

10.80.740 - Waste disposal.

- A. A marijuana establishment shall store, manage, and dispose of any solid or liquid waste, including wastewater generated during marijuana cultivation production, processing, testing, or retail sales, in compliance with applicable federal, state, and local code, ordinances and regulations.
- 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. Marijuana plant waste, including stalks, leaves, and stems that have not been processed with solvent, but excluding roots;
 - 2. Solid marijuana sample plant waste in the possession of a marijuana testing facility;
 - 3. Marijuana or a marijuana product that has been found by the licensee unfit for sale or consumption;
 - 4. Expired marijuana products; and
 - 5. Other waste as determined by the municipality.
- C. A marijuana establishment shall:
 - 1. Reserved; and
 - 2. Record the waste in the marijuana inventory tracking system required under section 10.80.730; and
 - 3. Keep a record through the marijuana inventory tracking system of the final destination of marijuana waste made unusable.
- D. Marijuana plant waste must be made unusable by grinding the marijuana plant waste and mixing it with at least an equal amount of other compostable or non-compostable materials. A marijuana establishment may use another method to make marijuana waste unusable if the State Marijuana Control Board approves the method in advance. Material that may be mixed with the marijuana waste includes:
 - 1. Compostable materials including food waste, yard waste, or vegetable based grease or oils, when the mixed material can be used as compost feedstock or in another organic waste method such as an anaerobic digester; or
 - 2. Non-compostable materials including paper waste, cardboard waste, plastic waste, or oil, when the mixed material may be delivered to a permitted solid waste facility or incinerator.
- E. If marijuana or a marijuana product is found by, or surrendered to, a law enforcement officer including a peace officer or an airport security officer, the officer may dispose of the marijuana or marijuana product as provided in this section or by any method that is allowed under municipal code, including title 7.

([AO No. 2016-16\(S\), § 1, 2-9-16](#) ; AO No. [2018-102](#) , § 1, 11-20-18)

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

- 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. Except where summary suspension or revocation is provided for in this chapter, no decision of the assembly to suspend, revoke, or otherwise limit or restrict a license

granted under this chapter shall be effective until the person holding that license is first given an opportunity to be heard before the decision is made. The assembly may impose a civil fine contemporaneously with a suspension, revocation or license restriction proceeding. The assembly may hold hearings or refer hearings to the Administrative Hearings Officer to conduct as the assembly's designee. If referred to an administrative hearings officer, the hearing officer shall conduct the hearing and prepare recommended findings, conclusions, and civil fines, if any. The administrative hearings officer shall forward the record of proceedings and the recommendations to the assembly for adoption, rejection or modification, and issuance of a final order or decision by the assembly. If the assembly modifies the hearing officer's recommended order or decision, the reasons shall be stated in the record before issuance of the final order or decision. The grounds for suspension, revocation or restriction of a marijuana establishment license include, but are not limited to, when the assembly finds a licensee.

1. Misrepresented a material fact on an application for a marijuana establishment license, or an affidavit, report, or signed statement under AS 17.38 or this chapter; or
 2. Is following any practice or procedure that is contrary to the best interests of the public, including:
 - a. Using any process not approved by the State Marijuana Control Board for extracting or manufacturing marijuana concentrate or products; or
 - b. Selling or distributing any marijuana concentrate or product that has not been approved by the State Marijuana Control Board;
 3. Failed, within a reasonable time after receiving a notice of violation, to correct any defect that is the subject of the notice of violation of:
 - a. AS 17.38 or this chapter;
 - b. A condition or restriction imposed by the assembly, including a condition on a special land use permit for marijuana; or
 - c. Other applicable law;
 4. Knowingly allowed an employee or agent to violate AS 17.38, this chapter, or a condition or restriction imposed by the assembly, including a condition on a special land use permit for marijuana;
 5. Failed to comply with any applicable land use, public health, fire, safety, or tax law or regulation in the municipality; or
 6. Used the licensed premises for an illegal purpose including gambling, possession or use of narcotics other than marijuana, prostitution, or sex trafficking.
- C. If the municipality obtains evidence that a marijuana establishment has violated a provision of AS 17.38, this chapter, or a condition the assembly has imposed on the marijuana establishment, including a condition on a special land use permit for marijuana, it shall so notify the State Marijuana Control Board.

([AO No. 2016-16\(S\), § 1, 2-9-16](#) ; AO No. [2017-71\(S\)](#), § 20, 4-25-17; AO No. [2019-66](#), § 19, 6-18-19)

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:

1. The licensee:
 - a. Was physically present when the violation occurred; and
 - b. Knew or should have known the violation was occurring; and
 - c. Took no action to stop the violation;
2. The licensee failed to adequately supervise the agent or employee;
3. The licensee failed to adequately train the agent or employee in the requirements of AS 17.38 and this chapter relating to marijuana; or
4. The licensee was reckless or careless in hiring the agent or employee.

([AO No. 2016-16\(S\), § 1, 2-9-16](#) ; AO No. [2019-66](#) , § 20, 6-18-19)

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; AO No. [2019-66](#) , § 21, 6-18-19)

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

- A. If the municipal clerk finds that a person holding a marijuana establishment license or endorsement has acted and appears to be continuing to act in a way that constitutes an immediate threat to the public health, safety or welfare, the municipal clerk may issue an order immediately suspending the license of that person, and ordering an immediate stop to the activity that constitutes the threat to the public health, safety, or welfare.
- B. When the municipal clerk issues a summary suspension under this section, the municipal clerk shall immediately give the marijuana establishment subject to the summary suspension order notice of the reasons for the summary suspension, and of the time and place for an expedited hearing before the Administrative Hearings Officer. Unless the marijuana establishment subject to the summary suspension order requests a delay, the hearing will be held not later than five days after the municipal clerk gives notice of the reasons for the summary suspension and the scheduled hearing.

([AO No. 2016-16\(S\), § 1, 2-9-16](#) ; AO No. [2019-66](#) , § 22, 6-18-19)

10.80.830 - Seizure of marijuana or marijuana product.

- A. The municipal clerk, a sworn Peace Officer, a Code Enforcement Officer, or a Health Department Officer may seize marijuana or any marijuana product from a licensed marijuana establishment if the marijuana establishment has:
 1. Any marijuana or marijuana product not properly logged into the marijuana establishment's marijuana inventory tracking system;
 2. Any adulterated marijuana food or drink product prohibited under section 10.80.510A.;
 3. Any marijuana or marijuana product that is not properly packaged and labeled as provided in:
 - a. 3 AAC 306.470 and 3 AAC 306.475; or

- b. 3 AAC 306.565 and 3 AAC 306.570; or
 - 4. Not renewed its license as required under section 10.80.036, except when a renewal application was filed on or before August 31 and a decision on the application is pending; or
 - 5. Operated in violation of this chapter.
- B. If the municipal clerk, a sworn Peace Officer, a Code Enforcement Officer, or a Health Department Officer seizes marijuana or a marijuana product under this section, the municipal clerk, a sworn Peace Officer, a Code Enforcement Officer, or a Health Department Officer shall so notify the director of the State Marijuana Control Board and ensure that the seized items are stored in a reasonable manner, as set forth below. The agent seizing the marijuana or marijuana product shall immediately give the marijuana establishment from which the marijuana or marijuana product was seized notice of the reasons for the seizure and the time and place of a hearing before the Administrative Hearings Officer. Unless the marijuana establishment from which the marijuana or marijuana product was seized requests a delay, the hearing will be held not later than ten days after the municipal clerk, sworn Peace Officer, Code Enforcement Officer, or Health Department Officer gives notice of the reasons for seizure and the scheduled hearing. If the seizure occurs in connection with a summary suspension under section 10.80.825, the hearing will be combined with a hearing on the summary suspension.
- C. If the marijuana establishment from which the marijuana or marijuana product was seized does not request or participate in a hearing under this section, or if after a hearing the Administrative Hearings Officer finds that seizure of the marijuana or marijuana product was justified, the marijuana or marijuana product will be destroyed by burning, crushing, or mixing with other material to make the marijuana or marijuana product unusable as provided in section 10.80.740, or chapter 7.25.
- D. Seized marijuana and marijuana product, including marijuana plants, shall be inventoried by the licensee and the official authorized to seize, and shall then be either removed by the official authorized to seize, or secured on the licensed premises pending the hearing. The seizure order may direct a marijuana cultivation facility to continue care of marijuana plants until the hearing. No marijuana or marijuana product, once seized and secured, shall be transferred, sold, or involved in any other commercial activity.

([AO No. 2016-16\(S\), § 1, 2-9-16](#) ; AO No. [2017-71\(S\)](#), § 22, 4-25-17; AO No. [2017-95\(S\)](#), § 7, 5-1-17)

10.80.850 - Surrender or destruction of license or endorsement.

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

([AO No. 2016-16\(S\), § 1, 2-9-16](#) ; AO No. [2019-66](#), § 24, 6-18-19)