

LAI-ON-THE-TABLE

Submitted by: ASSEMBLY CHAIR CONSTANT
Prepared by: Municipal Clerk’s Office and
Assembly Counsel’s Office
For reading: October 24, 2023

ANCHORAGE, ALASKA
AO No. 2023-_____

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
2 **CHAPTER 10.80 OF THE ANCHORAGE MUNICIPAL CODE FOR RETAIL**
3 **MARIJUANA STORES TO ALLOW ACCEPTANCE OF INTERNET AND**
4 **TELEPHONE ORDERS FOR SALES TO BE PICKED UP AT THE LICENSED**
5 **PREMISES ONLY WITH IDENTIFICATION CHECK, TO REQUIRE VIDEO**
6 **SURVEILLANCE OF A DRIVE-THROUGH OR WALK-UP EXTERIOR WINDOW,**
7 **AND TO REMOVE THE PROHIBITION ON FREE SAMPLES, CONSISTENT WITH**
8 **UPDATED STATE OF ALASKA REGULATIONS.**
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11 **WHEREAS**, effective August 13, 2023, the State of Alaska, Marijuana Control Board
12 marijuana regulations 3 AAC 306.310 were amended by repealing (a)(5) and 3 AAC
13 306.995 which prohibited internet sales; and

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15 **WHEREAS**, effective October 8, 2023, the State of Alaska marijuana regulations 3
16 AAC 306.310 were amended by deleting the restriction on holders of marijuana retail
17 store licenses to provide samples; and

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19 **WHEREAS**, Anchorage Municipal Code (AMC) currently prohibits internet sales and
20 providing samples; and

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22 **WHEREAS**, this ordinance updates AMC Ch. 10.80.310 to allow internet sales and
23 samples to be consistent with State regulations; now, therefore,

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25 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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27 **Section 1.** Anchorage Municipal Code Chapter 10.80.310 is hereby amended to
28 read as follows *(the remainder of the chapter is not affected and therefore not set*
29 *out)*:
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31 **Chapter 10.80 - LICENSING AND REGULATION OF MARIJUANA**
32 **ESTABLISHMENTS**

33 *** *** ***

34 **10.80.310 - Acts prohibited at retail marijuana store.**

- 35
36 A. A licensed retail marijuana store may not sell, give, distribute, deliver,
37 or offer to sell, give, distribute, or deliver, marijuana or any marijuana
38 product:
39 1. To a person under the age of 21 years of age;
40 2. To a person that is under the influence of an alcoholic
41 beverage, inhalant, or controlled substance;
42 3. That is not labeled and packaged as required in section

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- 10.80.345, 3 AAC 306.470 and 3 AAC 306.475 or 3 AAC 306.565 and 3 AAC 306.570;
4. In a quantity exceeding the limit set out in section 10.80.355;
 5. For sales accepted o[O]ver the internet or by telephone, accept payment for the transaction from, and provide the purchased marijuana or marijuana product to any person other than the consumer present at the licensed premises who placed the order[; A LICENSED RETAIL MARIJUANA STORE MAY ONLY SELL MARIJUANA OR A MARIJUANA PRODUCT TO A CONSUMER WHO IS PHYSICALLY PRESENT ON THE LICENSED PREMISES; or]
 6. Display marijuana or marijuana products at a walk-up or drive-through exterior window; all orders received through it must be placed by the consumer from a menu; or
 7. After the expiration date shown on the label of the marijuana or marijuana product.

B. A licensed retail marijuana store may not:

- *** *** ***
4. Offer, [OR] deliver, or sell an alcoholic beverage to a consumer[, AS A MARKETING PROMOTION OR] for any [OTHER] reason[,
 - A. FREE MARIJUANA OR MARIJUANA PRODUCT, INCLUDING A SAMPLE; OR
 - B. ALCOHOLIC BEVERAGES, FREE OR FOR COMPENSATION]; or
 5. Allow intoxicated or drunken persons to enter the licensed premises.

[C. EXCEPTIONS.

1. DURING THE TIME IN WHICH THE STATE OF ALASKA ALLOWS FOR INTERNET OR PHONE SALES OR EXTERIOR WINDOW OR CURBSIDE PICKUP OF MARIJUANA OR MARIJUANA PRODUCTS, THE MUNICIPALITY SHALL NOT ENFORCE ANY MUNICIPAL CODE OR REGULATION WHICH PROHIBITS THESE ACTIVITIES.]

(AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2019-66 , § 16, 6-18-19; AO No. 2021-12 , § 2, 2-23-21)

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10.80.350 Identification requirement to prevent sale to person under 21.

- A. A retail marijuana store shall refuse to sell marijuana or a marijuana product or complete a walk-up or drive-through exterior window order of marijuana or marijuana product to a person who does not produce a

1 form of valid photographic identification showing that person is 21 years
2 of age or older.

- 3
4 B. A valid form of photographic identification includes, but is not limited
5 to:
6 1. An unexpired, unaltered passport;
7 2. An unexpired, unaltered driver's license; instruction permit, or
8 identification card of a state or territory of the United States,
9 the District of Columbia, or a province or territory of Canada;
10 3. An identification card issued by a federal or state agency
11 authorized to issue a driver's license or identification card; or
12 4. A tribal identification card, issued by a federally recognized
13 tribe, that meets the following criteria:
14 a. the identification card has a photograph, a signature,
15 and a date of birth, and
16 b. the identification card has security features as identified
17 by AS 28.15.111(a)(4).
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- 19 C. If a sale or the pick-up of an internet or telephone order is at a drive-
20 through exterior window, the retail marijuana store shall require each
21 person in a vehicle at the window to produce identification showing they
22 are each 21 years of age or older, except for the purchaser's own child,
23 grandchild, or ward who is not older than seven years of age.
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25 (AO No. 2016-16(S), § 1, 2-9-16)

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28 **10.80.720 Video surveillance.**

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30 A. A marijuana establishment shall install and maintain a video system
31 that must cover:
32 1. Each restricted access area and each entrance to a restricted
33 access area within the licensed premises;
34 2. Each entrance to the exterior of the licensed premises; [AND]
35 3. Each point-of-sale (POS) area; and
36 4. Sales and all interactions at a walk-up or drive-through exterior
37 window, including of the licensee or employee verifying
38 identification and completing the transaction.
39
40 B. At a marijuana establishment, a required video camera must be placed
41 in a way that produces a clear view adequate to identify any individual
42 inside the licensed premises, or within 20 feet of each entrance to the
43 licensed premises. Both the interior and the exterior of each entrance
44 and walk-up or drive-through service window to the facility must be
45 recorded by a video camera.

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(AO No. 2016-16(S), § 1, 2-9-16)

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Section 2. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2023.

Chair of the Assembly

ATTEST:

Municipal Clerk