.325](#) for a retail marijuana store, each entrance to a restricted access area must be marked by a sign that says "Restricted access area. Visitors must be escorted." A marijuana establishment shall limit the number of visitors to not more than five visitors for each licensee, employee, or agent of the licensee who is actively engaged in supervising those visitors.
- (c) In a restricted access area, a licensee, employee, or agent of the marijuana establishment shall have on display, either on the person or in a readily accessible location on the licensed premises, a current identification badge bearing the person's photograph. **A person under 21 years of age may not enter a restricted access area.** Any visitor to the restricted access area must
  - (1) show identification as required in [3 AAC 306.350](#) to prove that person is 21 years of age or older;
  - (2) obtain a visitor identification badge before entering the restricted access area; and
  - (3) be escorted at all times by a licensee, employee, or agent of the marijuana establishment.
- (d) The board may approve two or more licenses for overlapping premises owned by the same person or same group of persons and within the same building to use in common as a restricted access area if
  - (1) the marijuana or marijuana product is properly accounted for in the marijuana establishment's inventory tracking system required under [3 AAC 306.730](#);
  - (2) the marijuana or marijuana product is expressly identified as inventory of the appropriate marijuana establishment to which the marijuana or marijuana product belongs; and



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(3) the area is in compliance with this section and any other provision of this chapter that applies to restricted access areas, including video surveillance as required under [3 AAC 306.720](#) and restricted access area provisions specific to the license type to which the marijuana or marijuana product belongs.

(e) Failure to comply with (d) of this section is grounds for issuance of a notice of violation under [3 AAC 306.805\(a\)](#) or other enforcement action under [3 AAC 306.800](#) - [3 AAC 306.850](#).

**Sec. 04.16.049. Access of persons under the age of 21 to licensed premises.**

(a) A person under 21 years of age may not knowingly enter or remain in premises licensed under this title unless

(1) accompanied by a parent, guardian, or spouse who has attained 21 years of age;

(2) the person is allowed to enter and remain on the premises under a restaurant or eating place license issued under [AS 04.09.210](#), seasonal restaurant or eating place tourism license issued under [AS 04.09.360](#), or restaurant endorsement issued under [AS 04.09.450](#);

(3) the person is permitted on the premises under a club license issued under [AS 04.09.220\(g\)](#) or former [AS 04.11.110\(g\)](#); or

(4) otherwise provided under (c), (d), or (g) of this section.

(b) Notwithstanding (a) of this section, a licensee or an agent or employee of the licensee may refuse entry to a person under 21 years of age to that part of licensed premises in which alcoholic beverages are sold, served, or consumed, may refuse service to a person under 21 years of age, or may require a person under 21 years of age to leave the portion of the licensed premises in which alcoholic beverages are sold, served, or consumed.

(c) Notwithstanding any other provision in this section, a person 16 or 17 years of age may enter and remain within the licensed premises of a hotel or motel, large resort, golf course, general wholesaler, limited brewed beverage and wine wholesaler, common carrier dispensary, outdoor recreation lodge, or restaurant in the course of employment if

(1) the employment does not involve the serving, mixing, delivering, or dispensing of alcoholic beverages;

(2) the person has the written consent of a parent or guardian; and

(3) an exemption from the prohibition of [AS 23.10.355](#) is granted by the Department of Labor and Workforce Development.

(d) Notwithstanding any other provision in this section, a person 18, 19, or 20 years of age may be employed within the licensed premises of a hotel or motel, large resort, golf course, general wholesaler, limited brewed beverage and wine wholesaler, common carrier dispensary, outdoor recreation lodge, or restaurant, may enter and remain within those premises for the purpose of



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employment, but may not, in the course of employment, sell, serve, deliver, or dispense alcoholic beverages.

(e) A licensee may bring a civil action against a person who violates this section if the violation occurs on the premises of that licensee. If judgment is entered in favor of the licensee, the court shall award civil damages in the amount of \$1,500 and award reasonable costs and reasonable attorney fees allowed under the Alaska Rules of Civil Procedure.

(f) A person under 21 years of age does not violate this section if the person enters or remains on premises licensed under this title 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.

(g) Notwithstanding any other provision in this section, a person under 21 years of age may be present on licensed premises on a golf course for the purpose of playing golf or attending golf-related activities if the person

(1) is at least 16 years of age; or

(2) is under 16 years of age and

(A) the person is accompanied by a person who is at least 21 years of age; and

(B) a parent or guardian of the underaged person consents.

(h) Notwithstanding any other provision in this section, a person under 21 years of age may be present on the licensed premises of a common carrier dispensary, destination resort, or outdoor recreation lodge for the purpose of travel, travel lodging, or outdoor recreation activities provided by the licensee if the person is

(1) at least 16 years of age; or

(2) under 16 years of age and a parent or legal guardian of the underaged person consents.

(i) A person under 21 years of age who knowingly enters or remains on premises licensed under this title except as allowed in this section commits the offense of unauthorized presence by a person under 21 years of age on licensed premises.

(j) Unauthorized presence by a person under 21 years of age on licensed premises is a violation, punishable by a fine of \$500. The violation must be charged and filed with the court as a separate case and may not be combined or joined with any other minor offense or criminal charge in one action at the time of filing. A court may reduce the fine to \$50 for a person who has not more than one previous violation or to \$250 for a person who has two or more previous violations if the person provides the court, not later than six months after a judgment of conviction is entered, with proof of completion of

(1) an alcohol safety action program or a juvenile alcohol safety action program developed, designated, or approved by the Department of Health under [AS 47.37](#); or



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(2) a community diversion panel.