

STATE OF ALASKA MARIJUANA REGULATIONS CHANGES

Effective Date of Change Index Number of updated regulation

| | |
|---------------|--|
| Dec. 28, 2016 | 3 AAC 306.925-935 (<i>board administration</i>) |
| July 5, 2017 | 3 AAC 306.645 3 AAC 306.660 (<i>testing</i>) |
| July 19, 2017 | 3 AAC 306.040 3 AAC 306.100(c) (<i>ownership change</i>) |
| July 22, 2017 | 3 AAC 306.365 (<i>retail store notices</i>) |
| July 27, 2017 | 3 AAC 306.250 (<i>food safety permit</i>) 3 AAC 306.315(1) 3 AAC 306.520(1) (<i>effect of restrictions on sale</i>) |
| Oct. 11, 2017 | 3 AAC 306.750(a) 3 AAC 306.990(a)(10) (<i>transportation</i>) |
| Dec. 28, 2017 | 3 AAC 306.025(b)(3)(A), (d)(2) 3 AAC 306.035(c)(2) 3 AAC 306.045(c)(2) 3 AAC 306.060(d) (<i>local government jurisdiction</i>) 3 AAC 306.065 3 AAC 306.075(a) (<i>timing of public objection</i>) |
| May 23, 2018 | 3 AAC 306.700 3 AAC 306.812 (<i>handler permits</i>) |
| May 25, 2018 | 3 AAC 306.460 3 AAC 306.557 (<i>quality control</i>) 3 AAC 306.715 (<i>crime reporting</i>) |
| Aug. 11, 2018 | 3 AAC 306.020 (<i>conforming edits</i>) 3 AAC 306.100 (<i>inspection fee</i>) 3 AAC 306.430 (c)(2) (<i>odor</i>) 3 AAC 306.750 3 AAC 306.760 (<i>trade shows</i>) 3 AAC 306.990(a) |
| Aug. 23, 2018 | 3 AAC 306.670(d) (<i>testing equipment failure</i>) |
| Sept. 7, 2018 | 3 AAC 306.700(c) (<i>handler permit issuance date</i>) |
| Oct. 17, 2018 | 3 AAC 306.360 3 AAC 306.770 (<i>advertising and promotions</i>) |
| Oct. 20, 2018 | 3 AAC 306.405 (<i>plant count; intro new genetics</i>) 3 AAC 306.660 (<i>retests</i>) 3 AAC 306.730(a) (<i>inventory tracking</i>) 3 AAC 306.740 (<i>waste disposal</i>) 3 AAC 306.990(a) (<i>repeal of "affiliate"</i>) |
| Nov. 8, 2018 | 3 AAC 306.345(b)(2) 3 AAC 306.455 3 AAC 306.475(d)(2) 3 AAC 306.645 3 AAC 306.670(b) (<i>testing changes</i>) |
| Feb. 21, 2019 | 3 AAC 306.010 – adds “license conversion” as application type (converts a limited cultivation license into a standard cultivation license) |

- 3 AAC 306.015(b) – adds 3 AAC 306.035 (h) allowance for board not issuing licenses to certain types of owners
 - 3 AAC 306.015(e)(2) – clarifies definition of “resident of the state”
 - 3 AAC 306.025 – adds clarification on time of submission of an application
 - 3 AAC 306.035 – adds clarification on the establishments that must file renewal applications
 - 3 AAC 306.040 – adds clarification of transfer license applications and definitions
 - 3 AAC 306.045(e) – added (e) clarifying operation of establishment procedures for a transfer which doesn’t change the approved operating plan
 - 3 AAC 306.047 – added a new section regarding license conversions
 - 3 AAC 306.060 – added license conversion as application type for local government actions
 - 3 AAC 306.065 – added license conversion as application type for public participation
 - 3 AAC 306.075(b) – added more concise language regarding application types
 - 3 AAC 306.080(d) – added license conversion as application type for Board denials
 - 3 AAC 306.085(a) – added license conversion as application type for informal conference
 - 3 AAC 306.090(a) – added license conversion as application type for formal hearing requests
 - 3 AAC 306.095 – added license conversion as application type for appeals
 - 3 AAC 306.100(a) – added license conversion as application type for fees
 - 3 AAC 306.320 – adds clarification between agents and licensees/employees requiring a handler permit
 - 3 AAC 306.425 – adds clarification between agents and licensees/employees requiring a handler permit
 - 3 AAC 306.530 – adds clarification between agents and licensees/employees requiring a handler permit and food safety training
 - 3 AAC 306.565(c) – adds prohibition (3 AAC 306.555(b)(2)) exception for manufacturing transfer of concentrates to retail
 - 3 AAC 306.622 – adds new section regarding handler permit requirement for testing facilities
 - 3 AAC 306.700(a) – adds clarification between agents and licensees/employees requiring a handler permit
- Apr. 11, 2019 *(all citations are related to onsite consumption)*
- 3 AAC 306.015(d) – added “endorsement” to language
 - 3 AAC 306.025 – added “endorsement” to language
 - 3 AAC 306.060 – added “endorsement” to language
 - 3 AAC 306.100 – added “endorsement” to language
 - 3 AAC 306.110 – added “endorsement” to language
 - 3 AAC 306.200 – added “endorsement” to language
 - 3 AAC 306.250 – added “endorsement” to language
 - 3 AAC 306.310(b) – added “endorsement” to language
 - 3 AAC 306.355 – added “endorsement” to language
 - 3 AAC 306.370 – added “endorsement” to language
 - 3 AAC 306.990(b) – added “endorsement” to language
- May 1, 2019 3 AAC 306.100 *(license and renewal fees)*
- May 9, 2019 3 AAC 306.055 *(fingerprint requirements)*
- 3 AAC 306.060 *(local gov’t protests)*
 - 3 AAC 306.100 *(handler permit fees)*
 - 3 AAC 306.325 *(samples in jars)*
 - 3 AAC 306.460 *(samples in jars)*
 - 3 AAC 306.703 *(operating plan changes)*
 - 3 AAC 306.990 *(total THC and CBD definitions)*
- July 2, 2019 Technical edits and formatting changes
- Aug. 21, 2019 3 AAC 306.080 *(license denial)*
- 3 AAC 306.700 *(handler course)*
 - 3 AAC 306.701 *(handler course)*

Sept. 18, 2019 Technical edits to 3 AAC 306.557(6)

State Law on Local Controls

17.38.210. Local control

(b) A local government may enact ordinances or regulations not in conflict with this chapter or with regulations enacted pursuant to this chapter, **governing the time, place, manner, and number of marijuana establishment operations.** A local government may establish civil penalties for violation of an ordinance or regulation governing the time, place, and manner of a marijuana establishment that may operate in such local government.

3 AAC 306.010. License restrictions.

(a) The board will not issue a marijuana establishment license if the licensed premises will be located within 500 feet of a school ground, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility. The distance specified in this subsection must be measured by the shortest pedestrian route from the public entrance of the building in which the licensed premises would be located to the outer boundaries of the school ground, the outer boundaries of the recreation or youth center, the main public entrance of the building in which religious services are regularly conducted, or the main public entrance of the correctional facility. This section does not prohibit the renewal of an existing marijuana establishment license, a license conversion under [3 AAC 306.047](#), or the transfer of an existing marijuana establishment license to another person if the licensed premises were in use before the school ground, recreation or youth center, the building in which religious services are regularly conducted, or a correctional facility began use of a site within 500 feet. If an existing marijuana establishment license for premises located within 500 feet of a school ground, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility is revoked or expires, the board will not issue another marijuana establishment license for the same premises unless the school ground, the recreation or youth center, the building in which religious services are regularly conducted, or the correctional facility no longer occupies the site within 500 feet.

(b) The board will not issue a marijuana establishment license if the licensed premises will be located in a liquor license premises.

(c) The board will not issue a marijuana establishment license when a local government protests an application under [3 AAC 306.060](#) on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

Examples of Marijuana License Caps from Other Jurisdictions

Lansing, Michigan (Title 6.1300.06)

1300.06. - Limits on licenses and locations.

- (a) Based upon investigation, recommendations, review, and consideration from the public, relevant boards and commissions, Planning Board review, maps, historical data, Council committees, and public hearings and meetings, the City Council finds and determines that it is in the public interest and serves a public purpose to limit, as defined, the following licenses:
- (1) The maximum number of locations for both Medical Marihuana Provisioning Centers and Marihuana Retailers shall be capped at 28. A single location may serve as both a Medical Marihuana Provisioning Center and a Marihuana Retailer.
 - (2) The maximum number of locations for marihuana microbusinesses shall be capped at one location per ward, as defined.
 - (3) The maximum number of locations for a designated consumption establishments shall be capped at one location per ward, as defined.
 - (4) Upon the effective date of the ordinance from which this section is derived, the maximum number of locations for medical marihuana grows and marihuana grows shall be capped at 75 locations or the number of locations based upon licenses awarded and applications pending with the City Clerk as of the effective date of this section, whichever is higher. A single location may serve as both a medical marihuana grow and marihuana grow. Beginning January 1, 2021, as licenses are denied or issued licenses are not renewed, such licenses shall be eliminated until the total number of locations has been reduced to 55.

(Ord. No. 1257, § 1, 9-30-19)

Craig, Colorado (Chapter 5.70.060)

5.70.060 Limitation on the Number of Licenses That May Be Issued Within the City.

A maximum of three (3) retail marijuana store licenses shall be issued by the Craig Local Licensing Authority. An application for renewal of an existing retail marijuana establishment license shall receive a preference over an application for a new retail marijuana establishment license if the existing business has substantially met all of the requirements of this Ordinance and the Colorado Retail Marijuana Code during the previous license term and is in good standing.

Maine State – Chapter 5 I.B. 6-L.D. 1701 Chapter 417

§2447. License application and issuance

3. Applications; issuance. The following provisions govern applications for and issuance of a retail marijuana establishment or retail marijuana social club license.

...

E. The state licensing authority may not grant a license for a retail marijuana establishment to a licensee who has already received a license to operate the same type of retail marijuana establishment if doing so would prevent another qualified applicant from receiving a license. The state licensing authority may not grant a license for a retail marijuana social club to a licensee who has already received a license to operate a retail marijuana social club if doing so would prevent another qualified applicant from receiving a license.

4. Limitation on number of retail marijuana stores. The state licensing authority may not limit the total number of retail marijuana stores in this State. A municipality may regulate the number of retail marijuana stores and the location and operation of retail marijuana establishments and retail marijuana social clubs and may prohibit the operation of retail marijuana establishments and retail marijuana social clubs within its jurisdiction.

5. Limitations on retail marijuana cultivation. The state licensing authority may establish limitations upon retail marijuana cultivation through one or more of the following methods:

A. Placing or modifying a limit on the number of licenses that it issues, by class or overall, but in placing or modifying the limits, the state licensing authority shall consider the reasonable availability of new licenses after a limit is placed or modified; and

B. Placing or modifying a limit on the amount of production permitted by a retail marijuana cultivation facility license or class of licenses based upon some reasonable metric or set of metrics, including, but not limited to, previous months' sales, pending sales or other reasonable metric as determined by the state licensing authority.

Maryland State – 09.21.2018.13-3306

§13–3306. Licenses Required for Medical Marijuana Growers to Operate in State

(a) (1) The Commission shall license medical cannabis growers that meet all requirements established by the Commission to operate in the State to provide cannabis to:

(i) Processors licensed by the Commission under this subtitle;

(ii) Dispensaries licensed by the Commission under this subtitle; and

(iii) Independent testing laboratories registered with the Commission under this subtitle.

(2) (i) Subject to subparagraph (ii) of this paragraph, the Commission may license no more than 22 medical cannabis growers.

(ii) 1. If an applicant for licensure that received Stage One preapproval in calendar year 2016 for a medical cannabis grower license fails to satisfy the requirements for licensure established by the Commission, the Commission shall rescind the applicant's Stage One preapproval.

2. If the Commission rescinds the Stage One preapproval for a license of an applicant under subparagraph 1 of this subparagraph, the maximum number of medical cannabis grower licenses authorized under subparagraph (i) of this paragraph shall be reduced by one medical cannabis grower license.

(iii) 1. Subject to subparagraph 2 of this subparagraph, beginning December 1, 2024, the Commission may report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the number of licenses necessary to meet the demand for medical cannabis by qualifying patients and caregivers issued identification cards under this subtitle in an affordable, accessible, secure, and efficient manner.

2. Before the Commission determines to submit the report described under subparagraph 1 of this subparagraph, the Commission shall provide the Legislative Policy Committee at least 30 days to submit comments to the Commission.

(iv) The Commission shall establish an application review process for granting medical cannabis grower licenses in which applications are reviewed, evaluated, and ranked based on criteria established by the Commission.

(v) The Commission may not issue more than one medical cannabis grower license to each applicant.

(vi) A grower shall pay an application fee in an amount to be determined by the Commission consistent with this subtitle.

Washington State – 2015 Press Release

Board to increase the number of retail stores by 222 to ensure access by medical patients

OLYMPIA – Following an analysis of the entire marijuana marketplace in Washington State, the Washington State Liquor and Cannabis Board (WSLCB) today heard a recommendation from staff to increase the number of retail marijuana stores from the current cap of 334 to a new cap of 556. The methodology for the cap will be part of emergency rules which will be announced Jan. 6, 2016. The [allocation of retail licenses](#) determined by the board will be published on the WSLCB website at lcb.wa.gov.

“Our goal was clear; to ensure medical patients have access to the products they need,” said WSLCB Director Rick Garza. “There will be more storefronts for patients going forward than are available today. In addition, qualified patients can grow their own or join a four-member cooperative.” Earlier this year the legislature enacted, and Gov. Inslee signed, legislation (SSB 5052) entitled the Cannabis Patient Protection Act. The new law charges the WSLCB, the state Department of Health and other agencies with drafting regulations that integrate the medical marijuana marketplace into the tightly controlled recreational marketplace. The WSLCB is charged with licensing retail applicants using a priority-based system.

Priority Licensing System

- **First priority** applicants are those who applied for a marijuana retail license prior to July 1, 2014, operated (or were employed by) a collective garden prior to January 1, 2013, have maintained a state and local business license and have a history of paying state taxes and fees.
- **Second priority** applicants are those who operated (or were employed by) a collective garden prior to January 1, 2013, have maintained a state and local business license, and have a history of paying state taxes and fees.
- **Third priority** applicants are those who don't meet the first or second criteria.

The WSLCB began accepting license applications on Oct. 12, 2015. Thus far, the WSLCB has received 1,194 retail applications. Of those who have applied, 39 have been determined as priority one and 42 have been determined as priority two. Applicants must still meet all other WSLCB licensing criteria before being licensed.

Proportionate Allocation based on Medical Sales

The number of retail locations will be determined using a method that distributes the number of locations proportionate to the most populous cities within each county and to accommodate the medical needs of qualifying patients and designated providers. Locations not assigned to a specific city will be at large.

WSLCB will increase the number of available licenses in the ten counties with the highest medical sales by 100 percent. Exceptions include Yakima and Benton Counties which have bans and moratoria in all major population centers. The 100 percent increase will transfer to the next two highest for medical needs, Skagit and Cowlitz Counties. Those counties and jurisdictions not in the top ten for medical sales will receive an increase of the number of licensees by 75 percent. In addition to new retail licensees, 70 percent of existing retail recreational marijuana stores have received an endorsement on their license to sell medical marijuana.

Examples of Separation Distance for Marijuana from other Communities

Fairbanks North Star Borough (Title 18.96.240)

3. No marijuana establishment, except a marijuana testing facility, shall be located within the following buffer distances:
 - a. Five hundred feet of primary and secondary school buildings (K-12) including vocational programs, playgrounds, adult and juvenile correctional facilities and housing facilities owned by a public housing authority with children as residents; and
 - b. Two hundred feet of any post-secondary school buildings including but not limited to trade/technical/vocational schools, colleges and universities; and

- c. One hundred feet of youth centers, group homes serving persons ages 18 and under, public swimming pools, state licensed day care facilities, arcades, state licensed substance use treatment provider or facility providing substance abuse use treatment, church buildings and residential zones (RE, RR, SF, TF, MF, MFO).
- d. Buffer distances shall be measured from the nearest public entrance of a commercial marijuana establishment to:
 - i. Outer boundaries of school buildings, including outdoor school facilities where students are regularly found;
 - ii. Outer boundaries of playgrounds;
 - iii. The lot line of a lot in a residential zone; or
 - iv. The principal building containing other uses listed in subsections (A)(3)(a) through (c) of this section.
- e. Buffer distance measurements shall not extend beyond the nearest ordinary high water (OHW) mark of a river or lake or beyond the nearest edge of a right-of-way (ROW) of a controlled access facility.

Mat-Su Borough (Title 17.60.150)

(B) At the time of their establishment, marijuana related conditional uses shall meet the following requirements and not be located within:

(1) one thousand feet of school grounds;

(C) Separation distances referenced in subsection (B) of this section are measured in a direct line between the closest point of the facility within which the marijuana facility is located, and the closest point on the lot or parcel of land upon which any of the above itemized uses are located.

City of Soldotna (Title 17.10.295)

F. Buffers.

- 1. Marijuana establishments shall not be located within the following buffer zones:
 - a. 500 feet from schools and public colleges and universities;
 - b. 500 feet from state licensed day cares;
 - c. 500 feet from recreation or youth centers;

- d. 500 feet from places of worship;
 - e. 500 feet from correctional facilities;
 - f. 500 feet from libraries;
 - g. 500 feet from substance abuse treatment facilities, transitional housing, and recovery facilities; or
 - h. 300 feet from a city park.
2. Buffer distances shall be measured as the closest distance from the perimeter of a stand-alone marijuana establishment structure to the closest lot line of a lot containing a school, day care, park, recreation or youth center, correctional facility, library, and substance abuse treatment facilities.

The buffer distance for places of worship shall be measured as the closest distance from the perimeter of a stand-alone marijuana establishment structure to the perimeter of a place of worship.

If a marijuana establishment occupies only a portion of a structure, buffer distances are measured as the closest distance from the perimeter of the closest interior wall segregating the marijuana business from other uses, or available uses in the structure, or an exterior wall if closer, to the closest lot line of a lot containing a school, day care, park, recreation or youth center, correctional facility, library, and substance abuse treatment facilities, or to the perimeter of a place of worship.

City of Kenai (Title 14.20.330)

- (f) No portion of a parcel upon which any commercial marijuana establishment is located shall be permitted within the following buffer distances:
 - (1) One thousand (1,000) feet of any primary and secondary schools (K-12) and five hundred (500) feet of any vocational programs, post-secondary schools, including but not limited to trade, technical, or vocational schools, colleges and universities, recreation or youth centers, correctional facilities, churches, and State-licensed substance abuse treatment facilities providing substance abuse treatment; and

- (2) Buffer distances shall be measured as the closest distance from the perimeter of a stand-alone commercial marijuana establishment structure to the outer boundaries of the school, recreation or youth center, or the main public entrance of a church, correctional facility, or a substance abuse treatment facility providing substance abuse treatment. If the commercial marijuana establishment occupies only a portion of a structure, buffer distances are measured as the closest distance from the perimeter of the closest interior wall segregating the commercial marijuana establishment from other uses, or available uses in the structure, or an exterior wall if closer, to the outer boundaries of the school, recreation or youth center, or the main public entrance of a church or correctional facility, or a substance abuse treatment facility providing substance abuse treatment.

City of Portland, OR (14B.130.040)

- E. No medical dispensary, marijuana retailer or marijuana retail courier may locate its licensed premises for business operations within 1,000 feet of:
1. Any public elementary or secondary school for which attendance is compulsory under ORS 339.020 (2013); or
 2. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1) (a) (2013).
 3. The distance from a school to a medical dispensary or a marijuana business retailer shall be computed by direct measurement from the nearest property line of the land used for the school to the nearest portion of the building in which the medical dispensary or marijuana retail business is located.
 4. If a school described in Subsection 14B.130.040 D. that has not previously been attended by children is established within 1,000 feet of a medical dispensary, marijuana retailer or marijuana retail courier for which a license has been issued under Chapter 14B.130, the medical dispensary, marijuana retailer or marijuana retail courier located at that premises may remain at that location unless:
 - a. The Office of Community & Civic Life revokes the license of the marijuana business under Section 14B.130.110; or
 - b. A new application is required.

State of Alaska – Required Alcohol Separation (Sec. 04.11.410)

Sec. 04.11.410. Restriction of location near churches and schools.

- (a) A beverage dispensary or package store license may not be issued and the location of an existing license may not be transferred if the licensed premises would be located in a building the public entrance of which is within 200 feet of a school ground or a church building in which religious services are regularly conducted, measured by the shortest pedestrian route from the outer boundaries of the school ground or the public entrance of the church building. However, a license issued before the presence of either cause of restriction within 200 feet of the licensed premises may be renewed or transferred to a person notwithstanding this subsection.
- (b) If a beverage dispensary or package store license for premises located within 200 feet of a school ground or church building in which religious services are regularly conducted is revoked, expires, or is transferred to another location, a beverage dispensary or package store license may not be issued or transferred to the formerly licensed premises until the cessation of either cause of restriction.

AS 04.11.400 Population limitations. (a)(2):

(a) Except as provided in (d)--(k) of this section, a new license may not be issued and the board may prohibit relocation of an existing license

...

(2) inside an established village, incorporated city, or unified municipality if, after the issuance or relocation, there would be inside the established village, incorporated city, or unified municipality

(A) more than one restaurant or eating place license for each 1,500 population or fraction of that population; or

(B) more than one license of each other type, including licenses that have been issued under (d) or (e) of this section, for each 3,000 population or fraction of that population;

MARIJUANA ISSUES TO ADDRESS

- Various: **Limit # of licenses?** Total limit? Limit how close they can be to each other?
- **From Crystal:**

While meeting with John Weddleton and Felix Rivera today we discussed our recent practice of bifurcating the marijuana license renewals and **pulling out ones that we thought needed to be reviewed more fully** before we approved them. We questioned whether we had an actual process for doing what we did that was based on any kind of criteria or if we were just “feeling” like we wanted more info on a particular business and any NOV’s they might have. So here are a couple of questions for you to consider and advise us on.

 1. Should we have some kind of criteria on which we base our decision to pull a licensee for renewal off the auto-renewal list in order to be subjected to further scrutiny by CEDC?
 2. If we don’t have any criteria could we be liable for any kind of lawsuit that claims unfair treatment or some kind of discrimination?
 3. How do we make the practice of wanting to further query a business before granting approval for renewal one of better transparency, consistency, objectivity and fairness?
- Increase Fees for NOV’s? Escalating fees?
- Meg 11/5/19 Would you like to have a meeting or bring this to CEDC to discuss? John mentioned there are likely other code changes as well. I am ready to proceed, but perhaps a CEDC discussion would indicate whether we have other similar procedural changes. If you prefer CEDC I’ll ask to get on an upcoming agenda.

*“5. Departmental review. The department shall review each proposed marijuana establishment application in light of the approval criteria of subsection C.7. below and distribute the application to other reviewers as deemed necessary. **If any party of interest for the application asserts a protected use is within the separation distance per section 21.05.055A.2., the department may make an informal use determination but shall immediately inform the applicant and owner of the protected use of the right to apply for a formal use determination under section 21.03.220.** Based on the results of those reviews, the department shall provide a report to the assembly. The report shall contain a list of all marijuana licenses located within 1,000 feet of the proposed subject property.”*

- Who is checking for truthfulness on the checklists on AMCO forms i.e. No NOV's, MJ-00 No felony in 5years, not on felony parole or probation, no convictions of resales of liquor to minors, no misdos controlled substance, weapon, dishonesty, in 5 years. No Class A Misdo re MJ in past 2 years. Criminal justice info required in AMC 10-80-056 - provide MOA clerk with any communication from AMCO disclosing info on criminal history check
- MJ in strip malls: 1) add as standard that need demising wall to go to roof decking for security. 2) no smell from premises as opposed to lot line
- Can a protected use sign a release from the separation requirement?
- Jeff Hickman suggested MOA code more closely match SOA
- MOA take over AMCO work?
- Can we renew a license for less than a year?
Gate 11/5/19: ... YES the Assembly can set a different date, for expiration of the license when renewal is granted. (See AMC 10.80.036G. below) However, it may be difficult to then process the renewal application, since many Code procedures for renewals (community council notice, application due date) relate to the general Aug 31 expiration for all marijuana licenses. If establishing a date for a shorter time, the amendment should also set a due date for the renewal application.

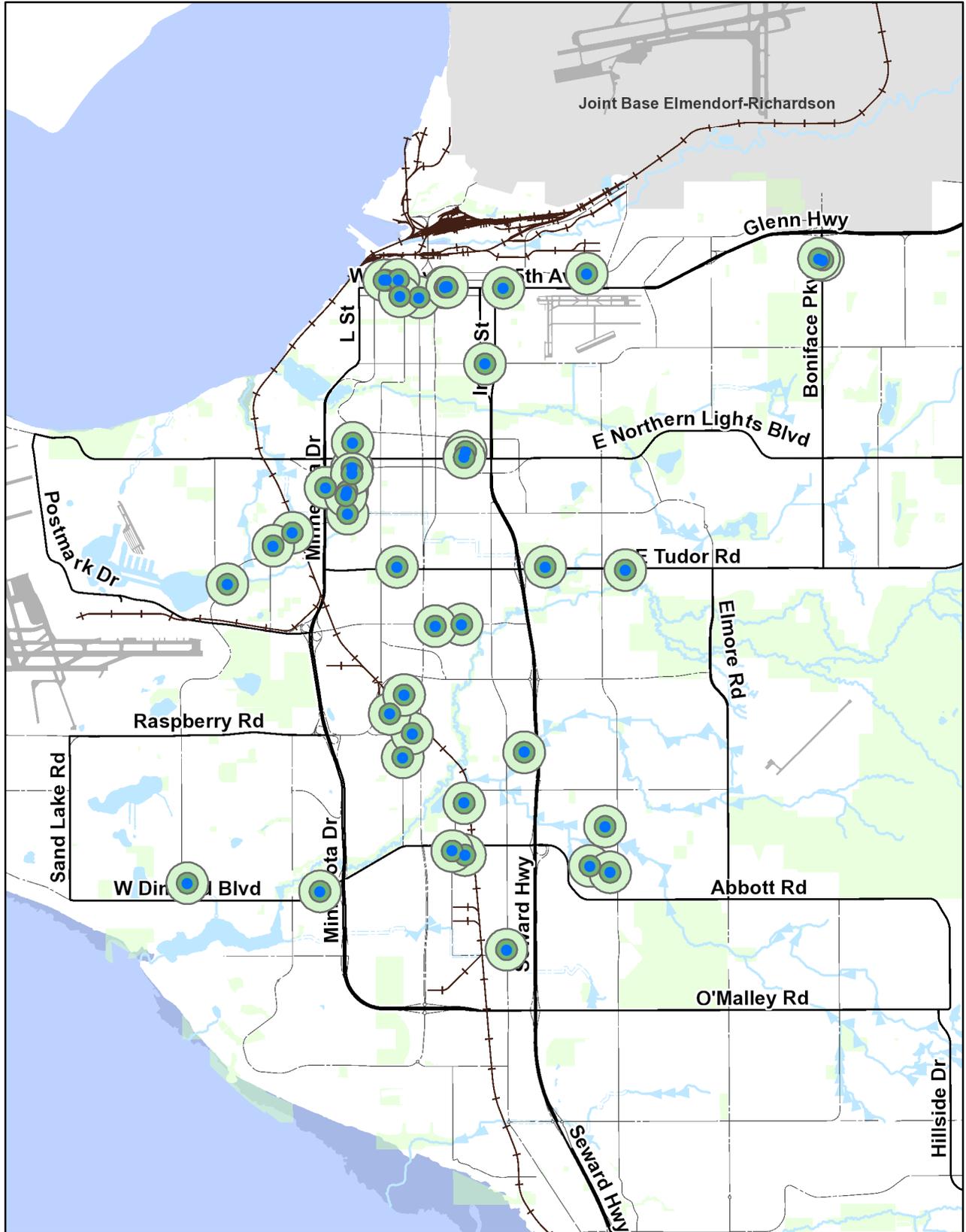
AMC 10.80.036 - Municipal application for renewal of license or endorsement; failure to timely renew results in potential closure; expiration results in termination of license, endorsement and special land use permit.

...

G. Expiration. All marijuana establishment licenses and endorsements expire at 12:00 midnight on August 31 of each year, **unless a different date is set in the assembly resolution approving the license** or endorsement.

- Who verifies that the applicant has no NOV'S and has no Felonies or other criminal history that would preclude a license? At original application? On renewals? Is a look at Courtview adequate?
- **From Meg:**
When there is an informal land use determination made that finds a protected land use that the interested parties be informed of their right to request a formal land use determination from the department.

Marijuana Retail Sales Establishments Approved by the Assembly with Buffers Applied



*Map created on 11/8/19.

Legend

- Marijuana Retail Sales Establishments
- 500ft Buffer
- 1000ft Buffer



MOA 16.65 Says

16.65.010.A.8 allows smoking 5 ft. from the door to a facility with an alcohol license

16.56.010.A.5 prohibits 50 ft. from medical facilities entrances – **More strict than state code**

16.60.030.A.1 Allows smoking in 25% of hotel rooms – **Less strict than state law**

16.60.030.A.4. Only restricts smoking in a child care facility in a private residence to when kids are present-which is **Less strict than state law**

16.65.030.C bans smoking that is in violation of 8.35.300 – **More strict than state law.**

Vaping is not included in definition of smoking, which means it is not banned anywhere except town square park. – **Less Strict than state law**

Town square park prohibition of smoking (not in state code but specifically allowed in local code under 18.35.331)

There are some difference in signage requirements. State law requires a \$50.00 fine language to be on their signs which is not the same as the fine structure in the MOA code which could cause confusion if someone was fined under our code for \$100.00 and the sign says \$50.00, we would have to lower our fine to match or somehow not use the signs required by state law.

SOA AS 18.35 Says

18.35.301(c)(4)(A) sets the distance from a bar at 10 feet and is **more strict than the MOA**

18.35.301(b)(1) Does not allow smoking in hotels- **More strict than MOA**

18.35.301(b)(6) Does not allow smoking in a private residence at all if used for childcare or adult care even if the children/adults are not present. – **More strict than MOA**

18.35.301(h)(B).3 Allows marijuana smoking in compliance with AS 17.38 – **Muni is more strict and does not allow this.**

Vaping is only allowed in tobacco shops under certain conditions defined in **18.35.301(d)** the state has strict restrictions on how a building can be to allow only vaping inside. **More strict than MOA as MOA does not address this.**

18.35.301(c)(1) Prohibits smoking within 10 feet of playground equipment in public or private schools, and municipal parks – **More strict than MOA**

18.35.331 addresses with conflicts with local codes, which allows us to be more restrictive in certain areas, but no mention of less restrictive.

18.35.357 allows a municipality to opt out completely by ordinance if voted on by the public and approved to use our own drafted regulations or the previously adopted state regulations if the municipality has no adopted rules.