

Submitted by: Assembly Member ...
Prepared by: Municipal Clerk's Office and
Assembly Counsel
For reading:

ANCHORAGE, ALASKA
AO No. 2019-_____

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
2 **ANCHORAGE MUNICIPAL CODE CHAPTER 10.80 MAKING TECHNICAL**
3 **CORRECTIONS AND UPDATING THE MARIJUANA LICENSING**
4 **REGULATIONS TO INCLUDE RECENT STATE REGULATION CHANGES**
5 **ALLOWING ONSITE CONSUMPTION OF MARIJUANA PRODUCTS AT**
6 **LICENSED RETAIL STORES WHICH ARE GRANTED THE MUNICIPAL ONSITE**
7 **CONSUMPTION ENDORSEMENT.**

8
9
10 **THE ANCHORAGE ASSEMBLY ORDAINS:**

11
12 **Section 1.** Anchorage Municipal Code section 10.80.010 is hereby amended to
13 read as follows (*the remainder of the section is not affected and therefore not set*
14 *out*):

15
16 **10.80.010 License restrictions.**

17
18 *** **

19 F. A licensed marijuana retail establishment may not allow onsite consumption
20 unless the municipal onsite consumption endorsement has been applied for
21 and granted.

22
23 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 1, 4-25-17; AO No. 2017-
24 95(S) , § 1, 5-1-17)

25
26 **Section 2.** Anchorage Municipal Code section 10.80.011 is hereby amended to
27 read as follows (*the remainder of the section is not affected and therefore not set*
28 *out*):

29
30 **10.80.011 License restrictions-~~Sup[er]plemental standards.~~**

31
32
33 **Section 3.** Anchorage Municipal Code section 10.80.020 is hereby amended to
34 read as follows (*the remainder of the section is not affected and therefore not set*
35 *out*):

36
37 **10.80.020 Application for new, renewal or transfer license-State**
38 **application forms incorporated.**

39
40 An applicant for a new, renewal or transfer municipal marijuana establishment
41 license must have submitted to the State Alcohol and Marijuana Control
42 Office[STATE MARIJUANA CONTROL BOARD] a[N] state marijuana establishment
43 license application in accordance with 3 AAC 306.020 and that application must be

Commented [JW1]: Can we delete the word 'Supplemental?' It doesn't seem to add much and appears to just mean the MOA requirements are supplemental to the AMCO requirements.

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Commented [JW2]: Can we delete the words in red to remove the need to make changes when SOA rebrands? It reads as implicit in 3 AAC 306.020 that the application is submitted to AMCO.

Commented [CS3R2]: No.

1 deemed completed by the director of Alcohol & Marijuana Control Office
2 director[BOARD FOR A STATE MARIJUANA ESTABLISHMENT LICENSE, AND
3 MUST FILE WITH THE MUNICIPAL CLERK A COPY OF ALL MATERIALS THE
4 APLICANT SUBMITTED TO THE MARIJUANA CONTROL BOARD IN
5 ACCORDANCE WITH 3 AAC 306.020].
6

7 (AO No. 2016-16(S), § 1, 2-9-16)
8

9 **Section 4.** Anchorage Municipal Code section 10.80.021 is hereby amended to
10 read as follows (*the remainder of the section is not affected and therefore not set*
11 *out*):
12

13 **10.80.021 Application for new license-Supplemental municipal**
14 **marijuana establishment license application.**
15

16 In addition to confirmation from the state of a deemed completed application
17 as[THE MATERIALS] required by section 10.80.020, an applicant for a new
18 municipal marijuana establishment license and/or onsite consumption endorsement
19 must submit to the Director of the Planning Department[MUNICIPAL CLERK] a
20 municipal marijuana establishment license, any application and/or for an onsite
21 consumption endorsement application and special land use permit application, and
22 a special land use permit application, which shall be submitted on a form prescribed
23 by the municipal clerk, and which shall provide the municipality with all information
24 necessary to ensure that the applicant complies with supplemental standards
25 contained in this chapter. Such information shall include, without limitation:
26

27 (AO No. 2016-16(S), § 1, 2-9-16)
28

29 **Section 5.** Anchorage Municipal Code section 10.80.026 is hereby amended to
30 read as follows (*the remainder of the section is not affected and therefore not set*
31 *out*):
32

33 **10.80.026 Municipal application procedure for new license or**
34 **endorsement.**
35

- 36 A. An applicant must initiate a new marijuana establishment license application
37 only after submitting to the state Alcohol and Marijuana Control
38 Office[MARIJUANA CONTROL BOARD] a complete application for a related
39 state marijuana establishment license.
40
- 41 B. [RESERVED]An applicant for a new municipal marijuana retail store license or
42 the holder of a valid municipal marijuana retail store license may apply for a
43 municipal endorsement for onsite consumption.
44
- 45 C. The applicant must pay to the Municipality the application and licensing fees set
46 out in section 10.80.100.
47
- 48 D. New application: When [THE MUNICIPAL CLERK RECEIVES]an application
49 for a new marijuana establishment license and special land use permit is
50 received, the Director of the Planning Department[MUNICIPAL CLERK] shall

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Commented [JW4]: Since everything goes to the Planning Department first, should they own this form?

1 determine if the application is complete. If the director determines the
2 application is complete, the municipality director shall as soon as is practicable
3 give written notice to:

- 4
- 5 1. The applicant; and
- 6
- 7 2. Reserved.
- 8
- 9 3. The community council in which the proposed licensed premises is located;
- 10
- 11 4. Reserved.
- 12

13 E. If an application for a marijuana establishment license is incomplete, the
14 municipality director [MUNICIPAL CLERK] shall notify the applicant by electronic
15 mail at the address provided by the applicant, and

- 16
- 17 1. Return an incomplete application in its entirety to the applicant; or
- 18
- 19 2. Request the applicant to provide additional identified items needed to
20 complete the application.
- 21

22 F. When the municipality director [MUNICIPAL CLERK] informs an applicant that its
23 application is incomplete as provided in subsection E., the applicant must
24 complete the application not later than 90 days after the date of the
25 municipal director's [CLERK'S] notice. If an applicant fails to complete its
26 application during the 90-day period after the municipal director's [CLERK'S]
27 notice, the applicant must file a new application.

28
29 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 3, 4-25-17)

30
31 **Section 6.** Anchorage Municipal Code section 10.80.036 is hereby amended to
32 read as follows (*the remainder of the section is not affected and therefore not set*
33 *out*):

34
35 **10.80.036 Municipal application for renewal of license or**
36 **endorsement; failure to timely renew results in potential closure;**
37 **expiration results in termination of license, endorsement and special**
38 **land use permit.**

39
40 A. On or before May 1 of each year, the municipal clerk shall send notice that a
41 marijuana establishment with a license in active and operating status must file
42 a renewal application not later than June 30 of the current year. Renewal
43 applications filed after that date are delinquent and subject the marijuana
44 establishment to potential closure pending approval of the application as
45 described in subsection G. Renewal applications for the next license period will
46 be accepted by the municipal clerk's office only between May 1 and August 31,
47 inclusive.

48
49 B. A marijuana establishment's renewal application must include:
50

- 1 1. Identification of the license sought to be renewed by license number,
 2 endorsement, license type, establishment name, and premises address;
 3 *** **
 - 4 G. Expiration. All marijuana establishment licenses and endorsements expire at
 5 12:00 midnight on August 31 of each year, unless a different date is set in the
 6 assembly resolution approving the license or endorsement.
 7 *** **
- 8 (AO No. 2016-16(S), § 1, 2-9-16 ; 2017-71(S) , § 4, 4-25-17; AO No. 2017-95(S) , §
 9 2, 5-1-17)

10
 11 **Section 7.** Anchorage Municipal Code section 10.80.045 is hereby added to read
 12 as follows (*the remainder of the section is not affected and therefore not set out*):
 13

14 **10.80.045 Application for License Transfer. Procedures for change in**
 15 **or transfer of a controlling interest in a license issued to non-natural**
 16 **persons, for a transfer of license, transfer of a license with**
 17 **endorsement, and for temporary operation following the death of an**
 18 **individual.**
 19

- 20 A. *General provisions.* Except as otherwise provided in this section, a person may
 21 not receive or transfer a marijuana establishment license, endorsement or
 22 controlling interest in a marijuana establishment license issued to a partnership,
 23 including a limited partnership, a limited liability company, or a corporation,
 24 without applying for the transfer and receiving the written consent of the
 25 assembly. Transfer of a controlling interest in a license includes a sale of all or
 26 part of the interest of an individual owner, and numerous separate transfers that
 27 in the aggregate amount to more than 50 percent of the ownership interest or
 28 the voting shares of a corporation.
- 29 B. Exceptions.
 30
 31 1. A transfer of a license or endorsement issued to an individual as a sole
 32 proprietor to a limited liability company or a corporation with a single
 33 member or shareholder whom is the same individual may be approved by
 34 the municipal clerk. Any procedure in this section for a public hearing or
 35 assembly consideration or action is not applicable.
 36 *** **
- 37
 38 C. *Procedure.* An application for transfer or transfer with endorsement must be filed
 39 in writing on a form the municipal clerk prescribes within 10 days of the effective
 40 date of an agreement or contract for such a transfer, in compliance with the
 41 application procedure set out in section 10.80.026. Regardless of any private
 42 agreement terms, a transfer of the license or of a controlling interest in a license
 43 is not effective until after approval. The application must name the current
 44 holder(s) of the marijuana establishment license and the proposed
 45 transferee(s), including all persons listed in 3 AAC 306.020 if a transferee is a
 46 partnership, limited liability company, or a corporation. The application must
 47 contain:
 48
 49 1. The same information about each transferee as is required of an applicant
 50 for a new license under section 10.80.020, section 10.80.021 except for

- 1 information regarding the previously approved special land use permit as
- 2 required by subsection 10.80.021C., and 3 AAC 306.020;
- 3 2. Any other information required by the municipal clerk for the type of
- 4 marijuana establishment license sought to be transferred.
- 5
- 6 3. A municipal onsite consumption endorsement may only be transferred to
- 7 another person if the license for which the endorsement was issued is
- 8 also transferred to that person.
- 9

10 D. *Action by the municipal clerk.* When the municipal clerk receives a complete
 11 application for transfer of a license or transfer of a license with endorsement to
 12 another person, the municipal clerk shall immediately:

13 *** *** ***

14
 15 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 6, 4-25-17; AO No. 2017-
 16 95(S) , § 3, 5-1 17)

17
 18 **Section 8.** Anchorage Municipal Code section 10.80.061 is hereby amended to
 19 read as follows (*the remainder of the section is not affected and therefore not set*
 20 *out*):

21
 22 **10.80.061 Protest to State Marijuana Control Board by municipality.**

- 23
- 24 A. The municipal clerk shall protest a state marijuana establishment license or
- 25 endorsement application if:
- 26
- 27 1. The applicant proposes to operate a marijuana establishment within the
- 28 municipality, and
- 29
- 30 2. Does not possess all licenses, permits and approvals needed to operate a
- 31 marijuana establishment within the municipality.
- 32
- 33 B. The assembly may recommend that the State Marijuana Control Board approve
- 34 an application for a new state license, renewal of a state license, [OR]transfer
- 35 of a state license to another person, or application for a new or transfer
- 36 endorsement subject to a condition or conditions. In such circumstances, the
- 37 municipal clerk shall request that a protest to the State Marijuana Control Board
- 38 be lifted upon fulfillment of such condition or conditions.
- 39

40 (AO No. 2016-16(S), § 1, 2-9-16)

41
 42 **Section 9.** Anchorage Municipal Code section 10.80.065 is hereby amended to
 43 read as follows (*the remainder of the section is not affected and therefore not set*
 44 *out*):

45
 46 **10.80.065 Public participation.**

47
 48 A person may comment on an application for a new license, renewal of a
 49 license, or transfer of a license, transfer of a controlling interest in a license, or
 50 application for a new or transfer endorsement by submitting a written statement to

1 the municipal clerk. If a public hearing is held, a person may also give oral testimony
2 at the public hearing held in accordance with section 10.80.071.

3
4 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 8, 4-25-17)

5
6 **Section 10.** Anchorage Municipal Code section 10.80.071 is hereby amended to
7 read as follows (*the remainder of the section is not affected and therefore not set*
8 *out*):

9
10 **10.80.071 Public hearing.**

11
12 A. The assembly will hold a hearing to ascertain the reaction of the public to a new
13 application for a marijuana establishment. The hearing will be consolidated with
14 the hearing required by section 21.03.105 on the applicant's associated
15 application for a special land use permit.

16
17 B. The assembly may hold a hearing to ascertain the reaction of the public to an
18 application for a renewal of a license, transfer of a license, or transfer of a
19 controlling interest in a license. The municipality will send notice of a hearing to
20 each community council in the area of the proposed premises.

21
22 C. The assembly will hold a hearing to ascertain the reaction of the public to a
23 new application for an onsite consumption endorsement. The hearing may be
24 consolidates with the hearing required for a new application for a marijuana
25 establishment license under A. of this section. The assembly may hold a
26 hearing to ascertain the reaction of the public to an application for renewal or
27 transfer of an onsite consumption endorsement.

- 28
29 1. The municipality will send notice of a hearing to each community council
30 in the area of the proposed endorsement.

Commented [JW5]: This seems already covered in the preamble to section 10.80.071 (not shown in this AO).

31
32 (AO No. 2016-16(S), § 1, 2-9-16)

33
34 **Section 11.** Anchorage Municipal Code section 10.80.076 is hereby amended to
35 read as follows (*the remainder of the section is not affected and therefore not set*
36 *out*):

37
38 **10.80.076 Procedure for action on license or endorsement**
39 **application; commencement of operations.**

40
41 *** **

42 B. The assembly will consider any written objection, suggested condition, or
43 petition, and any testimony received at a public hearing held under section
44 10.80.071 when it considers the application. The municipal clerk will retain the
45 written objection, suggested condition, or petition as part of the record of the
46 assembly's review of an application.

- 47
48 1. On an application for renewal of a license or endorsement, the assembly
49 may add, remove, or modify conditions of the license.
50

1 2. On an application for transfer of a license, endorsement or transfer of a
 2 controlling interest in a license, the assembly may add, remove, or modify
 3 conditions of the license, including conditioning its grant of the transfer on
 4 satisfaction of any such conditions of the transfer or imposed on the
 5 transferees.

6 *** **

7
 8 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 10, 4-25-17; AO No. 2017-
 9 95(S) , § 5, 5-1-17)

10
 11 **Section 12.** Anchorage Municipal Code section 10.80.080 is hereby amended to
 12 read as follows (*the remainder of the section is not affected and therefore not set*
 13 *out*):

14
 15 **10.80.080 Denial of[LICENSE] application.**

16
 17 A. After review of the application, including the applicant's proposed operating plan
 18 and all relevant information, the assembly will deny an application for a new
 19 license or endorsement if the assembly finds that:

- 20
 21 1. The application is not complete as required under the applicable standards
 22 sections 10.80.020—10.80.056, or contains any false statement of material
 23 fact;
 24
 25 2. The license or endorsement would violate any restriction in section
 26 10.80.010 or 10.80.011 or 3 AAC 306;
 27
 28 3. The license or endorsement would violate any restriction applicable to the
 29 particular license type authorized under this chapter;
 30
 31 4. The license or endorsement is prohibited by municipal code;
 32
 33 5. The assembly finds that the operating plan does not adequately
 34 demonstrate that the applicant will comply with applicable standards of this
 35 chapter; or
 36
 37 6. Issuance of the license or endorsement will adversely impact the health,
 38 welfare or public safety of the neighborhood in which the marijuana
 39 establishment is proposed to be located, or otherwise would not be in the
 40 best interests of the public.

41 *** **

42
 43 D. If the assembly denies an application for a new license, renewal of a license,
 44 transfer of a license, transfer of a controlling interest in a license, or a new,
 45 renewal or transfer of an endorsement, the municipal clerk will, not later than 15
 46 days after the meeting at which the application was denied, furnish a written
 47 statement of issues to the applicant, explaining the reason for the denial in clear
 48 and concise language, and identifying any statute or regulation on which the
 49 denial is based. The notice of denial will inform the applicant of the right to
 50 appeal under section 10.80.095.

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(AO No. 2016-16(S), § 1, 2-9-16)

Section 13. Anchorage Municipal Code section 10.80.095 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

10.80.095 Appeals.

An applicant or marijuana establishment license or endorsement holder aggrieved by a final decision of the assembly regarding an application for a new license, a license renewal, or a transfer may appeal to the superior court.

(AO No. 2016-16(S), § 1, 2-9-16)

Section 14. Anchorage Municipal Code section 10.80.100 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

10.80.100 Fees; refund.

*** *** ***

D. The annual license operating fee to be paid with each application for a new marijuana establishment facility license and each license renewal application is \$0, except as further described in this subsection. If the state Marijuana Control Board fails to issue a timely response to an application as described in AS 17.38.210(f), and the municipality acts on the application, the applicant must pay an annual license operating fee to the municipality as follows:

1. For a marijuana retailer license, \$0;
2. ~~[RESERVED]~~ For an onsite consumption endorsement, \$0
3. For a marijuana cultivation facility license, \$0;
4. Reserved.
5. For a marijuana product manufacturing facility license, \$0;
6. For a marijuana testing facility license, \$0.

*** *** ***

(AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 11, 4-25-17; AO No. 2017-95(S) , § 6, 5-1-17)

Section 15. Anchorage Municipal Code section 10.80.305 is hereby amended to read as follows:

10.80.305 Retail marijuana store privileges.

- 1 A. A licensed retail marijuana store is authorized to:
 - 2 1. Sell marijuana purchased from a licensed marijuana cultivation facility,
 - 3 packaged and labeled as required under section 10.80.345, 3 AAC 306.470,
 - 4 and 3 AAC 306.475, in an amount not exceeding the limit set out in section
 - 5 10.80.355, to an individual on the licensed premises for consumption off the
 - 6 licensed premises;
 - 7 2. Sell a marijuana product purchased from a licensed marijuana product
 - 8 manufacturing facility, packaged and labeled as required under section
 - 9 10.80.345, 3 AAC 306.565 and 3 AAC 306.570, in a quantity not exceeding
 - 10 the limit set out in section 10.80.355, to an individual on the licensed
 - 11 premises for consumption off the licensed premises;
 - 12 3. Store marijuana and marijuana products on the licensed premises in a
 - 13 manner consistent with sections 10.80.710—10.80.720;
 - 14 [4. RESESRVED FOR ONSITE CONSUMPTION.] Apply for an onsite
 - 15 consumption endorsement under 10.80.306.
- 16 B. This section does not prohibit a licensed marijuana retail store from refusing to
- 17 sell marijuana or a marijuana product to a consumer.

Commented [JW6]: Instead of deleting, it seems like we should add: "Apply for an onsite consumption endorsement in conformance with 10.???.???"

(AO No. 2016-16(S), § 1, 2-9-16)

Section 16. Anchorage Municipal Code section 10.80.306 is hereby added to read as follows:

10.80.306 Onsite consumption endorsement for retail marijuana stores.

- 26 A. Unless prohibited by local or state law, a freestanding licensed retail marijuana
- 27 store with an approved onsite consumption endorsement is authorized to:
 - 28
 - 29 1. Sell marijuana and marijuana products, excluding marijuana
 - 30 concentrates, to patrons for consumption on the licensed premises at
 - 31 the time of purchase only in an area designated as the marijuana
 - 32 consumption area and separated from the remainder of the premises,
 - 33 either by a secure door and having a separate ventilation system, or by
 - 34 being outdoors in compliance with ~~(Title 21 reference?)~~ AMC 21.05.055
 - 35 and 21.50.420 below;
 - 36
 - 37 2. Sell for consumption on the premises:
 - 38
 - 39 a. ~~marijuana bud or flower in quantities not to exceed one gram to~~
 - 40 ~~any one person per day; and Reserved.~~
 - 41
 - 42 b. Edible marijuana products in quantities not to exceed 10 mg of
 - 43 THC to any one person per day; and
 - 44
 - 45 c. Food or beverages not containing marijuana or alcohol; and
 - 46

Commented [HML7]: Does this whole section need to be underlined or does it work since Section 16 states that the entire section is added to read...?

1 3. Allow a person to remove from the licensed premises marijuana or
2 marijuana product that has been purchased on the licensed premises for
3 consumption under this section, provided it is packaged in accordance
4 with 3 AAC 306.345.
5

6 B. A licensed retail marijuana store with an approved onsite consumption
7 endorsement may not:
8

9 1. Sell marijuana concentrate for consumption in the marijuana
10 consumption area or allow marijuana concentrate to be consumed in the
11 marijuana consumption area;
12

13 2. Allow any licensee, employee, or agent of a licensee to consume
14 marijuana or marijuana product, including marijuana concentrate, during
15 the course of a work shift;
16

17 3. Allow a person to consume tobacco or tobacco products in the marijuana
18 consumption area;

19
20 4. Allow a person to bring into or consume in the marijuana consumption
21 area any marijuana or marijuana product that was not purchased at the
22 licensed retail marijuana store;
23

24 5. Sell, offer to sell, or deliver marijuana or marijuana product at a price less
25 than the price regularly charged for the marijuana or marijuana product
26 during the same calendar week;
27

28 6. Sell, offer to sell, or deliver an unlimited amount of marijuana or marijuana
29 product during a set period of time for a fixed price;
30

31 7. Sell, offer to sell, or deliver marijuana or marijuana product on any one
32 day at prices less than those charged the general public on that day;
33

34 8. Encourage or permit an organized game or contest on the licensed
35 premises that involves consuming marijuana or marijuana product or the
36 awarding of marijuana or marijuana product as prizes; or
37

38 9. Advertise or promote in any way, either on or off the premises, a
39 practice prohibited under this section.
40

41 C. A marijuana consumption area shall have the following characteristics:
42

43 1. the consumption area shall be isolated from the other areas of the retail
44 marijuana store, separated by walls and a secure door, and shall have
45 access only from the retail marijuana store;
46

47 2. a smoke-free area for employees to monitor the marijuana consumption
48 area;
49

Commented [JW8]: It seems very odd to ban smoking cigarettes given the strict requirements for a pot smoking area.

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3. a ventilation system that directs air from the marijuana consumption area to the outside of the building through a filtration system sufficient to remove visible smoke, consistent with all applicable building codes and ordinances, and adequate to eliminate odor at the property line;

~~4. if outdoors, be found by the Planning Department to be compatible with uses in the surrounding area through evaluation of:~~

- ~~a. neighboring uses;~~
- ~~b. the location of air intake vents on neighboring buildings;~~
- ~~c. a sight-obscuring wall or fence around the outdoor marijuana consumption area;~~
- ~~d. objections of property owners, residents, and occupants within 250 linear feet or the notification distance required by the local government, whichever is greater; and~~
- ~~e. any other information the clerk finds relevant.~~

Commented [HML9]: Removed because this is addressed in Title 21.

Commented [HML10]: See above comment re 3 AAC 306.370(c)(4)

Commented [HML11]: Place in Title 21, want a reference in Title 10?

D. An applicant for an onsite consumption endorsement must file an application on a form ~~the municipal clerk~~ Planning Department prescribes, including the documents and endorsement fee set out in this section, which must include:

Commented [JW12]: Not the Planning Department?

1. The applicant's operating plan, in a format the Planning Department prescribes, describing the retail marijuana store's plan for:

Commented [HML13]: Planning Department to have application specific to this or would it be just a modification of the operating plan?

- a. Security, in addition to what is required for a retail marijuana store, including:
 - i. Doors and locks;
 - ii. Windows;
 - iii. Measures to prevent diversion; and
 - iv. Measures to prohibit access to persons under the age of 21;

Should this be similar to the new license/slop applications that go to Planning? Renewals/transfers to Clerk?

b. Ventilation, if consumption by inhalation is to be permitted, ventilation plans must be:

Commented [HML14]: Left this in, because it insinuates that edibles are ok, but if smoking, extra requirements. Dean?

- i. Signed and approved by a licensed mechanical engineer;
- ii. Sufficient to remove visible smoke; and

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iii. Consistent with all applicable building codes and ordinances;

iv. Designed so there is no marijuana smoke odor in the retail area or at the lot line

- c. Monitoring overconsumption;
- d. Controlling unconsumed marijuana, by disposal or by packaging in accordance with 3 AAC 306.345; and
- e. Preventing introduction into the marijuana consumption area of marijuana or marijuana products not sold by the retail marijuana store, and marijuana or marijuana products not sold specifically for onsite consumption;

2. The applicant's detailed diagram of the marijuana consumption area which must show the location of:

- a. The licensed premises of the retail marijuana store;
- b. Serving area or areas;
- c. Ventilation exhaust points, if applicable;
- d. The employee monitoring area;
- e. Doors, windows, or other exits; and
- f. Access control points;

3. The title, lease, or other documentation showing the applicant's sole right of possession of the proposed marijuana consumption area, if the area is not already part of the approved licensed premises for the retail marijuana store;

4. An affidavit that notice of an outdoor marijuana consumption area has been mailed to property owners, residents, and occupants of properties within 250 linear feet of the boundaries of the property on which the onsite consumption endorsement is proposed, or the notification distance required by the local government, whichever is greater.

E. The retail marijuana store holding an onsite consumption endorsement under this chapter shall:

- 1. Destroy all unconsumed marijuana left abandoned or unclaimed in the marijuana consumption area in accordance with the operating plan and 3 AAC 306.740;

Commented [HML15]: Items that are required for the SLUP, move to Title 21? Make similar to new license/slup app process to Planning?

- 1 2. Monitor patrons in the marijuana consumption area at all times,
2 specifically for overconsumption;
- 3
- 4 3. Display all warning signs required under 3 AAC 306.360 and 3 AAC
5 306.365 within the marijuana consumption area, visible to all
6 consumers;
- 7
- 8 4. Provide written materials containing marijuana dosage and safety
9 information for each type of marijuana or marijuana product sold for
10 consumption in the marijuana consumption area at no cost to patrons;
- 11
- 12 5. Package and label all marijuana or marijuana product sold for
13 consumption on the premises as required in 3 AAC 306.345; and
- 14
- 15 6. Comply with any conditions imposed by the Assembly or placed on the
16 endorsement by the State Marijuana Control Board.
- 17

18 F. The holder of an onsite consumption endorsement must apply for renewal
19 annually at the time of renewal of the underlying retail marijuana store license.
20

21 **Section 17.** Anchorage Municipal Code section 10.80.310 is hereby amended to
22 read as follows *(the remainder of the section is not affected and therefore not set*
23 *out)*:
24

25 **10.80.310 Acts prohibited at retail marijuana store.**

26 *** **

27
28 B. A licensed retail marijuana store may not:

- 29
- 30 1. Conduct business on or allow a consumer to access the retail marijuana
31 store's licensed premises during times prohibited by title 21;
- 32
- 33 2. Allow a person to consume marijuana or a marijuana product on the retail
34 marijuana store's licensed premises unless the store holds a valid onsite
35 consumption endorsement;
- 36 *** **
- 37

38 (AO No. 2016-16(S), § 1, 2-9-16)
39

40 **Section 18.** Anchorage Municipal Code section 10.80.355 is hereby amended to
41 read as follows:
42

43 **10.80.355 Limit on quantity sold.**

44
45 A. A retail marijuana store may not sell[IN A SINGLE TRANSACTION] to any one
46 person per day:
47

- 48 1. More than one ounce of usable marijuana;
- 49
- 50 2. More than seven grams of marijuana concentrate for inhalation; or

- 3. Marijuana or marijuana products, if the total amount of marijuana, marijuana products, or both marijuana and marijuana products sold contains more than 5,600 milligrams of THC.

B. These limits include marijuana or marijuana product sold for onsite consumption under 3 AAC 306.370(a)(2).

(AO No. 2016-16(S), § 1, 2-9-16)

Section 19. Anchorage Municipal Code section 10.80.740 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

10.80.740 Waste disposal.

*** *** ***

B. Marijuana waste must be rendered unusable for any purpose for which it was grown or produced before it leaves a marijuana establishment. Marijuana waste includes:

- 1. [M]marijuana plant waste, including stalks, leaves, and stems that have not been processed with solvent, but excluding roots;
- 2. [S]solid marijuana sample plant waste in the possession of a marijuana testing facility;

*** *** ***

(AO No. 2016-16(S), § 1, 2-9-16)

Section 20. Anchorage Municipal Code section 10.80.805 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

10.80.805 Report or notice of violation.

A. The municipal clerk, a sworn Peace Officer, a Code Enforcement Officer, or a Health Department Officer may issue an inspection report, an advisory report, or a notice of violation before taking action to initiate suspension or revocation of a marijuana establishment license or endorsement.

*** *** ***

(AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 19, 4-25-17)

Section 21. Anchorage Municipal Code section 10.80.810 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

10.80.810 Suspension or revocation of license or endorsement, certain civil fines.

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A. The municipal clerk will suspend or revoke a marijuana establishment license or endorsement issued under this chapter if any licensee is convicted of violating any provision of law listed in section 10.80.010D.2., or if the municipal clerk becomes aware that a licensee did not disclose a previous such conviction.

B. The assembly may, in addition to other provisions of this chapter setting forth grounds for such action, suspend, revoke, or otherwise restrict a license or endorsement issued under this chapter for the reasons set forth in this section.
*** *** ***

(AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 20, 4-25-17)

Section 22. Anchorage Municipal Code section 10.80.815 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

10.80.815 Suspension or revocation based on act of employee.

A. If, in a proceeding to suspend or revoke a marijuana establishment license under sections 10.80.810 and 10.80.820, or an endorsement, evidence shows that an employee or agent of a licensed marijuana establishment was responsible for an act that would justify suspension or revocation of the marijuana establishment's license if committed by a licensee, the Administrative Hearings Officer may find that licensee knowingly allowed the act if:
*** *** ***

(AO No. 2016-16(S), § 1, 2-9-16)

Section 23. Anchorage Municipal Code section 10.80.821 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

10.80.821 Procedure for action on license or endorsement suspension or revocation.

Except for the municipal clerk's action set forth in subsection 10.80.810A. or section 10.80.825, a proceeding to suspend or revoke a license or endorsement must be initiated by service of an accusation on the marijuana establishment in compliance with section 3.60.025 and conducted in accordance with chapter 3.60 of the Anchorage Municipal Code.

(AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 21, 4-25-17)

Section 24. Anchorage Municipal Code section 10.80.825 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

10.80.825 Summary suspension to protect public health, safety, or welfare.

1
 2 A. If the municipal clerk finds that a person holding a marijuana establishment
 3 license or endorsement has acted and appears to be continuing to act in a way
 4 that constitutes an immediate threat to the public health, safety or welfare, the
 5 municipal clerk may issue an order immediately suspending the license of that
 6 person, and ordering an immediate stop to the activity that constitutes the threat
 7 to the public health, safety, or welfare.

8 *** **

9 (AO No. 2016-16(S), § 1, 2-9-16)

10
 11 **Section 25.** Anchorage Municipal Code section 10.80.846 is hereby amended to
 12 read as follows:

13
 14 **10.80.846 Appeal.**

15
 16 A person aggrieved by a final decision of the Assembly suspending, revoking, or
 17 restricting a license or endorsement under this chapter, or imposing a civil fine, may
 18 appeal to the superior court.

19
 20 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 23, 4-25-17)

21
 22 **Section 26.** Anchorage Municipal Code section 10.80.850 is hereby amended to
 23 read as follows:

24
 25 **10.80.850 Surrender or destruction of license or endorsement.**

26
 27 A license or endorsement issued under this chapter must be surrendered to the
 28 municipal clerk, sworn Peace Officer, Code Enforcement Officer, or Health
 29 Department Officer if the municipal clerk or Administrative Hearings Officer so
 30 orders. A license or endorsement issued under this chapter must be surrendered
 31 not later than ten days after the marijuana establishment loses or vacates the
 32 licensed premises. If a license is destroyed, the marijuana establishment shall
 33 promptly notify the municipal clerk.

34
 35 (AO No. 2016-16(S), § 1, 2-9-16)

36
 37 **Section 27.** Anchorage Municipal Code section 10.80.990 is hereby amended to
 38 read as follows (*the remainder of the section is not affected and therefore not set*
 39 *out*):

40
 41 **10.80.990 Definitions.**

42 *** **

43
 44 41. "drunken person" has the meaning given in AS 04.21.080(b)(9);

45
 46 42. "freestanding" has the meaning given in AS 18.35.30(i)(l);

47
 48 43. "intoxicated" has the meaning given in AS 11.81.900(b)(34);

49
 50 44. "marijuana consumption area" means a designated area within the licensed

premises of a retail marijuana store that holds a valid onsite consumption endorsement, where marijuana and marijuana products, excluding marijuana concentrates, may be consumed.

45. "retail marijuana store premises" means an area encompassing both the retail marijuana store and any marijuana consumption area.

46. "sight-obscuring wall or fence" means a wall or fence, including any gates, constructed of solid material and a minimum of six feet in height.

Commented [HML16]: Title 21 has definition.

(AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-95(S), § 8, 5-1-17; AO No. 2017-150 , § 2, 10-11-17)

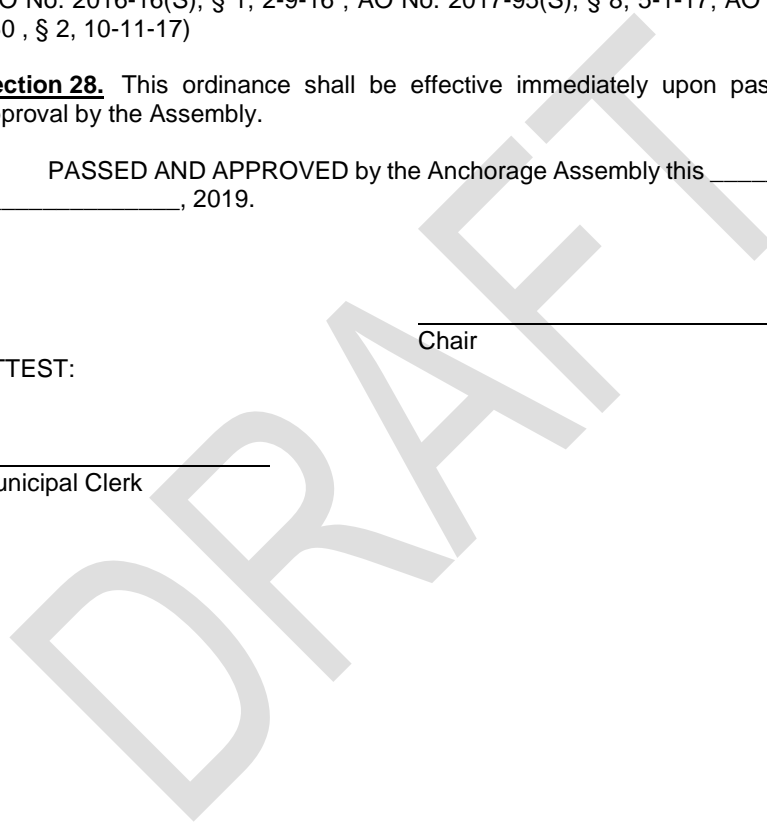
Section 28. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2019.

Chair

ATTEST:

Municipal Clerk



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