

**From:** [Anna Brawley](#)  
**To:** [Franklin, Cynthia A \(CED\)](#); [Calder, John P \(CED\)](#)  
**Subject:** Comments on proposed regulations for marijuana consumption (3 AAC 306.365) and administration (3 AAC 306.925-40)  
**Date:** Tuesday, June 21, 2016 12:23:04 AM  
**Attachments:** [MJ Reg 3 AAC 306.365, Comments, ABrawley, 6-20-16.pdf](#)  
**Importance:** High

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Hello,

Thank you for the opportunity to comment on the proposed regulations 3 AAC 306.365 (onsite consumption) and 3 AAC 306.925-940 (administration). Please find attached my comments on both regulations, and my general concerns about the legal authority to allow onsite consumption of marijuana at licensed retail stores.

Best,  
Anna Brawley  
West Anchorage resident

To: Marijuana Control Board

Attn: Cynthia Franklin, [cynthia.franklin@alaska.gov](mailto:cynthia.franklin@alaska.gov) and John Calder, [john.calder@alaska.gov](mailto:john.calder@alaska.gov)

From: Anna B. Brawley, Anchorage resident

Date: Submitted June 20, 2016

Re: Public comments on marijuana control regulations for onsite consumption at licensed retail stores, published May 12, 2016

The following comments are in response to the proposed regulations for consumption of marijuana at licensed retail stores. As always, thank you for the opportunity to comment and participate in this process.

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**3 AAC 306.365: I oppose the concept of onsite consumption at marijuana businesses at this time, and believe this concept was advanced by the Marijuana Control Board without public discourse or input.** Ballot Measure 2 was clear, the public consumption of marijuana was intended to remain illegal until subsequent legislative action directed otherwise. The language in the ballot measure, voted on by the public and now enacted in AS 17.38.040, does not allow for public consumption of marijuana. The first regulations adopted by the Board in February 2015 to define “public” supports this restriction. The draft regulations released for public comment in fall 2015 about business licenses specifically prohibited public consumption and onsite consumption at retail stores, and were only changed with an amendment during a Board meeting, after public comment was closed. The decision of whether to allow public consumption of marijuana did not provide sufficient opportunity for public input at the appropriate time, and has now been proposed for regulation without sufficient public discourse about the concept as a whole. To date, no other state has allowed, through legislation or regulation, this activity. Existing state law has established retail stores as public places: AS 18.80.300(16) defines a public place as “a place that caters or offers its services, goods, or facilities to the general public,” even if (like alcohol and marijuana establishments) the law restricts who can enter the premises, in both cases adults at least 21 years of age. I believe that allowing this activity is not in accordance with the language or intent of the ballot measure, or the subsequent laws put into place in AS 17.38, and believe that it is also premature of our state to allow this activity when the legal market has not even begun to operate, nor do we know what impacts this transitional period will have on the public. I urge the Board to seek additional legal counsel on this matter, and if possible publish a legal opinion from the Department of Law providing documentation of the legal authority (if any) that would allow the Board to enact regulations to allow this activity which seems to be expressly prohibited in statute.

**3 AAC 306.365: Objections to the entire concept notwithstanding, if this regulation is advanced and the Board has sufficient legal authority to do so, I support the language regarding what licensees can and cannot do with this endorsement.** Specifically, I strongly support provisions (f)(5) [the second #5, there are two in the draft] through (f)(10). Allowing consumption of a psychoactive substance in a public place should have clear boundaries, as the effects of this activity will no doubt have other impacts and costs, as is the case with consumption (and overconsumption) of alcohol. Because we have no specific precedent from another state to guide this regulation, it is important to proceed with caution and, to the extent possible, learn from regulation of alcohol, from which some of this language was taken. In particular, it is very important not to encourage overconsumption or irresponsible consumption

by providing free samples, using pricing incentives or discounts to encourage more consumption, or allowing marijuana as a gaming prize.

I do not have sufficient knowledge to say whether the maximum allowed amounts for sale are an appropriate serving size for a single sitting, but I support defined limits that are a reasonable serving for one sitting.

In (f)(11) I was not sure what 3 AAC 306.365(h)(5) – 3 AAC 306.365(h)(10) refer to, as they are not included in the draft regulation, and believe these are typos?

**I support the ability of local governments to protest a consumption endorsement, and to be able to protest separately from the underlying license.** Because the activity is significantly different from the underlying license—allowing people to consume the products at the store, rather than purchasing for consumption at home or elsewhere—it is appropriate for a local government to evaluate this activity separately and express any concerns with the possible impacts of that activity on the public health, safety and welfare. I also understand the rationale of requiring local governments to enforce and monitor any additional conditions placed on the license, as each jurisdiction may have its own concerns or regulations beyond those of the state. However, I am curious whether these would primarily enforced by local peace officers? Would other city or borough personnel be empowered to enforce conditions placed on a state-issued license, such as a health inspector or environmental health staff person? There may be additional need to clarify with local governments under what authority they would be enforcing state license provisions, if they do not have their own local licensing system.

**Additionally, I support the proposed regulations regarding administration of the Marijuana Control Board** (3 AAC 306.925-940). I especially support 3 AAC 306.940: the Marijuana Control Board is the state’s regulatory body that is charged with regulating and enforcing marijuana business laws and regulations in the public interest. It is important to provide a formal mechanism for public input on this body’s decisions during meetings as well as in writing.

Sincerely,



Anna B. Brawley

**From:** [Bob Davis](#)  
**To:** [Calder, John P. \(CED\)](#)  
**Subject:** I'm sorry!  
**Date:** Monday, May 16, 2016 11:57:49 AM  
**Importance:** High

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I am sorry to say this all of these laws that have been done for Marijuana are nothing like the ones for Alcohol.

If I want to go to a store and purchase a bottle of booze or even a truck load of it and why heck a ship load it's ok.

As long as I don't go into business of selling it without a license.

If you want to purchase marijuana, it's just one ounce! I know you guys worked day and night on screwing up this new law that was passed but I think it's just a big mess now and frankly I don't think it's ever going to take effect.

This State needs to talk about it and study it for at least 20 to 30 years before they can make a decision on anything.

Far as I'm concerned this has been a big waste of time for everyone, cause it's been turned into something complicated when it's not.

Government workers at work?

Lets get drunk. That's the thing here. Drink up, Shut up.