

From: [Will Schneider](#)
To: [Calder, John P. \(CED\)](#)
Subject: Onsite Consumption comments
Date: Tuesday, June 21, 2016 4:29:44 PM
Importance: High

I have several comments about the proposed onsite consumption regulations. If the intent of the regulation is to provide an area where people can safely consume cannabis, then I think there are a few sections that can be omitted.

Under 3 AAC 306.365 (b)(2)(5)-I am not sure on why it would matter on where the marijuana came from. It might not be beneficial to the retail outlet but allowing outside marijuana would allow visitors and residents a safe place to consume marijuana.

Under 3 AAC 306.365 (d) - why does the marijuana need to be consumed onsite? Is this promoting overconsumption. What happens when a customer buys .25 grams of concentrates and doesn't want to throw it away so they decide to "finish" off their purchase. Why can't they purchase in the consumption area to consume offsite, just like they can in the retail area? It would seem that people would be potentially committing the same infractions or breaking of laws regardless if they purchased on the consumption side or retail side of the store.

Under 3 AAC 306.365 (f)(4)(5)- again not sure of the purpose. Maybe bad business, but I think it should be left up to retail stores to determine this policy.

Under 3 AAC 306.365 (f)(7-10)- Promotions, giveaways and marketing should be allowed. Over consumption can and should be banned but responsible use in conjunction with marketing or promotional plans should be allowed.

3 AAC 306.365 (g) - People should be allowed to take the marijuana off premises regardless if it was purchased on the onsite consumption side or on the retail

In closing, marijuana should be allowed to be taken offsite, promotions should be allowed, and people should be allowed to bring in marijuana

Thanks
Will Schneider

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Will Schneider
FOUNDER

ANCHORAGE, ALASKA
907-205-1181

CatalystCannabisCo.com



From: [McConnell, Erika B.](#)
To: [Calder, John P. \(CED\)](#)
Cc: [Falsey, William \(Bill\) D](#)
Subject: Comments on onsite consumption endorsement
Date: Tuesday, June 21, 2016 4:20:00 PM
Attachments: [Signed MOA comments on onsite consumption.pdf](#)
Importance: High

Please accept these comments on the onsite consumption endorsement from the Municipality of Anchorage. Thank you.

Erika McConnell
Land Use and Development
Office of Economic and Community Development
P 907-343-6182
C 907-538-9294



Municipality of Anchorage

Ethan Berkowitz, Mayor

June 21, 2016

State of Alaska Marijuana Control Board
Cynthia Franklin, Executive Director
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501

Re: Public Comment on Draft Regulations for Onsite Consumption

Dear Ms Franklin:

The Marijuana Control Board is poised to make Alaska the first state in the nation to allow and endorse public and social consumption of marijuana. It is possible we will have the first “marijuana bar” in the USA. States that have legalized recreational marijuana before Alaska and have several years more experience than we do have not taken this step. We are venturing by ourselves into uncharted waters.

There are perhaps good reasons that this step has not been taken in other states, as regulating a “marijuana bar” raises significant concerns. There is as yet no physical test to determine marijuana impairment, leaving only subjective behavioral tests which will probably be inconsistently applied. Limiting onsite consumption to marijuana that is in the state’s tracking system will be difficult if not impossible. And the very nature of this concept encourages marijuana consumption outside of the home which will increase the likelihood of public intoxication and impaired driving.

At this time, onsite consumption is prohibited in Anchorage by municipal code. The administration is continuing internal discussions on the issue of social consumption of marijuana—whether to allow it at all, and if so, whether to allow it through the onsite consumption provision or through the social club model. Even so, we have evaluated the onsite consumption proposal of the Marijuana Control Board and have some serious concerns, as expressed below.

It appears that this proposal creates a separate marijuana consumption area, that may or may not have patron access from the retail store, and may have access from the street. If a patron may enter from the street and not pass through the retail store at all, then essentially this creates a “marijuana bar” and there is really no reason to tie the consumption area to a retail store. By allowing the consumption area to be essentially uncoupled from the retail store, the situation no longer seems to comply with the spirit of the exception provided in the definition of “in public” (at 3 AAC 306.990 (6) (C)). The consumption area should be accessible only from within the retail store and should not have an outside entrance.



Municipality of Anchorage

Ethan Berkowitz, Mayor

In order to prevent outside marijuana from being brought into the consumption area, will employees of the retail store be frisking patrons and searching their bags? In order to prevent unconsumed marijuana from being taken from the retail store, will patrons be frisked again and have their bags searched a second time? Given that small amounts of marijuana can be easily hidden, and that unwrapped marijuana edibles will not be distinguishable from food not containing marijuana, it does not seem like it will be possible for the retail store to prohibit outside marijuana from being brought into the consumption area.

The proposed regulations permit unlimited transactions which essentially allow a patron to get intoxicated on the premises, but then prohibit an intoxicated person from remaining on the premises, requiring the business to kick out anyone who has purchased and consumed enough marijuana to become intoxicated. This will encourage both public intoxication and driving while intoxicated. Patrons who become intoxicated from marijuana that is purchased and consumed on the premises should be able to remain until they come down from their high. Additionally, the number of transactions should be limited. This will help prevent overconsumption.

Specific comments on the onsite consumption proposal are as follows:

1. **3 AAC 306.365 (b) (2) and (b) (3)** – Clarify that the operating plan and the detailed premises diagram are for the onsite consumption area. The section could be read as requiring the existing documents for the retail store. Suggest the following changes:
 - (2) the applicant’s operating plan, in a format the board prescribes, describing to the board’s satisfaction the marijuana retail store’s plans for
 - (1) security for the marijuana consumption area;
 - (2) ventilation of the marijuana consumption area;
 - (3) isolation of the marijuana consumption area from other areas of the retail marijuana store;
 - (4) disposal of unconsumed marijuana; and
 - (5) preventing introduction into the consumption area of marijuana or marijuana products not sold by the retail marijuana store.
 - (3) a detailed premises diagram of the marijuana consumption area showing the location of...
2. **3 AAC 306.365 (b) (2)** – Requiring these elements “to the board’s satisfaction” is too vague. It provides no guidance to the applicant regarding the board’s expectations. This could lead to multiple unsatisfactory results, including applicants making investments and then being rejected by the board, or unequal treatment of applicants due to lack of specific standards.
3. **3 AAC 306.365 (b) (3)** – There should be standards for what constitutes as adequate, acceptable, or desirable, for the elements of the premises.



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Ventilation exhaust points: The board should set standards for locations of exhaust points relating to the public right-of-way, openings into adjacent buildings, and height above the ground, as well as filter requirements, at a minimum. As written, it appears the applicant can locate ventilation exhaust points (if applicable) to point anywhere. The filtration system required in (e) (2) only requires that odors be “reduced.” Reduced from what to what? 3 AAC 306.430 (c) (2) requires that cultivation facilities do “not emit an odor that is detectable by the public from outside the marijuana cultivation facility except as allowed by a local government conditional use process.” Why would the standard for a retail store consumption area be any less stringent? A similar standard should be added to this section.

Doors, windows or other exits and access control points: It is unclear whether or not there can be a separate entrance/exit to the outdoors from the consumption area, but as it is not specifically prohibited, the implication is that there can be. What are the expectations of the board for these issues? Suggest requiring that doors and windows remain closed (except for ingress and egress).

Adequate separation from the non-consumption area: What is adequate? What is the intent? More information and guidance must be provided.

4. **3 AAC 306.365 (d) (1), (2), and (3)** – Without a limit on the number of transactions per day, the sales persons will have to rely on visual clues to determine whether or not patrons have overconsumed and should no longer be permitted to purchase marijuana. Suggest that with this experiment, the number of transactions be limited to one. This would permit a patron to purchase and consume 1 gram of marijuana, edibles with 10 mg of THC, or 0.25 grams of concentrate per day in the consumption area. After a period of time (1-3 years) to determine the effects, the per day amount could be revisited. This will help to control overconsumption, which is the most significant concern with this proposal. An internet search on “amount of marijuana consumed per day,” which results in marijuana users comparing their consumption amounts, indicates that a gram per day is a relatively generous limit.
5. **3 AAC 306.365(d) (4)** – Suggest changing “food or beverages not containing marijuana” to “food or non-alcoholic beverages not containing marijuana” for clarity. Marijuana consumption should not be mixed with alcohol consumption.
6. **3 AAC 306.365 (e) (2)** – As noted above, there should be standards for how exhaust is ventilated out of the building, relating to the public right-of-way, openings into adjacent buildings, and height above the ground, as well as filter requirements, at a minimum. “Reducing” odor is an insufficient standard.
7. **3 AAC 306.365 (e) (4)** – “Overconsumption” needs to be defined.



Municipality of Anchorage

Ethan Berkowitz, Mayor

8. **3 AAC 306.365 (f) (2)** – There should be a definition of “intoxicated or drunken” to clarify whether this means just alcohol, or any intoxicating substance. Absent such definition, would the definition of “intoxicated person” at AS 47.37.270 (10) apply? “Drunken person” is defined in Title 4, but the definition only applies within Title 4.
9. **3 AAC 306.365 (f) (5)** – There are two (f) (5) sections.
10. **3 AAC 306.365 (f) (5) [the first] and (g)** – As noted above, enforcing these provisions will require the employees of the retail store/onsite consumption area to both frisk patrons and search any bags they may have with them. It seems unlikely that these provisions will be enforced in any serious way.
11. **3 AAC 306.365 (f) (6)** – This provision is confusing—what is the intent? Is the intent to prevent the store from delivering marijuana purchased in the store to the patron who is now in the consumption area? If so, this could be more clearly stated as, “allow marijuana or marijuana product purchased in the retail store to be brought into the marijuana consumption area by the patron or the staff;”

If the intent is to prevent a marijuana “waiter” from serving someone who has not finished consuming the marijuana they have already purchased, how will the waiter know if the patron has put marijuana in their pocket or bag? Will the waiter be frisking and searching the patrons to ensure they don’t have any unconsumed marijuana?

Thank you for the opportunity to comment. We trust that the Marijuana Control Board will give serious consideration to all comments provided and revise the proposed regulations to ensure the health, safety, and welfare of all Alaskans.

Sincerely,

Erika McConnell
Marijuana Coordinator

Cc: Mayor Ethan Berkowitz
William Falsey, Municipal Attorney
Elvi Gray-Jackson, Chair, Anchorage Assembly

From: [Kasha Jackson](#)
To: [Calder, John P. \(CED\)](#)
Subject: Comment
Date: Tuesday, June 21, 2016 3:09:39 PM
Attachments: [On Site Consumption Public Comment Guide.docx](#)
Importance: High

I added my comment onto page 2. I have attached the whole thing. I hope this is who I am supposed to send this too. Good luck with everything!

On Site Consumption Public Comment Guide

These are notes based on the three Tab 21s located in the notes from the [4/27/16 meeting](#). It is assumed that these three attempts of regulations will be melded into one document by the board during the July meeting.

Key:

3 AAC 306.365. Onsite consumption endorsement for retail marijuana stores. à AMCO Staff

3 AAC 306.360. Onsite consumption endorsement. à Schulte

3 AAC 306.360. Onsite consumption endorsement. à Mlynarik

3 AAC 306.365. Onsite consumption endorsement for retail marijuana stores. (e) A local government may recommend that the board approve an application for a new onsite consumption endorsement. The board will impose a condition a local government recommends unless the board finds the recommended condition is arbitrary, capricious, and unreasonable. If the board imposes a condition a local government recommends, the local government shall assume responsibility for monitoring compliance with the condition unless the board provides otherwise.

- Is the first sentence supposed to have something about a condition imposed by the local government in it? It seems disjointed and doesn't quite make sense.

3 AAC 306.365. Onsite consumption endorsement for retail marijuana stores. (f) A retail marijuana store that is issued an onsite consumption endorsement under this chapter is authorized to sell marijuana and marijuana product to consumers only for immediate consumption on the licensed premises and in an area separated from the remainder of the premises by a secure door and containing a separate HVAC system. The holder of a marijuana retail store onsite consumption endorsement may (5) sell food or beverages not containing marijuana only for onsite consumption;

- There is no health and safety issue if a person opens a soda or a bag of potato chips in the consumption area and then brings it outside the store. This doesn't make sense and should be removed. Please remove the word "only."

3 AAC 306.365. Onsite consumption endorsement for retail marijuana stores. (g) The retail marijuana store holding an onsite consumption endorsement under this chapter shall (1) destroy all unconsumed marijuana found in the onsite consumption area in accordance with their operating plan and 3 AAC 306.740;

3 AAC 306.365. Onsite consumption endorsement for retail marijuana stores. (i) A person may not remove from the onsite consumption premises marijuana or marijuana product that has been sold for consumption on the premises.

3 AAC 306.360. Onsite consumption endorsement. (c) 2) Products not entirely consumed onsite may be taken away from the premises in packaging per AAC 306.345

3 AAC 306.XXX. Acts prohibited at marijuana consumption area. (d) Marijuana purchased in the consumption area cannot be removed from the consumption area except by an employee of the retail store and in no case will the marijuana leave the retail store premises.

3 AAC 306.XXX. Disposal of unused marijuana or marijuana product. (a) Any marijuana or marijuana product that is purchased by a consumer, in the marijuana consumption area, but is not consumed by the consumer shall be disposed of as required by 3 AAC 306.740.

- The red/ blue and green items are in direct opposition to each other.
- If we force people to relinquish their leftover product, they will be more likely to consume it before leaving because they feel they have purchased it so they should use it all. This will only encourage over-consumption, which no one wants. Therefore, people should be able to take unconsumed product with them as long as it is in the appropriate packaging.
- Cannabis differs from alcohol in that you can't close or repackage a drink very well for transport, and it can easily be consumed in transit. This is why one cannot take an unused drink from a bar. Cannabis is unlike alcohol in that it can be easily repackaged for later use without spillage or easy consumption. In fact, it must be packaged in a child resistant exit bag when leaving the facility.

3 AAC 306.365. Onsite consumption endorsement for retail marijuana stores. (f) The holder of a marijuana retail store onsite consumption endorsement may (1) sell marijuana bud or flower in quantities not to exceed one gram in a single transaction; (2) sell edible marijuana products in quantities not to exceed 10 mg to in a single transaction; (3) sell marijuana concentrates intended for inhalation in quantities not exceeding to exceed .25 grams in a single transaction;

3 AAC 306.360. Onsite consumption endorsement. (d) Marijuana products served for onsite consumption: 2) May have a total, cumulative THC content no greater than 150mg per consumer

3 AAC 306.XXX. Acts prohibited at marijuana consumption area. (a) An employee in a marijuana consumption area may not sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver, marijuana or any marijuana product (3) in a quantity exceeding .5 grams of useable marijuana, .125 grams of marijuana concentrate for inhalation, or marijuana edible products containing more than .01 grams of THC.

- These are all in direct opposition with each other.
- The blue item should have "marijuana bud or flower" as opposed to usable marijuana.
- The blue item has limits that are so low, people will not feel the effects. This will completely defeat the purpose of having onsite consumption so that tourists will be more likely to not use these spaces and consume in public. Consequently, this will also cause this license endorsement to fail, losing license holders a great deal of money, dissuading them from entering into this type of facility. It would be construed as "unreasonably impracticable" as prohibited by Ballot Measure 2.
- **There is not a single bar you can go to that will only allow you to purchase a small amount at a time. They would lose money. And many times people are buying for others as well. I feel the amount should be up to the retail store employees, as in a bar, it is up to the bartenders to cut people off.**

3 AAC 306.360. Onsite consumption endorsement. (a) A licensed retail marijuana store seeking an endorsement to allow onsite consumption must meet the following additional criteria: 1) Designate a separate consumption area not co-located with a non-consumption retail sales area.

- This should be worded differently. Co-located would be contradictory to the requirement that it must be in the same premise as a retail store. Maybe just state that it must be in an area within the retail premise, separated by a door.

3 AAC 306.360. Onsite consumption endorsement. (a) A licensed retail marijuana store seeking an endorsement to allow onsite consumption must meet the following additional criteria:

- Since one cannot consume cannabis within 20 feet of a cultivation facility, the board could make an exception for an establishment that wants to have a cultivation, retail, and onsite consumption all in the same building. It would be acceptable to include the stipulation (as already exists) that people who are working may not consume during or before their shift. This should appease the insurance problems that we would have encountered previously that caused the board to change the cultivation requirement to have consumption at least 20 feet away. This will allow that particular license holder to be able to provide all services to their community, which may be extremely important in smaller communities that may only have one or two establishments.

3 AAC 306.XXX. Access restricted in a marijuana consumption area. (b) Each entry to a marijuana consumption area 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.

- This seems redundant. No one under the age of 21 should be allowed into the retail facility, and therefore will not have access to the entrance door to the consumption site. It would make more sense to have a sign reminding consumers that they cannot consume cannabis purchased in the retail store or from home in the consumption area. If you put too many signs up, people won't bother to read them.

3 AAC 306.XXX. Access restricted in a marijuana consumption area. (c) An area of a marijuana consumption area 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.

- The onsite consumption area is part of the retail facility open to customers. Therefore, it should not be considered a restricted access area, and the customers should not be considered visitors who must be in a 5 to 1 ratio of employees. There is no equivalent restriction of alcohol patrons to employees in a bar or restaurant, and it is considered to be “unreasonably impracticable” for a licensee to have that so people on the payroll at all times, since there is no way of knowing how many customers will frequent that part of the facility on any given day at any given time.

From: [Anthony Portillo](#)
To: [Calder, John P. \(CED\)](#)
Subject: My Comments on the Onsite Consumption Endorsement
Date: Tuesday, June 21, 2016 11:52:36 AM
Importance: High

Dear Mr. Calder,

I am a highly educated 27 year old life coach who regularly consumes marijuana. I have several comments regarding the tremendous financial opportunity Alaska has with legal onsite consumption in licensed marijuana retail stores. I have experienced firsthand the Cannabis Cafes of Amsterdam, and I am here to share my thoughts on how legalizing onsite consumption will benefit your state.

First and foremost, it is my belief that the states that act first in legalizing onsite consumption will benefit the most financially in the long run. Your state is set to be the first to do this. The tourism opportunities are enormous. People will literally flock from across this great country and globe to Alaska in order to experience consuming marijuana in a social setting. The Cannabis Cafes of Amsterdam are a very relaxing and entertaining place where people harmoniously gather to consume their favorite entheogen together. The state that starts this trend in the U.S. will be the state that'll hold authority over cannabis tourism and the huge tax revenues that it will provide. These cafes work! They are peaceful, they are fun and people want to consume cannabis just like alcohol (in diverse social settings with friends and even strangers). Do not miss this opportunity. Do not let California, Colorado or another state beat you to it. Cannabis is safer than alcohol and it is inevitable for these onsite locations to pop up. Seize your state's moment.

In terms of having a separation of the onsite consumption area from the remainder of the retail marijuana store, I completely agree that this may be a great idea. Although I do not think it is totally necessary. But it actually might be sort of cool to purchase your product and then go behind a door to a whole new place to consume. Just a thought.

Regarding the rules of intoxicated or drunken persons in the consumption area: marijuana consumers are known for being peaceful and very tamed. There is a calmness to this product that does not incite violence, anger or drama. I am not sure how it will work with drunken people purchasing the product onsite, but I can testify that I've been drunk and on marijuana at the same time and it's totally fine. I have also been intoxicated on cannabis and have consumed more product to become even more intoxicated and my experiences have always been positive and harmless. Maybe it's a case by case situation, but I think the retail store owners and workers should be the ones who decide if they should sell more cannabis products to already intoxicated people. I trust in the ability of store owners and workers to keep people safe and responsible.

That being said, I do not think there should be rules regarding the transaction limits of marijuana products being sold. I think an individual should be allowed to buy as much product as he or she wants, and I believe that the consumer should be allowed to consume as much product as they want onsite (as long as they are being responsible and not showing any signs of being a danger to themselves or others). My opinions come from my own experience with cannabis and my social circles' experiences with the plant. We are a great educated bunch and we believe that onsite consumption is the way to go!

I would love to be kept in the loop as this process continues throughout the summer and into the fall. In fact, I would even be willing to move from NY to Alaska for this cause. With billions of dollars at stake this industry will help generate new opportunities for our beautiful country. Cannabis will do its part to add to the great engine of growth that is the United States of America. Thank you for your time sir.

Sincerely,
Anthony G. Portillo

P.S. A message from you stating that you have read my comments would be greatly appreciated. Again, thank you for your time.

Sent from my iPhone

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

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 and John Calder, 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.

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: [Herbal Outfitters](#)
To: [Calder, John P. \(CED\)](#)
Subject: comments regarding onsite consumption
Date: Tuesday, June 21, 2016 12:14:41 AM
Importance: High

To whom it may concern,

Thank-you for your efforts in helping us be the first State with on-site consumption regulations. This is a pretty big deal, lets get it right.

1 Please reconsider regulation requiring the customer to relinquish marijuana product not consumed on-site.

We believe this will lead to over consumption by the guest. Left over marijuana can easily be placed in tamper resistant packaging for the guest to take with them. Alcohol customers are allowed to take home an opened bottle of wine from a restaurant.

2 Any regulations written to force retailers to sell marijuana or marijuana products solely in the consumption area for consumption would be an economical hardship and force additional stocking and inventory issues.

We believe being forced to stock the additional area of the consumption room with marijuana or marijuana products would:

- provide more opportunities for diversion of marijuana product
- provide more opportunities for diversion of cash from POS stations
- force retailers to carry unnecessary inventory
- create an unsustainable business practice

We believe bud tenders could escort customers from the retail area to the consumption area with their purchases to ensure consumption of only marijuana or marijuana products that have been purchased on-site.

3 We appreciate the ability to sell food or beverages not containing marijuana to customers.

We feel it poses no health hazards to allow unconsumed food or beverages to leave with the customer.

4 Regarding daily onsite consumption limits.

We feel that to place limits so low that a customer would not feel the effects of any

merchandise they are allowed to purchase would discourage people from using the consumption site. This would mean that non residents may consume in public and defeat our attempt at creating a usable consumption area. We agree that a total cumulative THC content no greater than 150mg per customer is reasonable.

5 Regulations regarding entry signage for consumption area and visitors to employee ratios for consumption area.

Having too many duplicated and redundant signs posted in any area may overwhelm customers to a point where signs are disregarded. Since all customers in the retail store must be 21 we suggest a simple sign that says;

Consumption Area
Patrons Must Be Escorted

Additionally, forcing a 5 to 1 patron to employee ratio in the consumption area would be an economical hardship not to mention that customers would feel like they are being "baby sat". It would be "unreasonably impracticable" and a unsustainable business practice.

Thank-you for allowing us to express our concerns.

Herbal Outfitters
Richard Ballow

From: [Sara Williams](#)
To: [Marijuana, CED ABC \(CED sponsored\)](#)
Subject: Onsite Endorsement Public Comment
Date: Monday, June 20, 2016 1:14:12 PM

Greetings!

Our only public comment for the onsite endorsement is as follows:

Section 306.365 (11) (g): "A person may not remove from the licensed premises marijuana or marijuana product that has been purchased on the licensed premises for consumption under this section."

Add...

"unless that product is securely contained in child resistant exit packaging as required for the retail store under 306.345 (3)."

Thank you!! See you all in July!!

Sara Williams
CEO
www.midnightgreenery.com
Like us on Facebook: www.facebook.com/midnightgreenery

Sent from my iPhone
Sara Williams
CEO
www.midnightgreenery.com
Like us on Facebook: www.facebook.com/midnightgreenery

From: [Kim Kole](#)
To: [Marijuana Licensing \(CED sponsored\)](#); [Marijuana, CED ABC \(CED sponsored\)](#)
Subject: Public Comment Onsite Consumption
Date: Monday, June 20, 2016 3:28:38 PM

Thank you again for taking Alaskans' perspectives into consideration while creating our regulations. It is greatly appreciated! Please consider the following items when reviewing the 3 proposed drafts for onsite consumption in July.

Kim Kole

Key:

3 AAC 306.365. Onsite consumption endorsement for retail marijuana stores. → AMCO Staff

3 AAC 306.360. Onsite consumption endorsement. → Schulte

3 AAC 306.360. Onsite consumption endorsement. → Mlynarik

3 AAC 306.365. Onsite consumption endorsement for retail marijuana stores. (e) A local government may recommend that the board approve an application for a new onsite consumption endorsement. The board will impose a condition a local government recommends unless the board finds the recommended condition is arbitrary, capricious, and unreasonable. If the board imposes a condition a local government recommends, the local government shall assume responsibility for monitoring compliance with the condition unless the board provides otherwise.

- Is the first sentence supposed to have something about a condition imposed by the local government in it? It seems disjointed and doesn't quite make sense.

3 AAC 306.365. Onsite consumption endorsement for retail marijuana stores. (f) A retail marijuana store that is issued an onsite consumption endorsement under this chapter is authorized to sell marijuana and marijuana product to consumers only for immediate consumption on the licensed premises and in an area separated from the remainder of the premises by a secure door and containing a separate HVAC system. The holder of a marijuana retail store onsite consumption endorsement may (5) sell food or beverages not containing marijuana only for onsite consumption;

- There is no health and safety issue if a person opens a soda or a bag of potato chips in the consumption area and then brings it outside the store. This doesn't make sense and should be removed. Please remove the word "only."

3 AAC 306.365. Onsite consumption endorsement for retail marijuana stores. (g) The

retail marijuana store holding an onsite consumption endorsement under this chapter shall (1) destroy all unconsumed marijuana found in the onsite consumption area in accordance with their operating plan and 3 AAC 306.740;

3 AAC 306.365. Onsite consumption endorsement for retail marijuana stores. (i) A person may not remove from the onsite consumption premises marijuana or marijuana product that has been sold for consumption on the premises.

3 AAC 306.360. Onsite consumption endorsement. (c) 2) Products not entirely consumed onsite may be taken away from the premises in packaging per AAC 306.345

3 AAC 306.XXX. Acts prohibited at marijuana consumption area. (d) Marijuana purchased in the consumption area cannot be removed from the consumption area except by an employee of the retail store and in no case will the marijuana leave the retail store premises.

3 AAC 306.XXX. Disposal of unused marijuana or marijuana product. (a) Any marijuana or marijuana product that is purchased by a consumer, in the marijuana consumption area, but is not consumed by the consumer shall be disposed of as required by 3 AAC 306.740.

- The red/ blue and green items are in direct opposition to each other.
- If we force people to relinquish their leftover product, they will be more likely to consume it before leaving because they feel they have purchased it so they should use it all. This will only encourage over-consumption, which no one wants. Therefore, people should be able to take unconsumed product with them as long as it is in the appropriate packaging.
- Cannabis differs from alcohol in that you can't close or repackage a drink very well for transport, and it can easily be consumed in transit. This is why one cannot take an unused drink from a bar. Cannabis is unlike alcohol in that it can be easily repackaged for later use without spillage or easy consumption. In fact, it must be packaged in a child resistant exit bag when leaving the facility.

3 AAC 306.365. Onsite consumption endorsement for retail marijuana stores. (h) The holder of a marijuana retail store onsite consumption endorsement, its employee or agent may not (4) allow a person to bring marijuana or marijuana product into the premises for use or consumption;

- Can we require signage at the entrance to the onsite area to state that cannabis purchased in the retail store may not be consumed onsite? "Only cannabis purchased in the onsite consumption area may be consumed on premises. Product purchased in the retail store and personal product may not be consumed onsite." or something to that affect.

3 AAC 306.365. Onsite consumption endorsement for retail marijuana stores. (f) The holder of a marijuana retail store onsite consumption endorsement may (1) sell marijuana bud or flower in quantities not to exceed one gram in a single transaction; (2) sell edible marijuana products in quantities not to exceed 10 mg to in a single transaction; (3) sell marijuana

concentrates intended for inhalation in quantities not exceeding to exceed .25 grams in a single transaction;

3 AAC 306.360. Onsite consumption endorsement. (d) Marijuana products served for onsite consumption: 2) May have a total, cumulative THC content no greater than 150mg per consumer

3 AAC 306.XXX. Acts prohibited at marijuana consumption area. (a) An employee in a marijuana consumption area may not sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver, marijuana or any marijuana product (3) in a quantity exceeding .5 grams of useable marijuana, .125 grams of marijuana concentrate for inhalation, or marijuana edible products containing more than .01 grams of THC.

- These are all in direct opposition with each other.
- The blue item should have “marijuana bud or flower” as opposed to usable marijuana.
- The blue item has limits that are so low, people will not feel the effects. This will completely defeat the purpose of having onsite consumption so that tourists will be more likely to not use these spaces and consume in public. Consequently, this will also cause this license endorsement to fail, losing license holders a great deal of money, dissuading them from entering into this type of facility. It would be construed as “unreasonably impracticable” as prohibited by Ballot Measure 2.
 - I feel that serving a customer up to 1 gram of flower, .25 g of concentrate, or 20 mg of edibles onsite would be an appropriate place to start. This is going to be a difficult item to determine because this amount won't be felt by medical patients who might not be able to consume in their homes, yet tourists won't need nearly as much to feel the effects. The best way to approach this would be to allow people to take their unconsumed product home with them in an appropriate, child resistant package so that they don't over consume onsite. If they've bought it there, they will feel the need to finish it there if they are forced to leave it behind.

3 AAC 306.360. Onsite consumption endorsement. (a) A licensed retail marijuana store seeking an endorsement to allow onsite consumption must meet the following additional criteria: 1) Designate a separate consumption area not co-located with a non-consumption retail sales area.

- This should be worded differently. Co-located would be contradictory to the requirement that it must be in the same premise as a retail store. Maybe just state that it must be in an area within the retail premise, separated by a door.

3 AAC 306.360. Onsite consumption endorsement. (a) A licensed retail marijuana store seeking an endorsement to allow onsite consumption must meet the following additional criteria:

- Since one cannot consume cannabis within 20 feet of a cultivation facility, the board could make an exception for an establishment that wants to have a cultivation, retail, and onsite consumption all in the same building. It would be acceptable to include the stipulation (as

already exists) that people who are working may not consume during or before their shift. This should appease the insurance problems that we would have encountered previously that caused the board to change the cultivation requirement to have consumption at least 20 feet away. This will allow that particular license holder to be able to provide all services to their community, which may be extremely important in smaller communities that may only have one or two establishments.

3 AAC 306.XXX. Access restricted in a marijuana consumption area. (b) Each entry to a marijuana consumption area 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.

- This seems redundant. No one under the age of 21 should be allowed into the retail facility, and therefore will not have access to the entrance door to the consumption site. It would make more sense to have a sign reminding consumers that they cannot consume cannabis purchased in the retail store or from home in the consumption area. If you put too many signs up, people won't bother to read them.

3 AAC 306.XXX. Access restricted in a marijuana consumption area. (c) An area of a marijuana consumption area 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.

- The onsite consumption area is part of the retail facility open to customers. Therefore, it should not be considered a restricted access area, and the customers should not be considered visitors who must be in a 5 to 1 ratio of employees. There is no equivalent restriction of alcohol patrons to employees in a bar or restaurant, and it is considered to be “unreasonably impracticable” for a licensee to have that so people on the payroll at all times, since there is no way of knowing how many customers will frequent that part of the facility on any given day at any given time.

From: [Alaska Tobacco Control Alliance](#)
To: [Franklin, Cynthia A \(CED\)](#)
Cc: [Calder, John P \(CED\)](#); [Edeltraud Rodewald](#); [Sharon Wolkoff](#)
Subject: Comments from the Alaska Tobacco Control Alliance Regarding Onsite Consumption Endorsement
Date: Friday, June 17, 2016 3:17:17 PM
Attachments: [ATCA Letter to Marijuana Control Board on Regulations, 6-17-16.pdf](#)
Importance: High

Hello,

Please find attached the Alaska Tobacco Control Alliance's comments on the onsite consumption endorsement. We appreciate this opportunity to provide input on this important topic.

Sincerely,

Edy Rodewald & Sharon Wolkoff, co-chairs
ATCA Steering Committee

--

Alaska Tobacco Control Alliance

Contracted Support Team

Agnew::Beck Consulting

441 West Fifth Ave., Suite 202

Anchorage, Alaska 99501

907-222-5424 office

907-222-5426 fax

www.alaskatca.org



Alaska Tobacco Control Alliance

Our Vision: A Tobacco-Free Alaska

June 17, 2016

Cynthia Franklin, Director
Alcoholic Beverage Control Board
550 W 7th Ave, Suite 1600
Anchorage, AK 99501

Dear Ms. Franklin:

On behalf of the Alaska Tobacco Control Alliance, we respectfully submit comments on proposed regulation 3 AAC 306.365 for onsite consumption of marijuana at licensed retail stores. We are concerned for Alaskans' health with the proposed regulations. **We oppose the public consumption of smoked, dabbed, vaped or aerosolized marijuana because of the significant health harms to users and non-users.**

Ballot Measure 2 was clear, the public consumption of marijuana was intended to remain illegal. 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 and includes a \$100 fine for this activity. 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 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. We believe that the decision of whether to allow public consumption of marijuana did not provide sufficient opportunity for public input at the appropriate time.

No type of ventilation system will protect workers and patrons from the effects of secondhand smoke, vapor or aerosol. The licensee would be required to provide a ventilation plan to address byproducts of using marijuana onsite. Ventilation may reduce odors, but will not protect workers' health from marijuana smoke:

- Even high-quality ventilation systems will not prevent marijuana smoke or aerosol from moving from the consumption area into other areas of the retail store. A building must be completely smokefree to eliminate the health effects caused by smoke or aerosol.
- The American Society for Heating, Refrigerating and Air Conditioning Engineering (ASHRAE) is the national professional organization that develops engineering standards for building ventilation systems. In a 2010 position paper, ASHRAE has concluded that the only acceptable industry standard is completely free from secondhand smoke: "At present, the only means of effectively eliminating health risk associated with indoor exposure is to ban smoking activity." Ventilation will not completely remove the carcinogens and particulates from the air.
- Recent studies have demonstrated that secondhand marijuana smoke contains many of the same cancer-causing substances and toxic chemicals as secondhand tobacco smoke. Secondhand marijuana smoke can exacerbate health problems, including people with respiratory conditions like asthma, bronchitis, or COPD, as well as heart disease and stroke.

Toll-free (888) 474-4635

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Fax (907) 222-5426



Alaska Tobacco Control Alliance

Our Vision: A Tobacco-Free Alaska

Allowing secondhand marijuana smoke exposure in publically accessible places is not good public health policy. In 2006 the Surgeon General concluded that there is no safe level of secondhand tobacco smoke. While studies of the health risks associated with marijuana use and exposure are limited to date, due to its being illegal under U.S. federal law, marijuana smoke is similar in composition to secondhand tobacco smoke, with the potential for similar health and safety risks to the public. Preventing secondhand smoke exposure to forestall costly health issues makes good policy sense given current evidence: Secondhand marijuana smoke contains many of the same cancer-causing substances and toxic chemicals as secondhand smoke. Some of the known carcinogens or toxins present in marijuana smoke include: acetaldehyde, ammonia, arsenic, benzene, cadmium, chromium, formaldehyde, hydrogen cyanide, isoprene, lead, mercury, nickel, and quinolone (Moir, et al, 2008). Moir, et al. also found significant amounts of mercury, cadmium, nickel, lead, and chromium in marijuana smoke. Comparing it to tobacco smoke, there was 20 times the amount of ammonia and 3-5 times more hydrogen cyanide in marijuana smoke.

- In 2009, the California Office of Environmental Health Hazard Assessment added marijuana smoke to its Proposition 65 list of carcinogens and reproductive toxins.
- In 2014, researchers demonstrated the impact of secondhand marijuana smoke on blood vessel function. Thirty minutes of exposure to secondhand marijuana smoke at levels comparable to those found in restaurants that allow cigarette smoking led to substantial impairment of blood vessel function. Marijuana smoke exposure had a greater and longer lasting effect on blood vessel function than exposure to secondhand tobacco smoke.
- In study after study, we know that the heart attack and stroke rates drop when communities and states go smokefree. Once an individual quits smoking, their risk of heart attack and stroke drop 50% in a year.

Everyone has the right to breathe clean air. Smokefree policies are designed to protect the public and all workers from exposure to the health hazards caused by secondhand tobacco smoke. The same should be true for marijuana smoke. **Based on the available science, we recommend the Board not allow smoked, dabbed, vaporized or aerosolized marijuana consumption where workers are present.**

Thank you for your consideration in supporting worker and public health.

Sincerely,

Edy Rodewald, co-chair
Southeast Region

Sharon Wolkoff, co-chair
Southwest Region

From: [Kristin Cox](#)
To: [Calder, John P. \(CED\)](#)
Subject: Opposition to proposed onsite marijuana consumption
Date: Friday, June 17, 2016 12:05:11 PM
Attachments: [image003.png](#)
[Onsite Marijuana Consumption Comment.docx](#)
Importance: High

Please see the attached comments from the Juneau Clean Air Coalition and the Clearing the Air for Wellness Workgroup in opposition to the proposed onsite marijuana regulation.



Dr. Kristin Cox, ND
Tobacco Prevention and Control Coordinator
211 4th Street, Suite 112
Juneau, Alaska 99801
907-463-3750



Dear John Calder,

June 17, 2016

I am writing on behalf of the Juneau Clean Air Coalition to state that we strongly oppose the “onsite consumption” endorsement in the proposed marijuana regulations.

First, the marijuana legalization initiative stated clearly there would be no public consumption of marijuana. Retail establishments are public places. Allowing marijuana consumption goes against what was originally stated in the initiative.

Second, the dangers of second-hand tobacco smoke have been well established. Peer-reviewed and published studies show that exposure to secondhand marijuana smoke has similar health and safety risks for the general public.

Secondhand marijuana smoke contains many of the same cancer-causing substances and toxic chemicals as secondhand tobacco smoke, including significant levels of mercury, cadmium, nickel, lead, and chromium, as well as 20 times the amount of ammonia and 3-5 times more hydrogen cyanide¹.

Marijuana smoke also contains fine particulate matter, like tobacco smoke, which has been shown to immediately and adversely affect the cardiovascular system. Marijuana smoke exposure had a greater and longer-lasting effect on blood vessel function than exposure to secondhand tobacco smoke². Secondhand marijuana smoke can cause lung irritation, asthma attacks, and respiratory infections and can exacerbate conditions like asthma, bronchitis, or COPD³.

In addition, people exposed to secondhand marijuana smoke can have detectable levels of THC in their blood and urine⁴.

Alaskan communities fought long and hard to pass local comprehensive clean indoor air laws. Allowing onsite marijuana consumption will greatly undermine the integrity of these initiatives passed to protect their citizens.

Everyone has the right to breathe smokefree air. Smokefree policies are designed to protect the public and all workers from the health hazards of secondhand smoke. Scientific evidence shows the same should be true for secondhand marijuana smoke.

In the interest of health for all Alaskans and long-term savings in healthcare costs, the use of combustible or aerosolized marijuana should be prohibited in public places.

Respectfully submitted,

Juneau Clean Air
Clearing the Air for Wellness Workgroup

1. Moir, D., et al., A comparison of mainstream and sidestream marijuana and tobacco cigarette smoke produced under two machine smoking conditions. *Chem Res Toxicol* 21: 494-502. (2008).
<http://www.ncbi.nlm.nih.gov/pubmed/18062674>
2. Wang, X., et al., "Brief exposure to marijuana secondhand smoke impairs vascular endothelial function" (conference abstract). *Circulation* 2014; 130: A19538.
http://circ.ahajournals.org/content/130/Suppl_2/A19538.abstract
3. "Air and Health: Particulate Matter." National Environmental Public Health Tracking Network, U. S. Environmental Protection Agency. <http://ephtracking.cdc.gov/showAirHealth.action#ParticulateMatter>
4. Herrmann ES, et al., "Non-smoker exposure to secondhand cannabis smoke II: Effect of room ventilation on the physiological, subjective, and behavioral/cognitive effects." *Drug and Alcohol Dependence*. 2015 Jun 1;151:194-202. <http://www.ncbi.nlm.nih.gov/pubmed/25957157>

From: [Nancy Tarnai](#)
To: [Calder, John P. \(CED\)](#)
Subject: MJ onsite consumption endorsement
Date: Wednesday, June 15, 2016 1:58:25 PM
Attachments: [image001.png](#)
[I ACT FREE letter onsite marijuana smoking.docx](#)

Greetings, Mr. Calder,
Please find attached a letter from the Interior Alaska Coalition for Tobacco Free Advocates. Thank you.

Nancy Tarnai | Lung Health Manager
American Lung Association in Alaska

529 6th Ave. Suite 203
Fairbanks, AK 99701
907.891.7452
www.aklung.org



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1-800-LUNGUSA

June 15, 2016

John Calder
Alcoholic Beverage Control Board
550 W 7th Ave, Suite 1600
Anchorage, AK 99501

Dear Mr. Calder:

The members of the Interior Alaska Coalition of Tobacco Free Advocates are concerned about Alaskans' health due to the proposed regulations allowing for onsite consumption of marijuana. The ballot measure was clear, the public consumption of marijuana remains illegal and attached a \$100 fine. The first regulation adopted by the Board supports this prohibition.

Research from the University of California, San Francisco has proven that secondhand marijuana smoke is a complex chemical mixture of smoke emitted from combusted marijuana and the smoke that is exhaled by the user. The smoke contains fine particulate matter that gets breathed deeply into the lungs.

Secondhand marijuana smoke contains many of the same cancer-causing substances and toxic chemicals as secondhand tobacco smoke, as well as the added ingredient of THC.

According to the University of Colorado Behavioral Health and Wellness Program, secondhand marijuana smoke contains 50 harmful chemicals and significant amounts of mercury, lead, ammonia and hydrogen cyanide, among others. Respiratory symptoms caused by marijuana smoke include chronic bronchitis, frequent phlegm, shortness of breath, frequent wheezing and chest sounds without a cold.

We ask that you do not allow onsite smoking of marijuana at retail facilities in Alaska to protect the health of consumers and workers.

Sincerely,

Frank Yaska, co-facilitator of I ACT FREE

Nancy Tarnai, co-facilitator of I ACT FREE

From: [Marge Stoneking](#)
To: [Calder, John P. \(CED\)](#)
Subject: 3 AAC 306.365. Onsite consumption endorsement for retail marijuana stores
Date: Wednesday, June 15, 2016 8:23:17 AM
Attachments: [Lung Assoc Opposes Onsite Inhaled Consumption.pdf](#)
Importance: High

Please see attached comments in opposition to the onsite consumption endorsement.

Marge Stoneking | Executive Director



500 W Intl Airport Rd, Ste A
Anchorage, AK 99518
907.644.6404
www.aklung.org

**Regional Board
Members**

Patty Ginsburg
Julie Hasquet

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Katie Pesznecker
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Past Chair
Julie Hasquet
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Dr. Gary Ferguson
AK Native Tribal Health
Consortium

Dara Glass
Bureau of Land Mgmt

Charles Holyfield
Fairbanks Memorial
Hospital

Julie Millington
AK Center for the
Performing Arts

Brian Saylor
Retired

Dr. George Stewart
Retired

Larry Taylor
AK Environmental
Resources LLC

Tiffany Tutiakoff
Northwest Strategies

Beverly Wooley
Retired

June 14, 2016

Chairman John Calder & the Alaska Marijuana Control Board
550 W 7th Ave, Suite 1600
Anchorage, AK 99501

RE: 3 AAC 306.365. Onsite consumption endorsement for retail marijuana stores

Dear Mr. Calder,
We would like to go on record as opposing inhaled consumption of marijuana in retail marijuana stores.

Smoke is harmful to lung health. Whether from burning wood, tobacco, or marijuana, toxins and carcinogens are released from the combustion of materials. Smoke from marijuana combustion has been shown to contain many of the same toxins, irritants and carcinogens as tobacco smoke.

Secondhand smoke from combusted marijuana contains fine particulate matter that can be breathed deeply into the lungs, which can cause lung irritation, asthma attacks, and makes users more vulnerable to respiratory infections. Exposure to fine particulate matter can exacerbate health problems, especially for people with respiratory conditions like asthma, bronchitis, or COPD. Secondhand smoke from marijuana has many of the same chemicals as smoke from tobacco, including those linked to lung cancer.

Seventy-nine percent of Alaskans polled by American Cancer Society Cancer Action Network in 2016 support protecting Alaskans from secondhand marijuana smoke in workplaces and public places.

The U.S. Surgeon General's Report, "*The Health Consequences of Involuntary Exposure to Tobacco Smoke*," (2006) concluded that there is no risk-free level of exposure to secondhand smoke; ventilation and other air cleaning technologies cannot eliminate exposure of nonsmokers to secondhand smoke; and that comprehensive smoke-free workplace policies are the *only* effective way to eliminate secondhand smoke exposure in the workplace.

In summary, American Lung Association in Alaska opposes the allowance of inhaled consumption of marijuana onsite in retail marijuana stores because secondhand marijuana smoke, like secondhand tobacco smoke, is harmful to lung health, Alaskans want to be protected from it, and the only way to protect people from secondhand smoke is to eliminate it from the indoor environment. We are happy to provide additional information should you need it.


Marge Stoneking
Executive Director


Katie Pesznecker
Leadership Council Chair

From: [Diana Redwood](#)
To: [Calder, John P. \(CED\)](#)
Subject: re: Onsite marijuana consumption endorsement
Date: Tuesday, June 14, 2016 1:57:44 PM
Importance: High

Dear Marijuana Control Board,

Everyone has the right to breathe smokefree air. Smokefree policies are designed to protect the public and all workers from exposure to the health hazards caused by exposure to secondhand tobacco smoke. The same should be true for secondhand marijuana smoke. I urge the Marijuana Control Board to prohibit indoor smoking of marijuana at retail stores. Stores could still sell comestibles and other marijuana products for consumption, but please prohibit indoor smoking to protect the health of workers in those stores and maintain clean indoor air.

Thanks for your time and attention.

Diana Redwood

From: [Alaska Online Public Notices](#)
To: [Calder, John P. \(CED\)](#)
Subject: New Comment on NOTICE OF PROPOSED REGULATIONS REGARDING MARIJUANA AND ONSITE CONSUMPTION
Date: Tuesday, June 14, 2016 1:55:36 PM
Importance: High

A new comment has been submitted on the public notice [NOTICE OF PROPOSED REGULATIONS REGARDING MARIJUANA AND ONSITE CONSUMPTION](#).

Submitted:

6/14/2016 1:55:34 PM

Diana Redwood
redwoodd@hotmail.com

Unknown location
Anonymous User

Comment:

Everyone has the right to breathe smokefree air. Smokefree policies are designed to protect the public and all workers from exposure to the health hazards caused by exposure to secondhand tobacco smoke. The same should be true for secondhand marijuana smoke. I urge the Marijuana Control Board to prohibit indoor smoking of marijuana at retail stores. Stores could still sell comestibles and other marijuana products for consumption, but please prohibit indoor smoking.
Thanks for your time and attention.

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Ian Niecko](#)
To: [Calder, John P. \(CED\)](#)
Subject: Proposed marijuana law contention
Date: Friday, June 10, 2016 9:58:57 AM
Importance: High

John Calder,

As a doctoral student in the field of mental health and addictions, I understand first-hand marijuana's influence in psychiatric disorders and its effects through second hand smoke. As such, I strongly oppose the allowance for marijuana consumption under the marijuana retail license.

First, the idea of marijuana as an innocuous drug is based on misinformation. Second hand-smoke, whether for cigarettes and/or marijuana is extremely detrimental for health. What is often lost in this debate are the effects second hand exposure can have on not only adults, but the developing brains of children and teens. Like cigarettes, marijuana can create an increased risk for throat and lung cancer. Moreover, as a psychoactive drug, marijuana alters not only the brain of an individual at moment of contact, but can alter the development of a child or teen's brain creating desensitization and likelihood of using the drug when older. Are we going to consider the long-term consequences of a psychoactive drug on brains which research tells us continue to develop until at least mid-20s.

Public health, along with citizens of Alaska, has already fought long and hard to prevent indoor smoking and exposure to second-hand smoke. There is no reason to think that marijuana second-hand smoke is safer or healthier than second-hand tobacco smoke. There should not be legal discrimination between different kinds of second-hand smoke. Second-hand aerosol is also not safe for people to be exposed to.

Allowing indoor consumption of marijuana will put tremendous pressure on current, well established clean indoor air laws. There has already been a proposal to exempt marijuana from Juneau's clean indoor air law. The cannabis entrepreneurs certainly won't want Juneau to be the exception by not allowing tourists to consume marijuana in retail establishments.

It is well established that there is no ventilation system in existence to remove dangerous tobacco smoke particulates from the air to make it safe to breath. Also, marijuana is so odiferous. How will these establishments be ventilated so as not to be a nuisance to the general public?

On a personal note, as an individual who has lived in Juneau for almost four years, the downtown landscape has dramatically changed. Marijuana has filled the downtown air since legalization exposing all families and children who walk its streets. Reports of people openly using marijuana pipes are common and there is little to no enforcement. It's critical we think ahead about long-term consequences. Please consider every parent and child's right to clean air and who really profits from polluting it.

Thank you for reading my concerns.

Concerned citizen,
Ian Niecko

From: [Alaska Online Public Notices](#)
To: [Calder, John P. \(CED\)](#)
Subject: New Comment on NOTICE OF PROPOSED REGULATIONS REGARDING MARIJUANA AND ONSITE CONSUMPTION
Date: Friday, June 10, 2016 9:15:55 AM
Importance: High

A new comment has been submitted on the public notice [NOTICE OF PROPOSED REGULATIONS REGARDING MARIJUANA AND ONSITE CONSUMPTION](#).

Submitted:

6/10/2016 9:15:49 AM

Bruce Van Dusen
bvandusen@alaska.net

Unknown location
Anonymous User

Comment:

I always cringe when someone states there are no harmful effects from marijuana use. Extensive research has been completed on health effects for several decades. The research has not changed the effects of marijuana. It can't. New research will not alter the effects of marijuana. I urge our leaders to use extreme caution when drafting ordinance for public consumption. Second hand marijuana smoke is harmful. The studies that have been completed recently to demonstrate the harmlessness of marijuana are a weak effort to sway the opinions of our government leaders. What we knew about marijuana in the decade of the 80's are still facts today. Facts don't change, that's why they are called facts. Marijuana is an hallucinogen. Marijuana creates a dependency in regular users. Marijuana smoke is more harmful than tobacco smoke. For persons with schizophrenia it causes psychosis. I am a person who used marijuana everyday for 5 years, and used it consistently for 20 years. Even though I am clean and sober for over 21 years, I still get sick just smelling the the burning marijuana. Some states have "legalized" marijuana use. Okay, we live with it. We have no gauge to tell us what the long-term outcomes from legalization are going to be. In Belgium it is "legalized". In Belgium the Army patrols the streets armed to the teeth as a deterrent to crime. What we will have to do in our future to control the legalization? Thank you for your time and your continued efforts to the right thing for all Alaskans.

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Alaska Online Public Notices](#)
To: [Calder, John P. \(CED\)](#)
Subject: New Comment on NOTICE OF PROPOSED REGULATIONS REGARDING MARIJUANA AND ONSITE CONSUMPTION
Date: Thursday, June 09, 2016 4:55:42 PM
Importance: High

A new comment has been submitted on the public notice [NOTICE OF PROPOSED REGULATIONS REGARDING MARIJUANA AND ONSITE CONSUMPTION](#).

Submitted:

6/9/2016 4:55:41 PM

Michael Rowcroft
trow@alaska.net

Unknown location
Anonymous User

Comment:

Please consider Cannabis smoke to be as much and possibly more hazardous as second hand smoke from Tobacco is. The clean air regulations need to be enforced in all indoor areas and not let Cannabis or e-cigs become an exception. The burning of organic materials will always produce Carbon Monoxide (CO) as a by product in addition to the additional organic aromatic toxins. This is an important health issue for our families, children, elders and anyone with compromised lung function. Why the legalization of Cannabis abuse is expanded to allow infringement on the rights of the rest of our CBJ or AK residents is beyond my cognitive understanding. Please don't let this mistake become license to inflict the rest of us with the Cannabis Abuser's toxic stupidity and health hazards. My grandfather said "your right to swing your arms ends where the others' nose begins", I believe that his rule of respectful behavior is relevant to this one.

Thank you for letting me share my opinion, M. Michael Rowcroft

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Rorie Watt](#)
To: [Calder, John P. \(CED\)](#)
Cc: [Mila Cosgrove](#); [Susan Phillips](#)
Subject: Comment on Onsite Consumption
Date: Monday, June 06, 2016 8:28:15 PM
Importance: High

Dear Mr. Calder;

Regarding your regulations, please advise that we find the following section of your draft regulations to be confusing:

3 AAC 306.365 (f) (6) deliver marijuana or marijuana product to a person already possessing marijuana or marijuana product that was purchased for consumption on the premises;

The intent of this draft regulation is not clear. Please replace the draft language with other wording that is more easily understand to members of the public.

Thank you for your consideration of this comment.

Rorie Watt, P.E.
City Manager
City & Borough of Juneau
(907) 586-5240

From: dwanewht@yahoo.com
To: [Calder, John P. \(CED\)](#)
Subject: public comment
Date: Monday, June 06, 2016 2:34:24 PM
Attachments: [Public comment.docx](#)
Importance: High

Dwayne Whiteley

Dwayne Whiteley

Public Comment

3 AAC 306.365

Onsite Consumption Endorsement for Retail Marijuana Stores Public Comment

Marijuana Control Board,

As a resident of Kenai, Alaska, I would like to share my thoughts on the amendment to allow for onsite consumption in retail marijuana stores.

These proposed regulations are good. They provide for a responsible and safe way to keep cannabis away from children and out of public view. In Southeast Alaska, we have over 1 million visitors per year and our local economies relies heavily on the tourism industry.

By providing a place for cannabis to be consumed, we are creating a safe way for our guests to Alaska to enjoy cannabis without breaking laws.

We have found that there are currently many individuals who visit Alaska and have nowhere to consume cannabis and so they end up breaking the law of public consumption. The proposed set of regulations allow for our community to safely navigate through the new cannabis industry and keep cannabis away from children thus preventing unintended consequences.

Although many communities such as Juneau have imposed smoking ordinances, however, this does not mean that edible products cannot be consumed.

If the State can provide basic guidelines, then local governments will have the ability to customize the endorsement by imposing conditions (see 306.365.(a)(1)).

It is very basic logic to allow for onsite consumption. This takes liability away from the State and Local governments and places it on the business owner.

To "regulate marijuana like alcohol" is to make regular of marijuana use, which is already regular in our society. I believe the government's role is to support the people, not control or dictate the people. We must now bridge the gap between the idealism of the Board and the

reality of what Alaskans are already currently engaged in. It is regular in Alaska to consume cannabis. The majority of Alaskans have voted and want Marijuana to be regulated like Alcohol, this includes allowing Alaskans and visitors to consume in a regular way just like alcohol is consumed.

Thank you,

Dwayne Whiteley

740 Setnet Dr.

Kenai, AK 99611

(907) 953-1453

From: [Sabrina Bracher](#)
To: [Calder, John P. \(CED\)](#)
Subject: Onsite Consumption-Public Comment
Date: Monday, June 06, 2016 2:18:04 PM
Importance: High

Sabrina Bracher
Public Comment
3 AAC 306.365

Onsite Consumption Endorsement for Retail Marijuana Stores Public Comment

Marijuana Control Board,

As a resident of Juneau, Alaska, I would like to share my thoughts on the amendment to allow for onsite consumption in retail marijuana stores.

These proposed regulations are good. They provide for a responsible and safe way to keep cannabis away from children and out of public view. In Southeast Alaska, we have over 1 million visitors per year and our local economies relies heavily on the tourism industry.

By providing a place for cannabis to be consumed, we are creating a safe way for our guests to Alaska to enjoy cannabis without breaking laws.

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Thank you,

Sabrina Bracher
Juneau, Alaska

From: [James Barrett](#)
To: [Calder, John P. \(CED\)](#)
Subject: public comment regarding onsite consumption endorsement
Date: Monday, June 06, 2016 1:36:00 PM
Attachments: [PublicComment.pdf](#)
Importance: High

AMCO,

Please read the attached public comments regarding onsite consumption and forward to the Board for review.

Please make these comments and attachments available to the public.

Thanks,
James Barrett
Rainforest Farms, LLC
907-957-4751

CONFIDENTIALITY NOTICE: This email message including any attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, or disclosure is prohibited.

Onsite Consumption Endorsement for Retail Marijuana Stores Public Comment

Marijuana Control Board,

As a resident and business owner in Juneau, Alaska, I would like to share my thoughts on the amendment to allow for onsite consumption in retail marijuana stores.

These proposed regulations are good. **They provide for a responsible and safe way to keep cannabis away from children and out of public view.** In Juneau, we have over 1 million visitors per year and our local economy relies heavily on the tourism industry.

By providing a place for cannabis to be consumed, we are creating a safe way for our guests to Alaska to enjoy cannabis without breaking laws.

We have found that there are currently many individuals who visit Juneau and have nowhere to consume cannabis and so they end up breaking the law of public consumption. The proposed set of regulations allow for our community to safely navigate through the new cannabis industry and keep cannabis away from children thus preventing unintended consequences.

Although many communities such as Juneau have imposed smoking ordinances, however, this does not mean that edible products cannot be consumed.

If the State can provide basic guidelines, then local governments will have the ability to customize the endorsement by imposing conditions (**see 306.365.(a)(1)**).

It is very basic logic to allow for onsite consumption. **This takes liability away from the State and Local governments and places it on the business owner.**

To “regulate marijuana like alcohol” is to make regular of marijuana use, which is already regular in our society. I believe the government's role is to support the people, not control or dictate the people. **We must now bridge the gap between the idealism of the Board and the reality of what Alaskans are already currently engaged in.** It is regular in Alaska to consume cannabis. The majority of Alaskans have voted and want Marijuana to be regulated like Alcohol, this includes allowing Alaskans and visitors to consume in a regular way just like alcohol is consumed.

Thank you,
James M. Barrett
Owner/Operator of Rainforest Farms

From: [Dean Guaneli](#)
To: [Calder, John P. \(CED\)](#)
Subject: Guaneli letter opposing onsite consumption regulation
Date: Friday, June 03, 2016 10:31:05 AM
Attachments: [Guaneli ltr opposing onsite consumption.pdf](#)
Importance: High

Dear Mr. Calder:

Attached is a 3-page PDF document setting out my opposition to the draft regulation relating to onsite consumption of marijuana.

Please let me know if you have any problems retrieving this document.

Thank you.
Dean Guaneli
Juneau

June 2, 2016

John Calder
Alcohol & Marijuana Control Board
550 W. 7th Ave, Suite 1600
Anchorage, AK 99501
(sent to john.calder@alaska.gov email only: no hard copy)

Re: Opposition to Onsite Marijuana Consumption

Dear Mr. Calder:

I oppose the Board's proposed regulation allowing onsite consumption of marijuana in retail outlets.

It is beyond the Board's authority to create such "marijuana clubs"; this is a legal and public policy question that should be decided by the legislature. In addition, the loopholes in the proposed draft jeopardize public safety.

(1) The draft regulation is beyond the Board's authority because the marijuana ballot initiative specifically prohibits consuming marijuana in public. The Board adopted a regulation defining "in public" that precludes onsite consumption, i.e., in any place where a substantial number of persons would have access. This draft proposal changes that common-sense definition of "in public" in a way that undercuts the will of the voters.

To date the legislature has not acted to alter the Board's definition of "in public." Creating marijuana clubs undercuts that regulatory definition in which the legislature has apparently acquiesced. Changing things now, to allow marijuana clubs, is a significant legal and public policy action by the Board that should be considered and debated in the legislature. Only the legislature—not an administrative agency—has the authority to amend the law created by ballot initiative that prohibits marijuana consumption in public. If marijuana clubs are going to be allowed, it should not be as a result of administrative action taken at a time when the Board knows that the legislature is totally absorbed in fixing the state's budgetary crisis.

(2) The proposed regulation is also beyond the scope of the Board's authority because the ballot initiative legalizing marijuana does not mention a license for onsite consumption and the Board cannot simply create one.

As you know, the marijuana ballot initiative created only four types of marijuana-related licenses. Those four licenses allow businesses to apply to the Board to (a) grow, (b) manufacture and transport, (c) test and (d) sell marijuana. There is nothing in the ballot initiative that mentions or even intimates that the Board can create a fifth type of business license for a place where marijuana can be consumed in public. Indeed, the initiative's specific prohibition of public consumption was no doubt interpreted by many voters as a

prohibition of onsite consumption.

Retail marijuana stores are in many ways similar to liquor stores. Alaska law does not allow liquor stores to provide onsite consumption of alcoholic beverages, and there is no sound reason to allow retail marijuana stores to do so for marijuana products. It is of course true that bars and restaurants provide onsite consumption for alcoholic beverages, but those establishments are not liquor stores and are separately regulated, with separate licenses created by statute.

Calling the onsite consumption provision an “endorsement” does not get around the fact that, for all legal and practical purposes, this is a license to engage in business activity which is prohibited by the public consumption provision in the ballot initiative, and which was not in the mind of voters.

(3) Loopholes.

(a) The proposed regulation allowing onsite consumption limits single sales to small amounts of marijuana. Such a limitation is meaningless because there is no limit on the *number* of sales to individuals. Consumers will be able to buy and consume onsite as much marijuana as they want. There might as well be no limitation at all. This jeopardizes public safety, with no countervailing public purpose.

(b) The proposed regulation requiring retail stores to “monitor patrons for overconsumption” is vague and unenforceable. The regulation does not define what “overconsumption” means, and does not even set out any criteria. If such criteria exist as a medical, pharmacological or psychiatric matter, they should be a part of regulation. If such criteria do not exist, then the regulation is meaningless. Ironically, retail outlets are not required to monitor for overconsumption if the person will consume the purchase off site. If such monitoring is a good idea for purchases to be consumed onsite, then it should be required for sales for offsite consumption. If the Board believes it is being responsible by requiring retail sellers to “monitor for overconsumption,” then it is simply being naive.

(c) The same criticism applies to the proposed regulation prohibiting marijuana being consumed onsite by someone “intoxicated or drunken.” Those terms are not defined. Again, it is okay under the regulations to sell marijuana to an intoxicated or drunken person for consumption off premises—which I have objected to in previous letters. Again, public safety is at risk, and no important public policy is being advanced.

(d) If retail stores are required to monitor patrons for “overconsumption” of marijuana and for “intoxication” by alcohol, then inevitably they will be sued when they fail to do so adequately. But there is no requirement for liability insurance (a matter I have commented on in the past), and there again the requirement for monitoring becomes

meaningless because there will be no effective way of holding businesses accountable. They can simply go out of business, and leave injured persons uncompensated.

(e) I have also submitted past written comments objecting to the failure of the marijuana regulations to prohibit sales to persons obviously mentally ill, but my comments have been ignored. Under this proposed regulation, it is okay to allow consumption onsite by persons obviously mentally ill. Indeed, sellers are probably required by the Board's regulations to allow obviously mentally ill persons to consume. (See my previous letters.)

Conclusion. These proposed regulations for onsite consumption are ill-conceived, illegal, and jeopardize public safety. And this raises important public policy questions about whether marijuana is to be consumed outside the privacy of a person's dwelling or other private place, which has been the practice in Alaska for decades. These questions should be considered by the legislature, rather than being resolved solely by administrative action. This is just one more example of the Board being dictated by the profit motives of the marijuana industry in a time of legislative inaction.

Sincerely,



Dean J. Guaneli

From: [Robin Roberts](#)
To: [Calder, John P. \(CED\)](#)
Subject: Comments on Onsite Consumption Draft Regulations
Date: Wednesday, May 25, 2016 6:57:30 AM
Importance: High

Mr. Calder -

I have comments regarding two items in the proposed Onsite Marijuana Consumption draft regulations.

In section (e) subpart (2), the draft requires a ventilation system to direct air from the onsite consumption area to outside the building through a filtration system "adequate" to "reduce" odor.

I feel that this is a very poor specification, subject to broad interpretation. What I can envision is that people will loiter near the consumption area vent output and attempt to get a "contact high". What's needed is a filtration system to REMOVE or neutralize the intoxicant before it is released into the outside air. Odor needs to be ELIMINATED before it is exhausted to the outside air. It is not fair to subject innocent citizens, including our children, to the offensive aroma of marijuana while they walk down the street.

In section (f) subpart (1), the proposed regulations state that employees working in the onsite consumption area must not consume marijuana, but in a smoke-filled room how can an employee avoid exposure to the airborne intoxicant (a contact high)? Is there a time limit for each employee that would mitigate the effects? Is there some scientific evidence to base a maximum exposure time to intoxicating smoke in an enclosed space in terms of each single exposure and a cumulative exposure throughout the working day?

Thank you for your time and consideration.

Robin Roberts
PO Box 1836
Petersburg, AK 99833
410-200-1729

From: [Joe Byrnes](#)
To: [Calder, John P. \(CED\)](#)
Subject: Comments on the onsite consumption endorsement
Date: Tuesday, May 24, 2016 3:19:31 PM
Importance: High

John Calder
Alcohol and Marijuana Control Office
550 W. 7th Avenue, Suite 1600
Anchorage AK 99501
John.calder@alaska.gov

RE: Comments on the onsite consumption endorsement

Thank you for the opportunity to provide comments to the proposed onsite consumption endorsement for retail marijuana stores. While there are some elements in the overall proposal that would lessen the public impact of onsite consumption, there are many features that are problematic.

I'll preface my comments with my concern that this proposal is inconsistent with the language in statute and the initiative. According to the Public Notice, the statutory authority for these regulations are found in AS 17.38.090. I can find nothing in that language that would authorize consumption on the premises of a retail marijuana establishment.

AS 17.38.020(4) states that while consumption of marijuana is allowable for personal use, "nothing in this chapter shall permit the consumption of marijuana in public." AS 17.38.040 bans public consumption and imposes a \$100 fine for doing so. AS 11.81.900(53) defines "public place" as a "place to which the public or a substantial group of persons has access and includes highways, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, and hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence." While "public" is not defined in Title 17, a consistent approach to the term in statute would indicate that consumption in a location, other than a residence, is unlawful.

Furthermore, in AS 17.38.070(a), the statutes defining the lawful operations of a retail marijuana establishment, there is no mention of the sale of marijuana to consumers for onsite consumption. In Title 4, if an alcohol establishment is allowed to sell alcohol for onsite consumption of product, that is specifically mentioned in the authorizing licensing statute. The language in Title 17 is non-specific and the creation of regulations that allow onsite consumption bypasses legislative process. Nothing in HB 123, the statutes creating the Marijuana Control Board, gave them the MCB authority to reinterpret statute in this manner. Regardless of what proponents of onsite consumption say, this seems to me to be a gross misrepresentation of what advocates of the initiative stated and goes beyond what is expressly allowed in law. If it is the desire of the marijuana industry to have onsite consumption, then it needs to go through the legislative process.

I think it is also worth noting that Alaska would be the only state to allow onsite consumption. While the initiative itself brought the state into relatively new waters, this is very untested. In the Netherlands, where onsite marijuana consumption is tacitly allowed in "coffee shops," there are new efforts by the Dutch government to curtail that activity due to the public nuisance caused by patrons (Mike Corder, "As US states allow pot sales, Dutch reverse

course," Denver Post, March 7, 2014 http://www.denverpost.com/marijuana/ci_25294755/us-states-allow-pot-sales-dutch-reverse-course)

While the public nuisance and other societal effects are notable, public safety is of the greatest importance and must be kept in perspective with any actions taken by the board. The [Washington State Marijuana Impact Report](#) recently found that there has been a 122 percent increase in incidents involving marijuana impaired drivers in Washington between 2010 and 2014. [AAA made similar observations](#) as well, finding that of all of the THC-positive drivers involved in fatal crashes about a third had neither alcohol or other drugs in their systems.

Specific Comments

That said, in contemplating a regulatory framework where onsite consumption is allowed, there are several features of the draft that are positive steps that balance public interests with those of marijuana consumers and retailers. Among these: mandating adequate security, ventilation, isolation of the consumption area, limitations on purchase, and prohibiting sale to intoxicated persons. However, I do outline some specific concerns below.

Limitations on sale amounts

While I agree with the intention of limitations on sale quantities (reduction of the quantity of the intoxicant a consumer can possess to avoid over intoxication), I'm unsure the regulations as written fully achieve that. With the limitations on sale amounts, it is concerning that there is no accompanying regulation on THC content/potency. Even a small quantity of marijuana can be very potent. Quantity limitations will only cause the market to create increasingly potent products to circumvent the limitation. A large quantity of sale isn't a public safety concern directly. What is a concern is the amount of consumption. If I buy a marijuana edible and don't consume all of it and give the rest to my friend, I've effectively circumvented the intended effect of the sale limitation. I don't know if it's even possible to regulate consumption to that level, but lowered caps on THC potency for onsite consumption products may address it.

Transportation of patrons to and from the premises

There is nothing mentioning how consumers will leave the establishment either. Depending on the product, THC content, and the user, the effects of marijuana differ from person to person and even with the sale limitations, a person could consume enough marijuana to make him or her unsafe to drive for a significant period of time. This problem is exacerbated by marijuana edibles which have a latent effect. While it's the legal responsibility of the user to make good judgement on operating a motor vehicle, the sort of behavior being enabled in the draft regulations are a serious public safety risk to fellow motorists that should be addressed in some practical manner.

Ventilation requirements are good

Section (e)(2) "maintain a ventilation system that directs air from the onsite consumption area to the outside of the building through a filtration system adequate to reduce odor;" is a welcomed element in the draft regulations. The odor is a nuisance which is one positive of the consumption of edibles and vaporized product. However, as somebody who has rented apartment spaces adjacent to marijuana smokers, I know air flows are difficult to predict and even with ventilation, the odor can unintentionally waft into adjacent rooms. There doesn't seem to be any recourse for neighboring property owners in the regulations if that happens. If I owned a property adjacent to one of these establishments (like in a strip mall) it would be

very disconcerting to me if marijuana odor was in the area.

Other Safeguards are good

Section (f) also offers several good safeguards regarding the sale of marijuana to intoxicated individuals and if these regulations do pass, they should all remain. Of note, the provisions preventing dual use of marijuana and alcohol ("crossfading") are promising as it is a serious public safety concern for both the user and other motorists. Avoiding situations where an alcohol intoxicated individual is allowed to consume marijuana is prudent. I also agree with section (g), preventing a person from removing marijuana purchased for onsite consumption from the licensed premises.

Firearms on premises

One thing I noticed which was not in the regulations was the possession of firearms. I'm unsure if this appears in another area of the regulations. Beyond the federal issues of possessing a firearm as a user of a federally controlled substance, under state statute it is a misconduct involving a weapon in the fifth degree (AS 11.61.220(2)) to knowingly possess a loaded firearm on the person in any place where intoxicating *liquor* is sold for consumption on the premises (emphasis added). The intention of this statute is clear: persons who are not mentally cognizant should not handle a firearm. Marijuana legalization (and onsite marijuana consumption) undoubtedly was not contemplated when the statute was created. A ban on weapons in onsite consumption locations should be considered by the board.

Joe Byrnes
696 Slater Dr.
Fairbanks, AK 99701

From: [Paul Davis](#)
To: [Calder, John P. \(CED\)](#)
Subject: 3 AAC 306.365
Date: Wednesday, May 18, 2016 1:22:22 PM
Importance: High

I am herewith offering comments to the proposed regulations:

There are numerous references, including (2)(b)(3) at the beginning, to a requirement for the on-site consumption area to be isolated from the regular sales area of the store. At the risk of displaying my lack of imagination, I confess that I cannot foresee why this is an issue worthy of regulation. What breach of public peace or security will occur if people are allowed to move freely between the retail area and the consumption area?

Is it that people might sit down and consume what they bought at the retail counter instead of ordering it from an attendant in the consumption area? So what? Does this tie into the 1-gram sales limit in the consumption area? “Someone could buy an ounce at the store counter and then sit down and smoke as much as s/he wanted!” Is that it? If so, again, so what? The thing is (and this is also a comment for ... (e)(4)), the implicit concern about over-consumption is a misunderstanding of the difference between alcohol and cannabis. The dangers of alcohol over-consumption are well known and well documented, ranging from inappropriate and often dangerously aggressive behavior to death, whereas I am not aware of any documented evidence in the history of mankind of anyone consuming enough cannabis alone to cause anything more dangerous than a nap. I’m sure there are documented instances of people acting erratically or dangerously after having consumed cannabis together with something else, but this suggests that the regulatory concern should be directed (as you are already proposing) to monitoring patrons for evidence of being drunk or drugged before entering the consumption area. Rather than worrying about the quantity of cannabis consumed, in other words.

Another proposed regulation I don’t understand is the requirement to dispose of unconsumed product. According to (g) the customer will not be permitted to carry the unused product away from the premises: why? If it’s okay to carry it away after buying it at the counter, what is the problem with carrying unconsumed product away from the consumption area? Wouldn’t doing away with (g) mostly eliminate the need for the regulations regarding disposal?

Let’s imagine that you got rid of (g) but a patron was so profoundly stupid or inattentive as to get up and leave unconsumed product on the table. Will it be okay

for the attendant to offer it to the other patrons? “Hey, this guy left a doobie behind. Anybody want it?” Lacking any guidance, the regulations could be construed to deny this option, requiring only that the product be “destroyed” for no apparent benefit to anyone. Let’s take the scenario one step further and imagine that no other patrons are there. What’s the problem with just leaving the unconsumed product sitting there? A free smoke (or goody) for the next person coming in? It’s inconceivable to me that this will be a problem requiring regulatory guidance. But let’s admit that strange things do happen, so maybe the easiest way to deal with the far-fetched possibility of unconsumed product sitting there with no one wanting to consume it would be to insert language to the effect that no product may leave the consumption premises except when carried by a patron. That will close the loophole of the attendant just tossing it in the trash, and then having kids retrieving it by dumpster diving in the alley.

(b)(2)(5): What public good is served by this? It looks to me like the same issue movie theaters face when people sneak bags of M&Ms into the show instead of buying them at the concession stand. Isn’t that an issue best left for the retail establishment to deal with? Why burden them with the threat of regulatory non-compliance for failing to do what they already have a big economic incentive for? Or, to put it another way: if the store doesn’t care, why should the public?

(e)(2): This is going to cause issues you’ll have to spend time with later. “...through a filtration system adequate to reduce odor.” Reduce by how much? I can see hours of hearings and staff time devoted to somebody testifying that they could smell something. Did the shop comply? They say their system can demonstrate that it DOES reduce odor. Why not nail it down right now? There must be some metrics you can apply. What causes the odor in the first place? Is it particulate matter, in which case you can define an allowable ppm? Surely there is some science available somewhere that you can tap into for establishing a quantifiable amount of “odor.” Maybe search on scholar.google.com for starters.

(e)(3): This is confusing at best. One way of reading it would require that all patrons be YOUNGER than 21 years of age! You could clear it up by changing the wording to “... persons at least 21 years of age.”

(e)(4): Unnecessary. See my comment above about how this appears to be a throwback to the regulation of alcohol, which issues don’t apply to cannabis.

(f)(4) and (f)(5): See my comment about (b)(2)(5).

(f)(7): Same question as (b)(2)(5) above: Why does the public need to care about this? And anyway, assuming some public purpose is served that I have failed to imagine, what is a calendar week? Is it the previous seven days? Or does it begin on Sunday and end on Saturday? Or does it begin on Monday and end on Sunday?

I have the same issue with (f)(8, 9). I can't understand why the public needs to worry about the marketing details of a store.

(i): "...arbitrary, capricious, and unreasonable" seems to place a heavy burden on the board. Couldn't the word "or" be used here? What if a locality proposes something clearly unreasonable, but was it also arbitrary? These are all such slippery words, I wonder if this will have any meaning at all in practice.

Thank you for the opportunity to provide comment to your proposed regulations.

Paul H. Davis

1231 W Northern Lights Blvd #440

Anchorage AK 99503

907-312-6588

--

Paul

From: [jerry thomas](#)
To: [Calder, John P. \(CED\)](#)
Subject: Cannabis Cafés
Date: Monday, May 16, 2016 6:14:30 AM

Please write laws to allow them they are needed in Alaska
Thank You for your time on this matter
MWM 55yrs old
Alaskan

Sent from Jerry's iPhone.

From: [Hayden Kaden](#)
To: [Calder, John P. \(CED\)](#)
Subject: Proposed "Onsite consumption" regulations
Date: Saturday, May 14, 2016 10:50:33 AM
Importance: High

Having reviewed the proposed "onsite consumption" regulations (3 AAC 306.365) as a former Legislative Counsel, I find them to be well written, concise and encompassing a great idea.

Sincerely,

Hayden Kaden
haydenkaden@gmail.com

From: [Sanford Bowles](#)
To: [Calder, John P. \(CED\)](#)
Subject: Re: Onsite consumption comment from Green Pearl
Date: Friday, May 13, 2016 5:28:27 PM
Importance: High

On Fri, May 13, 2016 at 12:27 PM, Sanford Bowles <sanfordbowles@gmail.com> wrote:

John

As a consumer, I just purchased an ounce of flower from the Green Pearl retail store. I can't consume this particular item there so I need to stash this and re-enter the store and purchase a specific gram and consume that knowing that I either consume all of it or I forfeit any left over.

Forget it. I don't jump through hoops like that. not now not ever.

As a licensed retailer of marijuana, I would never ask my customer to do something like that.

As a retailer I would not agree to those terms. I would not be interested in that license.

Too much regulation

The Green Pearl is already tired of the delays. we're ready to withdraw our application.
Too much regulation.

Thank you John

We know you're doing a great job

Sanford Bowles
The Green Pearl (someday)

From: [Sanford Bowles](#)
To: [Calder, John P. \(CED\)](#)
Subject: Onsite consumption comment from Green Pearl
Date: Friday, May 13, 2016 12:27:23 PM
Importance: High

John

As a consumer, I just purchased an ounce of flower from the Green Pearl retail store. I can't consume this particular item there so I need to stash this and re-enter the store and purchase a specific gram and consume that knowing that I either consume all of it or I forfeit any left over.

Forget it. I don't jump through hoops like that. not now not ever.

As a licensed retailer of marijuana, I would never ask my customer to do something like that. As a retailer I would not agree to those terms. I would not be interested in that license.

Too much regulation

The Green Pearl is already tired of the delays. we're ready to withdraw our application.
Too much regulation.

Thank you John
We know you're doing a great job

Sanford Bowles
The Green Pearl (someday)



**Breathe Free
Anchorage**

Chair John Calder, Marijuana Control Board
550 W 7th Ave, Suite 1600
Anchorage, AK 99501

Dear Mr. Calder:

On behalf of the Breathe Free Anchorage Coalition, we respectfully submit comments on proposed regulation 3 AAC 306.365 for onsite consumption of marijuana at licensed retail stores. The proposed regulations put Alaskans' health and safety at risk. We oppose the public consumption of smoked, dabbed, vaped or aerosolized marijuana because of the significant health harms to users and non-users.

We know that secondhand marijuana smoke is harmful to those exposed. The smoke contains many of the same cancer-causing substances and toxic chemicals as secondhand tobacco smoke. Some of the known carcinogens or toxins present in marijuana smoke include: acetaldehyde, ammonia, arsenic, benzene, cadmium, chromium, formaldehyde, hydrogen cyanide, isoprene, lead, mercury, nickel, and quinolone. Considerable levels of mercury, cadmium, nickel, lead, and chromium are found in marijuana smoke, as well as 20 times the amount of ammonia and 3-5 times more hydrogen cyanide in marijuana smoke than is in tobacco smoke.

There is no ventilation system that will protect nonsmokers, customers, and workers from these harmful chemicals. ASHRAE (The American Society for Heating, Refrigerating and Air Conditioning Engineering) develops standards for building ventilation. They state that the only acceptable standard is a completely smokefree indoor environment. Eliminating secondhand tobacco and marijuana smoke in an indoor facility is the only way to fully protect Alaskans.

In Anchorage, we have been able to clear the smoke from our workplaces for almost a decade. Enabling people to smoke marijuana indoors is a step backwards from the protection of Anchorage workers and public from the harmful effects of secondhand smoke. Anchorage businesses, residents, and workers alike love and value smokefree indoor workplaces and public places. In fact, when there was a ballot initiative shortly after the comprehensive smokefree Anchorage ordinance was passed in 2006, over 70% of voters affirmed the new law.

Everyone deserves the right to breathe clean air. We created a policy years ago in Anchorage to protect our families, friends, workers, and customers. We need to continue to protect them when it comes to marijuana smoke. The Breathe Free Anchorage Coalition recommends that public consumption of smoked, dabbed, vaped or aerosolized marijuana not be allowed where workers are present.

Thank you for your consideration in supporting worker health and prohibiting the consumption of smoked, dabbed, vaped or aerosolized marijuana in workplaces.

Sincerely,

Amanda Lenhard, Breathe Free Anchorage Coalition Chair

RECEIVED
JUN 21 2016

BY: _____

Since marijuana is illegal under federal law, there have been a limited number of studies examining health risks associated with marijuana use and exposure in the United States. However, peer-reviewed and published studies do indicate that exposure to secondhand marijuana smoke may have health and safety risks for the public, especially due to its similar composition to secondhand tobacco smoke.

We've known for years how dangerous tobacco smoke is to users and non-users alike. Secondhand marijuana smoke contains many of the same cancer-causing substances and toxic chemicals as secondhand tobacco smoke. In 2009, the California Office of Environmental Health Hazard Assessment added marijuana smoke to its Proposition 65 list of carcinogens and reproductive toxins.

Everyone has the right to breathe clean air. Smokefree policies are designed to protect the public and all workers from exposure to the health hazards caused by secondhand tobacco smoke. The same should be true for marijuana smoke.

I oppose the consumption of marijuana in public places.

Sincerely,
Alison Kulas
Anchorage resident

From: [Franklin, Cynthia A \(CED\)](#)
To: [Calder, John P \(CED\)](#)
Subject: FW: Marijuana Regulations Comments
Date: Tuesday, June 21, 2016 12:12:49 PM
Importance: High

Cynthia Franklin, Director
Alcohol & Marijuana Control Office
907-269-0351

From: Alison Kulas [mailto:kulasali@gmail.com]
Sent: Tuesday, June 21, 2016 11:48 AM
To: Franklin, Cynthia A (CED)
Subject: Marijuana Regulations Comments

Dear Ms. Franklin:

As an Anchorage resident I am writing to submit my comments opposed to the proposed regulations of the public consumption of marijuana.

The people voted for an initiative that did not allow public consumption. To change now is against the intent of the initiative, which is against state law in the first two years. The Marijuana Control Board **MUST** uphold the intent of the voters for the first two years of the law. **The ballot measure was clear, the public consumption of marijuana remains illegal** and attached a \$100 fine. The first regulation adopted by the Board to define public supports this prohibition.

In addition, to change the intent of the initiative also harms public health. Specifically:

- The use of “ventilation” throughout 3 AAC 306.365. Ventilation may reduce odors but will not protect workers’ health from the marijuana smoke.
 - Ventilation will not prevent marijuana smoke or aerosol from drifting from the consumption area to other areas of the retail store. A building must be completely smokefree to eliminate the health effects caused by smoke or aerosol.
 - Secondhand marijuana smoke contains many of the same cancer-causing substances and toxic chemicals as secondhand tobacco smoke.
 - Secondhand marijuana smoke can exacerbate health problems, especially for people with respiratory conditions like asthma, bronchitis, or COPD as well as heart disease and stroke.
- With many years of scientific evidence on the health hazards of tobacco smoke the science is becoming clear that marijuana smoke elicits similar concerns for workers’ safety and public health.

The business leader in developing engineering standards for ventilation systems stands firm-ventilation will not prevent secondhand tobacco or marijuana smoke from harming others. American Society for Heating, Refrigerating and Air Conditioning Engineering (ASHRAE) now concludes the only acceptable industry standard is completely free from secondhand tobacco smoke, secondhand marijuana smoke, and emissions from electronic smoking devices. Ventilation will not completely remove the carcinogens and particulates from the air.

Since marijuana is illegal under federal law, there have been a limited number of studies examining health risks associated with marijuana use and exposure in the United States. However, peer-reviewed and published studies do indicate that exposure to secondhand marijuana smoke may have health and safety risks for the public, especially due to its similar composition to secondhand tobacco smoke.

We've known for years how dangerous tobacco smoke is to users and non-users alike. Secondhand marijuana smoke contains many of the same cancer-causing substances and toxic chemicals as secondhand tobacco smoke. In 2009, the California Office of Environmental Health Hazard Assessment added marijuana smoke to its Proposition 65 list of carcinogens and reproductive toxins.

Everyone has the right to breathe clean air. Smokefree policies are designed to protect the public and all workers from exposure to the health hazards caused by secondhand tobacco smoke. The same should be true for marijuana smoke.

I oppose the consumption of marijuana in public places.

Sincerely,
Alison Kulas
Anchorage resident

From: [Franklin, Cynthia A \(CED\)](#)
To: [Calder, John P \(CED\)](#)
Subject: FW: RE Onsite Consumption of Marijuana
Date: Tuesday, June 21, 2016 10:28:29 AM
Attachments: [BFMS Against 2nd hand Marijuana.pdf](#)
Importance: High

Cynthia Franklin, Director
Alcohol & Marijuana Control Office
907-269-0351

From: Noel Crowley-Bell [mailto:NoelB@akafs.org]
Sent: Tuesday, June 21, 2016 10:16 AM
To: Franklin, Cynthia A (CED)
Cc: ashley Peltier (ashley.peltier@lung.org)
Subject: RE Onsite Consumption of Marijuana

Dear Ms. Franklin,

Attached please find our comments compiled and submitted by the Breathe Free Mat-Su Coalition.

Thank you for your time in reviewing our position,

Noel Crowley-Bell
Chair Breathe Free Mat-Su

Noel Crowley-Bell
Alaska Family Services
Tobacco Program Coordinator
1825 S. Chugach Street
Palmer, Alaska 99645
907.746.6131
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Breathe Free
Mat-Su

Healthier Mat-Su communities through clean air and tobacco-free environments.

June 16, 2016

Cynthia Franklin, Director
Alcoholic Beverage Control Board
550 W 7th Ave, Suite 1600
Anchorage, AK 99501

Dear Ms. Franklin:

On behalf of the Breathe Free Mat-Su Coalition, in line with our vision and mission statements; to promote a healthier Mat-Su community through clean air and empowering community members to advocate for clean air, we respectfully submit our written opposition on proposed regulation 3 AAC 306.365. This regulation would allow for onsite consumption of marijuana at licensed retail stores. We are adding our voice to others within the Alaska clean air communities opposing the public consumption of smoked, dabbed, vaped or aerosolized marijuana **because of the significant health harm to users and non-users.**

It is known that secondhand marijuana smoke poses the following hazards:

- Secondhand smoke from combusted marijuana contains fine particulate matter that can be breathed deeply into the lungs, which can cause lung irritation; asthma attacks, and makes respiratory infections more likely. Exposure to fine particulate matter can exacerbate health problems especially for people with respiratory conditions like asthma, bronchitis, or COPD.
- Significant amounts of mercury, cadmium, nickel, lead, and chromium are found in marijuana smoke, as well as 20 times the amount of ammonia and 3-5 times more hydrogen cyanide in marijuana smoke than is in tobacco smoke.
- Secondhand marijuana exposure impairs blood vessel function. Thirty minutes of exposure to secondhand marijuana smoke at levels comparable to those found in restaurants that allow cigarette smoking led to substantial impairment of blood vessel function. Marijuana smoke exposure had a greater and longer-lasting effect on blood vessel function than exposure to secondhand tobacco smoke.
- Secondhand marijuana smoke and secondhand tobacco smoke likely has similar harmful health effects because of their similar chemical composition, including atherosclerosis (partially blocked arteries), heart attack, and stroke.
- The American Society for Heating, Refrigeration, and Air Conditioning Engineering (ASHRAE) is the organization that develops engineering standards for building ventilation systems. ASHRAE now bases its ventilation standard for acceptable indoor air quality on an environment that is completely free from secondhand tobacco smoke, secondhand marijuana smoke, and emissions from electronic smoking devices.

We support the rights of workers and non-smoking patrons to breathe clean air. Smoke-free policies are designed to protect the public and all workers from exposure to the health hazards caused by secondhand tobacco smoke. The same needs to be true for marijuana smoke. **Secondhand smoke is secondhand smoke whether from tobacco or marijuana. Based on the available science, we recommend the Board not allow smoked, dabbed, vaporized or aerosolized marijuana consumption where workers are present.**

Thank you for your consideration in supporting worker health and prohibiting the consumption of smoked, dabbed, vaped or aerosolized marijuana in workplaces.

Sincerely,



Noel Crowley-Bell
Chair, Breathe Free Mat-Su Coalition



Ashley Peltier
Co-Chair, Breathe Free Mat-Su Coalition



Breathe Free Anchorage

Chair John Calder, Marijuana Control Board
550 W 7th Ave, Suite 1600
Anchorage, AK 99501

Dear Mr. Calder:

On behalf of the Breathe Free Anchorage Coalition, we respectfully submit comments on proposed regulation 3 AAC 306.365 for onsite consumption of marijuana at licensed retail stores. The proposed regulations put Alaskans' health and safety at risk. We oppose the public consumption of smoked, dabbed, vaped or aerosolized marijuana because of the significant health harms to users and non-users.

We know that secondhand marijuana smoke is harmful to those exposed. The smoke contains many of the same cancer-causing substances and toxic chemicals as secondhand tobacco smoke. Some of the known carcinogens or toxins present in marijuana smoke include: acetaldehyde, ammonia, arsenic, benzene, cadmium, chromium, formaldehyde, hydrogen cyanide, isoprene, lead, mercury, nickel, and quinolone. Considerable levels of mercury, cadmium, nickel, lead, and chromium are found in marijuana smoke, as well as 20 times the amount of ammonia and 3-5 times more hydrogen cyanide in marijuana smoke than is in tobacco smoke.

There is no ventilation system that will protect nonsmokers, customers, and workers from these harmful chemicals. ASHRAE (The American Society for Heating, Refrigerating and Air Conditioning Engineering) develops standards for building ventilation. They state that the only acceptable standard is a completely smokefree indoor environment. Eliminating secondhand tobacco and marijuana smoke in an indoor facility is the only way to fully protect Alaskans.

In Anchorage, we have been able to clear the smoke from our workplaces for almost a decade. Enabling people to smoke marijuana indoors is a step backwards from the protection of Anchorage workers and public from the harmful effects of secondhand smoke. Anchorage businesses, residents, and workers alike love and value smokefree indoor workplaces and public places. In fact, when there was a ballot initiative shortly after the comprehensive smokefree Anchorage ordinance was passed in 2006, over 70% of voters affirmed the new law.

Everyone deserves the right to breathe clean air. We created a policy years ago in Anchorage to protect our families, friends, workers, and customers. We need to continue to protect them when it comes to marijuana smoke. The Breathe Free Anchorage Coalition recommends that public consumption of smoked, dabbed, vaped or aerosolized marijuana not be allowed where workers are present.

Thank you for your consideration in supporting worker health and prohibiting the consumption of smoked, dabbed, vaped or aerosolized marijuana in workplaces.

Sincerely,

Amanda Lenhard, Breathe Free Anchorage Coalition Chair

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BY: _____