

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

**ANCHORAGE, ALASKA
AO No. 2020-XXX**

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
2 **CHAPTER 10.80 OF THE ANCHORAGE MUNICIPAL CODE TO INCORPORATE**
3 **STATE REGULATIONS CHANGES, UPDATE AND CLARIFY MUNICIPAL**
4 **MARIJUANA LICENSING REGULATIONS; AMENDING THE MUNICIPAL FINE**
5 **SCHEDULE; AND RELATED MATTERS.**
6

7
8 **THE ANCHORAGE ASSEMBLY ORDAINS:**
9

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

13 **SECTION # IN BOLD SECTION TITLE IN BOLD**

14
15 Body of section with new language inserted first and underlined [OLD
16 LANGUAGE TO BE DELETED IS IN BRACKETS AND CAPITALIZED].
17 Always copy and paste current text from the Code or download in Word from
18 online hosted site, don't retype it. Never use automatic numbering
19 for subsections/subparagraphs.
20

21 Omitting some of the current text of a code section is indicated by asterisks:
22 *** **

23
24 Always include the history note at the end of the section as it currently reads:
25 (AO No. 57-75; AO No. 78-177; AO No. 87-126(S); AO No. 98-51(S), §
26 1, 5-4-99)
27
28
29

30 **Section 1.** Anchorage Municipal Code title 10 is hereby amended to add a new
31 chapter 10.80 for Municipal Licensing and Regulation of Marijuana Establishments, to
32 read as follows:
33

34 **10.80.005 - License required.**
35

36 A marijuana establishment may not operate in the municipality unless it has obtained
37 the applicable marijuana establishment license from the municipality. Upon approval
38 by the assembly, the municipal clerk will issue the following marijuana establishment
39 licenses under this chapter:
40

41 A. A retail marijuana store license, granting authority for activities allowed under AS
42 17.38.070(a), and subject to the standards of sections 10.80.300—10.80.371 and
43 sections 10.80.700—10.80.755.

1 B. A marijuana cultivation facility license, granting authority for activities allowed
2 under AS 17.38.070(b), and subject to the standards of sections 10.80.400—
3 10.80.460 and sections 10.80.700—10.80.755.

4
5 C. A marijuana product manufacturing facility license, granting authority for
6 activities allowed under AS 17.38.070(c), and subject to the standards of sections
7 10.80.500—10.80.545 and sections 10.80.700—10.80.755.

8
9 D. A marijuana testing facility license, granting authority for activities allowed under
10 AS 17.38.070(d), and subject to the standards of sections 10.80.600—10.80.675 and
11 sections 10.80.700—10.80.755.

12
13 (AO No. 2016-16(S), § 1, 2-9-16)

14
15 **10.80.010 - License restrictions.**

16
17 A. Reserved.

18
19 B. The municipality will not issue a marijuana establishment license if the licensed
20 premises will be located in a liquor license premises.

21
22 C. The municipality will not issue a marijuana establishment license to an applicant
23 proposing to license a premises located in a zone in which Title 21 of the Anchorage
24 Municipal Code does not permit the marijuana establishment to be located.

25
26 D. The municipality will not issue a marijuana establishment license to a person
27 that:

28
29 1. Is prohibited under AS 17.38.200(i) from receiving a marijuana establishment
30 license because of a conviction of a felony; if the applicant is a partnership, limited
31 liability company, or corporation, the municipality will not issue a license if any partner
32 holding an interest in a partnership, any member holding an ownership interest in a
33 limited liability company, or any owner of a corporation's stock is prohibited under AS
34 17.38.200(i) from obtaining a license; in this paragraph, "conviction of a felony"
35 includes a suspended imposition of sentence;

36
37 2. Has within the preceding five years been found guilty of:

38
39 a. Selling alcohol without a license in violation of AS 04.11.010;

40
41 b. Selling alcohol to an individual under 21 years of age in violation of AS 04.16.051
42 or AS 04.16.052; or

43
44 c. A misdemeanor crime involving a controlled substance, violence against a
45 person, use of a weapon, or dishonesty; or

46
47 3. Has, within two years before submitting an application been convicted of a class

1 A misdemeanor relating to selling, furnishing, or distributing marijuana or operating an
2 establishment where marijuana is consumed contrary to state law.

3
4 E. A municipal marijuana establishment license is not transferable from the specific
5 location for which it is issued to a different location. The holder of a municipal
6 marijuana establishment license that permanently ceases to operate the business at
7 the location for which it is issued shall surrender the license to the municipal clerk
8 within ten days.

9
10 F. A licensed marijuana retail establishment may not allow on-site consumption
11 unless it has a current and valid municipal on-site consumption endorsement.

12
13 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 1, 4-25-17; AO No. 2017-
14 95(S) , § 1, 5-1-17; AO No. 2018-96(S) , § 1, 11-7-18; AO No. 2019-66 , § 1, 6-18-19)

15
16 **10.80.011 - License restrictions—Sup- plemental standards.**

Commented [HML1]: Can we fix this?

17
18 A. The municipality will not issue a marijuana establishment license if the licensed
19 premises do not meet the requirements of title 21.

20
21 B. The prohibitions of sections 10.80.310, 10.80.405C., 10.80.510, or 10.80.610B.
22 apply to the premises identified in an application for a municipal marijuana
23 establishment license beginning from the time the application is deemed completed
24 under section 10.80.026. Violations are subject to enforcement action, including
25 denial of the application, or suspension or revocation of the license if issued prior to
26 final adjudication of the violation.

27
28 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 2, 4-25-17)

29
30 **10.80.015 - License conditions.**

31
32 A. The municipality will issue each marijuana establishment license to a specific
33 individual, to a partnership, including a limited partnership, to a limited liability
34 company, or to a corporation. A person other than a licensee may not have a direct or
35 indirect financial interest in the business for which a marijuana establishment license
36 is issued.

37
38 B. ~~Except as allowed in AMC 10.80.036, t~~he municipality will not issue, ~~renew, or~~
39 ~~trasnfer~~ a marijuana establishment license to:

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Commented [HML2]: Effective Date: 2/12/19

40
41 1. An individual or a sole proprietorship unless the individual or proprietor is a
42 resident of the state;

43
44 2. A partnership unless each partner is a resident of the state;

45
46 3. A limited liability company unless the limited liability company is qualified to do
47 business in the state and each member of the limited liability company is a resident of

1 the state; or

2
3 4. A corporation unless the corporation is incorporated or qualified to do business in
4 the state and each ~~corporate officer, director, and~~ shareholder is a resident of the
5 state.

Commented [HML3]: Effective Date: 10/18/20

6
7 C. The municipality will issue each license for a specific location identified on the
8 license as the licensed premises. A marijuana establishment must have a right to
9 possession of its licensed premises at all times, and may not lease its licensed
10 premises to another person for any reason. Modifications to the size of a license
11 premises are allowed in accordance with sections 10.80.705 and 21.03.105. A
12 marijuana establishment may not relocate its licensed premises to a different place
13 without obtaining a license for the new premises as required under section 10.80.050.

14
15 D. The assembly may impose other conditions or restrictions on a license ~~or~~
16 ~~endorsement~~ issued under this chapter when it finds that it is in the interests of the
17 public to do so.

Commented [HML4]: Missed in AO 2019-66

18
19 E. In this section,

20
21 1. "Direct or indirect financial interest" means:

22
23 a. A legal or equitable interest in the operation of a business licensed under this
24 chapter;

25
26 b. Does not include a person's right to receive:

27
28 i. Rental charges on a graduated or percentage lease-rent agreement for real
29 estate leased to a licensee; or

30
31 ii. A consulting fee from a licensee for services that are allowed under this chapter;

32
33 2. "Resident of the state" means a person who ~~is eligible at the time of application~~
34 ~~for the most recent~~ ~~meets the residency requirement under AS 43.23 for a~~ permanent
35 fund dividend ~~under AS 43.23~~ ~~in the calendar year in which that person applies for a~~
36 ~~marijuana establishment license under this chapter.~~

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Commented [HML5]: Effective Date: 10/18/20

37
38 (AO No. 2016-16(S), § 1, 2-9-16)

39
40 **10.80.020 - Application for new, renewal or transfer of license—State**
41 **application forms incorporated.**

42
43 An applicant for a new, renewal or transfer of a municipal marijuana establishment
44 license must have submitted a state marijuana establishment license application in
45 accordance with 3 AAC 306.020 and that application must be deemed complete by
46 the director of alcohol and marijuana control office.

47

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

10.80.021 - Application for new license—Supplemental municipal marijuana establishment license application.

In addition to confirmation from the state of a deemed complete application as required by section 10.80.020, an applicant for a new municipal marijuana establishment license must submit to the planning department a municipal marijuana establishment license application, which shall be submitted on a form prescribed by the municipal clerk, and which shall provide the municipality with all information necessary to ensure that the applicant complies with supplemental standards contained in this chapter. Such information shall include, without limitation:

A. A sworn statement listing all criminal convictions, notwithstanding the form of judgment and including withheld judgments, deferred judgments, and bond forfeitures, against every owner and manager for any offense other than traffic infractions for the five years preceding the application date. The municipal clerk may require additional information, including, but not limited to, the date, place, and nature of the crime that resulted in the judgment.

B. A sworn statement that no licensee, as that term is used in 3 AAC 306.020(b)(2), owes past-due taxes, fees or fines to the municipality.

C. Information required by section 21.03.105 for a special land-use permit for marijuana.

D. Information required by section 10.80.056.

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

10.80.026 - Municipal application procedure for new license or endorsement.

A. An applicant must initiate a new marijuana establishment license or endorsement application only after submitting to the state alcohol and marijuana control office a complete application for a related state marijuana establishment license, to create a public notice form.

Commented [HML6]: Effective Date: 4/11/19

Commented [HML7]: Effective Date: 3/25/20

B. If an applicant for a new municipal marijuana retail store license or the holder of a valid municipal marijuana retail store license is applying for a municipal endorsement for on-site consumption, the application shall contain the information required by section 10.80.306D.

Commented [HML8]: Operating fee? See 10.80.100

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C. The applicant must pay to the municipality the application and licensing fees set out in section 10.80.100. The notice requirements in subsection D of this section must be given within the 90 days preceding the submittal of all application requirements listed in 10.80.020 and the application and license fee.

Commented [HML9]: It doesn't make sense to me that the Director would send notice of a complete application to the applicant/cc "preceding the submittal of all application requirements listed..."

Commented [HML10]: Effective Date: 3/21/19

1 D. New application: When an application for a new marijuana establishment license
2 and special land use permit is received, the director of the planning department shall
3 determine if the application is complete. If the director determines the application is
4 complete, the director shall ~~as soon as is practicable~~ give written notice to:

Commented [HML11]: Effective Date: 2/21/19

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

13
14 E. If an application for a marijuana establishment license is incomplete, the director
15 of the planning department shall notify the applicant by electronic mail at the address
16 provided by the applicant, and

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

22
23 F. When the director of the planning department informs an applicant that its
24 application is incomplete as provided in subsection E., the applicant must complete
25 the application not later than 90 days after the date of the director's notice. If an
26 applicant fails to complete its application during the 90-day period after the director's
27 notice, the applicant must file a new application and pay a new application fee to
28 obtain a marijuana establishment license or endorsement.

Commented [HML12]: Operating/permit fee?

29
30 G. The director may, not less than 90 days after initiation of an application, inform
31 an applicant by electronic mail at the address provided by the applicant that missing
32 application requirements listed in 10.80.020 must be submitted within 90 days. If an
33 applicant fails to submit all missing application requirements during the 90-day period
34 after the director's notice, the applicant must file a new application and pay a new
35 application fee to obtain a marijuana establishment license.

Commented [HML13]: Permit fee??

Commented [HML14]: Effective Date: 4/11/19

36
37 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S), § 3, 4-25-17; AO No. 2019-66
38 , § 4, 6-18-19)

39
40 **10.80.036 - Municipal application for renewal of license or endorsement; failure**
41 **to timely renew results in potential closure; expiration results in termination of**
42 **license, endorsement and special land use permit.**

43
44 A. On or before May 1 of each year, the municipal clerk shall send notice that a
45 marijuana establishment with a license in active and operating status must file a
46 renewal application not later than June 30 of the current year. Renewal applications
47 filed after that date are delinquent and subject the marijuana establishment to

1 potential closure pending approval of the application as described in subsection G.
2 Renewal applications for the next license period will be accepted by the municipal
3 clerk's office only between May 1 and August 31, inclusive. ~~if mailed, the complete~~
4 ~~renewal application and fee must be postmarked by the deadline.~~

Commented [HML15]: Effective Date: 3/25/20

5
6 B. A marijuana establishment's renewal application must include:

7
8 1. Identification of the license sought to be renewed by license number,
9 endorsement, license type, establishment name, and premises address;

10
11 2. The information required for a state license renewal application under 3 AAC
12 306.020(b)(1)-(9),~~35~~ and a municipal license under AMC section 10.80.021, except
13 for information regarding the previously approved special land use permit as required
14 by subsection 10.80.021C.;

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15
16 ~~3. Any change from the marijuana establishment's original license application or~~
17 ~~last renewal application for any change in:~~

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18
19 a. ~~The name of the marijuana establishment business;~~

20
21 b. ~~The licensed premises from the last diagram submitted;~~

22
23 c. ~~The marijuana establishment's operating plan; and~~

24
25 d. ~~Any new product a licensed marijuana product manufacturing facility wishes to~~
26 ~~produce;]~~

Commented [HML16]: Repealed Effective Date:
2/21/19

27
28 4. A report, for each licensee:

29
30 a. Any criminal charge on which that licensee has been convicted in the current and
31 previous two calendar years; and

32
33 b. Any civil violation of AS 04, AS 17.38, or this chapter in the current and previous
34 two calendar years; and

Commented [HML17]: Effective Date: 2/21/19

35
36 c. If a current holder of a marijuana establishment license has a change in
37 ownership or transfer of a controlling interest, it must submit a change report or an
38 application for transfer at the same time as the application for renewal is submitted, if
39 such report or application has not been submitted before the renewal application; and

40
41 5. A declaration under penalty of unsworn falsification that:

42
43 a. The application is true, correct and complete;

44
45 b. The applicant has read and is familiar with AS 17.38 and this chapter; and

46
47 c. The applicant will provide all information the municipal clerk requires in support of

1 the renewal application; and

2
3 6. Any other information required by the municipal clerk.

4
5 C. If the municipal clerk determines that the renewal application is complete, the
6 municipal clerk shall give notice of a renewal application to:

7
8 1. The applicant; and

9
10 2. Reserved;

11
12 3. The community council in which the licensed premises is located;

13
14 4. Reserved.

15
16 D. If a marijuana establishment has received approval for its original license and
17 special land use permit by the assembly, but it is not effective before July 1 of the
18 current year because all conditions have not been met, a renewal application is not
19 required to be submitted.

20
21 E. On or before May 1 of each year, the municipal clerk shall notify each community
22 council of all the marijuana establishment licenses located within its boundaries that
23 are due to expire in August that calendar year, and advise councils they may request
24 a public hearing before the assembly on any renewal within its boundaries. Requests
25 for a hearing made by a community council under this section shall be made no later
26 than June 15 of that same year, and shall be submitted to the assembly as part of its
27 packet before action is taken on those renewals.

28
29 F. On or before August 15 of each year, the municipal clerk shall deliver a notice of
30 expiration to each marijuana establishment required to submit a renewal application
31 under (A) of this section that has not filed a complete application for renewal of a
32 license, along with any applicable affidavit unless the marijuana establishment has
33 notified the municipal clerk that it does not intend to seek a renewal of its license. A
34 marijuana establishment is not excused from filing a license renewal application not
35 later than August 31 of each year even if the marijuana establishment does not
36 receive the notice of expiration described in this section.

Commented [HML18]: Effective Date: 2/21/19

37
38 G. Expiration. All marijuana establishment licenses and endorsements expire at
39 12:00 midnight on August 31 of each year, unless a different date is set in the
40 assembly resolution approving the license or endorsement.

41
42 1. If a marijuana establishment required to submit a renewal application (A)
43 of this section fails to file a complete license renewal application on or before August
44 31, the holder of that expired license shall, within ten days of expiration, surrender the
45 license to the municipal clerk. Any holder of an expired license with no renewal
46 application pending that seeks authority to operate must file a complete new
47 application under sections 10.80.020 and 10.80.026, along with the required fee.

Commented [HML19]: Effective Date: 2/21/19

1
2 2. If a marijuana establishment files a complete license renewal application
3 between May 1 and on or before August 31:

4
5 a. Filed on or before June 30. The marijuana establishment may continue operating
6 under the current license notwithstanding the expiration date until the renewed license
7 is approved and effective, or until the assembly denies the application for renewal,
8 only if its renewal application was filed on or before June 30.

9
10 b. Filed on or after July 1. The marijuana establishment shall not operate after
11 August 31 until the renewed license is approved and effective, if the renewal
12 application was filed on or after July 1. Such an establishment may retain possession
13 of the marijuana or marijuana product that is otherwise compliant with this chapter on
14 its premises, during the period it is prohibited from operations pending a decision on
15 the renewal application and, if approved, compliance with all conditions.

16
17 c. Notwithstanding subsection 21.03.105C.10.a., the special land use permit for
18 marijuana shall not expire unless the renewal application is denied.

19
20 H. The municipal clerk may renew a license where a licensee is not considered a
21 resident of the state as defined at 3 AAC 306.015(e)(2), if, as part of the renewal
22 application, the licensee submits documentation to the municipal clerk's satisfaction
23 that:

24
25 1. the licensee's primary residence is in the state; and

26
27 2. the licensee has a good cause for not meeting the requirements to be a
28 resident of the state as defined at 3 AAC 306.015(e)(2); and

29
30 3. the cause of not meeting the requirements to be a resident of the state as
31 defined at 3 AAC 306.015(e)(2) is temporary.

32
33 I. Nothing in this section supersedes any proceeding to suspend or revoke a
34 license.

35
36 (AO No. 2016-16(S), § 1, 2-9-16 ; 2017-71(S) , § 4, 4-25-17; AO No. 2017-95(S) , §
37 2, 5-1-17; AO No. 2019-66 , § 5, 6-18-19)

38
39 *Editor's note— Section 10 of AO No. 2017-95(S) , effective May 1, 2017, states,*
40 *"Notwithstanding the Code amendments adopted by this ordinance, the 2017*
41 *municipal marijuana establishment license renewal applications shall be considered*
42 *delinquent (section 10.80.036A.) only if they are filed after July 31, 2017."*

43
44 **10.80.045 - Application for license transfer; procedures for change in or transfer**
45 **of a controlling interest in a license issued to non-natural persons, for a**
46 **transfer of license, transfer of a license with an endorsement, and for temporary**
47 **operation following the death of an individual.**

Commented [HML20]: Effective Date: 2/21/19

1
2 A. General provisions. Except as otherwise provided in this section, a person may
3 not receive or transfer a marijuana establishment license or controlling interest in a
4 marijuana establishment license issued to a partnership, including a limited
5 partnership, a limited liability company, or a corporation, without applying for the
6 transfer and receiving the written consent of the assembly. Transfer of a controlling
7 interest in a license includes a sale of all or part of the interest of an individual owner,
8 and numerous separate transfers that in the aggregate amount to more than 50
9 percent of the ownership interest or the voting shares of a corporation.

10
11 B. Exceptions.

12
13 1. A transfer of a license with or without any associated endorsement issued to an
14 individual as a sole proprietor to a limited liability company or a corporation with a
15 single member or shareholder whom is the same individual may be approved by the
16 municipal clerk. Any procedure in this section for a public hearing or assembly
17 consideration or action is not applicable.

18
19 2. Continued operations following death of a licensee, pending a transfer. A person
20 who is a personal representative appointed by the superior court for the estate of a
21 deceased licensee who is:

22
23 a. A sole proprietorship may operate the marijuana establishment in accordance
24 with section 10.80.920.

25
26 b. A partner holding a controlling interest in a partnership, a member holding a
27 controlling ownership interest in a limited liability company, or an owner of a
28 controlling interest in a corporation's stock, may represent the deceased licensee's
29 interest in the entity for a period not to exceed 90 days, and shall submit an
30 application for a transfer of a controlling interest under this section within that time.
31 The municipal clerk may extend the time allowed in this section for up to an additional
32 90 days upon written request of the personal representative. This subsection does not
33 authorize the transfer of a controlling interest in a marijuana establishment license by
34 the personal representative, administrator or executor to the estate of a decedent. If
35 an application for transfer of a license is not received within this time, the municipal
36 clerk shall notify the assembly.

37
38 C. Procedure. An application for transfer with or without any associated
39 endorsement must be filed in writing on a form the municipal clerk prescribes within
40 ten days of the effective date of an agreement or contract for such a transfer, in
41 compliance with the application procedure set out in section 10.80.026. Regardless of
42 any private agreement terms, a transfer of the license or of a controlling interest in a
43 license is not effective until after approval. The application must name the current
44 holder(s) of the marijuana establishment license and the proposed transferee(s),
45 including all persons listed in 3 AAC 306.020 if a transferee is a partnership, limited
46 liability company, or a corporation. The application must contain:
47

1 1. The same information about each transferee as is required of an applicant for a
2 new license under section 10.80.020, section 10.80.021 except for information
3 regarding the previously approved special land use permit as required by subsections
4 10.80.021C., and 3 AAC 306.020;

5
6 2. A statement, under oath, executed by the current holder of the marijuana
7 establishment license, listing all debts of the business, all taxes the business owes,
8 current contact information for each creditor, and an affirmation that the current holder
9 of the marijuana establishment license has submitted a copy of the transfer
10 application to all creditors; and

Commented [HML21]: Same as unsworn
falsification?

11
12 3. Any other information required by the municipal clerk for the type of marijuana
13 establishment license sought to be transferred.

14
15 4. A municipal on-site consumption endorsement may only be transferred to
16 another person if the license for which the endorsement was issued is also
17 transferred to that person.

18
19 D. Action by the municipal clerk. When the municipal clerk receives a complete
20 application for a transfer of a license with or without any associated endorsement to
21 another person, the municipal clerk shall immediately:

22
23 1. Reserved.

24
25 2. Reserved.

26
27 3. Send notice of the proposed transfer to the community council in which the
28 licensed premises is located; and

29
30 4. Schedule the application for transfer to be considered by resolution by the
31 assembly as soon as practicable.

32
33 E. Renewal application may be required. If a licensed marijuana establishment
34 submits an application for transfer after April 30 and before July 1, it must also submit
35 an application for renewal.

36
37 F. When a transferee intends to continue to operate a marijuana license with the
38 operating plan approved by the assembly for the transferor, the transferee may
39 submit a form approved by the municipal clerk certifying that the transferee is making
40 no changes to the operating plan or licensed premises, instead of submitting
41 information required by 10.80.020, 10.80.315, 10.80.420, 10.80.520, and 10.80.615.

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42
43 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 6, 4-25-17; AO No. 2017-
44 95(S) , § 3, 5-1-17; AO No. 2018-96(S) , § 1, 11-7-18; AO No. 2019-66 , § 6, 6-18-19)

45
46 **10.80.046 - Reporting of ownership changes; non-controlling ownership**
47 **changes to be reported; controlling interest ownership change and transfer of**

1 **license requires transfer application.**

2
3 A. A licensed marijuana establishment shall, before or not later than ten days of the
4 effective date of an agreement or contract for a non-controlling ownership change as
5 described in this section, ~~submit~~~~report the change~~ on a form prescribed by the
6 municipality, which shall include the information required under section 10.80.021,
7 except for information regarding the previously approved special land use permit as
8 required by subsection 10.80.021C. If an ownership change is due to the death of an
9 individual with a non-controlling interest, the provisions allowing continued operation
10 for a limited time set forth in subsection 10.80.045B.2. apply, pending submittal of a
11 report.

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12
13 B. If any change required to be ~~submitted~~~~reported~~ under this section will result in a
14 change in controlling interest of the marijuana establishment license, including sole
15 proprietorships, the marijuana establishment must file an application for transfer
16 under section 10.80.045. Numerous separate transfers that in the aggregate amount
17 to more than 50 percent of the ownership interest or the voting shares of a
18 corporation require an application for transfer.

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19
20 C. ~~An individual identified in this section shall be a resident of the state as required~~
21 ~~under 3 AAC 306.400(c), 3 AAC 306.500(c) or 3 AAC 306.605(c); and~~

22
23 ~~D. The municipal clerk shall approve an ownership change application when any~~
24 ~~new owner is not disqualified under 10.80.010, 10.80.015, 10.80.300, 10.80.400,~~
25 ~~10.80.500, or 10.80.605.~~

Commented [HML23]: Effective Date: 2/21/19

26
27 ~~1. Is not disqualified under 3 AAC 306.010(d), 3 AAC 306.015(b), 3 AAC~~
28 ~~306.300(b), 3 AAC 306.400(c), 3 AAC 306.500(c), or 3 AAC 306.605(c); and~~

29
30 ~~2. Is a resident of the state.~~

Commented [HML24]: Effective Date: 10/18/20

31
32 ~~D.~~ In this section, "ownership change" means:

33
34 1. If the licensee is a partnership, including a limited partnership, any change in the
35 identity of the partners, or in the ownership percentages held by any partners;

36
37 2. If the licensee is a limited liability company, any change in the identity of the
38 members or managers, or in the ownership percentage held by any member; or

39
40 3. If the licensee is a corporation, any change in its corporate officers, any sale of
41 corporate stock to a person not currently an owner, or any change of the percentage
42 ownership of an existing shareholder.

43
44 ~~DE.~~ Any applicant or affiliate reported under this section must have complied with
45 the state's fingerprint and fee requirements under 3 AAC 306.055 or AS 12.62.160 for
46 criminal justice information.
47

1 ~~EF~~. If a new owner owes past-due taxes, fees, or fines to the municipality, the
2 owner shall have 30 days from the date the municipality notifies the new owner to pay
3 the past-due taxes, fees, or fines. In the event such past-due taxes, fees, or fines are
4 not paid within 30 days, the municipal clerk shall notify the assembly of the past-due
5 taxes, fees, or fines.

6
7 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 5, 4-25-17; AO No. 2017-
8 95(S) , § 4, 5-1-17; AO No. 2018-96(S) , § 1, 11-7-18)

9
10 **10.80.050 - Relocation of licensed premises not allowed.**

11
12 A marijuana establishment license may not be relocated to any other premises. A
13 holder of a marijuana establishment license that wishes to operate a marijuana
14 establishment at a different location must submit a new application for any new
15 premises, and must surrender an existing license for any premises where the
16 marijuana establishment does not intend to continue its operation.

17
18 (AO No. 2016-16(S), § 1, 2-9-16)

19
20 **10.80.056 - Criminal justice information and records.**

21
22 When filing an application for a new marijuana establishment license or a transfer, or
23 reporting an ownership change, the applicant must provide, and agree in writing to
24 prospectively provide, the municipal clerk with any communication from the State
25 Marijuana Control Board then in the applicant's possession or subsequently received
26 by the applicant, disclosing the substance of information received by the State
27 Marijuana Control Board as a result of a criminal history record check conducted
28 about the applicant.

29
30 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 7, 4-25-17; AO No. 2018-
31 96(S) , § 1, 11-7-18)

32
33 **10.80.061 - Protest to State Marijuana Control Board by municipality.**

34
35 A. The municipal clerk shall protest a state marijuana establishment license or
36 endorsement application if:

37
38 1. The applicant proposes to operate a marijuana establishment within the
39 municipality, and

40
41 2. Does not possess all licenses, permits and approvals needed to operate a
42 marijuana establishment or endorsement activity within the municipality.

43
44 B. The assembly may recommend that the State Marijuana Control Board approve
45 an application for a new state license, renewal of a state license, transfer of a state
46 license with or without an associated endorsement to another person, or application
47 for a new endorsement subject to a condition or conditions. In such circumstances,

1 the municipal clerk shall request that a protest to the State Marijuana Control Board
2 be lifted upon fulfillment of such condition or conditions.

3
4 C. A motion to reconsider may not be made regarding the assembly's action on
5 whether to protest the state marijuana license application.

6
7 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2018-96(S) , § 1, 11-7-18; AO No. 2019-66
8 , § 7, 6-18-19; AO No. 2019-84 , § 3, 7-9-19)

9
10 **10.80.065 - Public participation.**

11
12 A person may comment on an application for a new license, renewal of a license,
13 transfer of a license, transfer of a controlling interest in a license with or without any
14 associated endorsement, or application for a new endorsement by submitting a
15 written statement to the municipal clerk. If a public hearing is held, a person may also
16 give oral testimony at the public hearing held in accordance with section 10.80.071.

17
18 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 8, 4-25-17; AO No. 2018-
19 96(S) , § 1, 11-7-18; AO No. 2019-66 , § 8, 6-18-19)

20
21 **10.80.071 - Public hearing.**

22
23 A. The assembly will hold a hearing to ascertain the reaction of the public to a new
24 application for a marijuana establishment. The hearing will be consolidated with the
25 hearing required by section 21.03.105 on the applicant's associated application for a
26 special land use permit.

27
28 B. The assembly may hold a hearing to ascertain the reaction of the public to an
29 application for a renewal of a license, transfer of a license, or transfer of a controlling
30 interest in a license.

31
32 C. The assembly will hold a hearing to ascertain the reaction of the public to a new
33 application for an on-site consumption endorsement. The hearing may be
34 consolidated with the hearing required for a new application for a marijuana
35 establishment license under subsection A. of this section. The assembly may hold a
36 hearing to ascertain the reaction of the public to an application for renewal of an on-
37 site consumption endorsement.

38
39 D. If a hearing is held pursuant to this section, the municipality shall send notice of
40 a hearing to each community council within 1,000 feet of the proposed premises.

41
42 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2018-96(S) , § 1, 11-7-18; AO No. 2019-66
43 , § 9, 6-18-19)

44
45 **10.80.076 - Procedure for action on license or endorsement application;
46 commencement of operations.**
47

Commented [HML25]: Currently scheduling transfers of license/controlling interest for PH. Continue or stop?

1 A. The assembly will decide whether to grant or deny an application after
2 conducting a public hearing in accordance with section 10.80.071, if such a hearing is
3 held.

4
5 B. The assembly will consider any written objection, suggested condition, or
6 petition, and any testimony received at a public hearing held under section 10.80.071
7 when it considers the application. The municipal clerk will retain the written objection,
8 suggested condition, or petition as part of the record of the assembly's review of an
9 application.

10
11 1. On an application for renewal of a license or endorsement, the assembly may
12 add, remove, or modify conditions of the license.

13
14 2. On an application for transfer of a license, with or without any associated
15 endorsement, or transfer of a controlling interest in a license, the assembly may add,
16 remove, or modify conditions of the license, including conditioning its grant of the
17 transfer on satisfaction of any such conditions of the transfer or imposed on the
18 transferees.

19
20 C. The assembly's decision on an application shall be made by assembly
21 resolution.

22
23 D. After the assembly approves a license application, the applicant may not begin
24 operating the marijuana establishment until the applicant has received and posted the
25 municipal marijuana license and special land use permit certificate inside the licensed
26 establishment in accordance with section 10.80.705B. A marijuana establishment
27 license that has been "approved" but all conditions of approval have not been met is
28 not "effective" until the establishment is in compliance with this subsection.

29
30 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 10, 4-25-17; AO No. 2017-
31 95(S) , § 5, 5-1-17; AO No. 2018-96(S) , § 1, 11-7-18; AO No. 2019-66 , § 10, 6-18-
32 19)

33
34 **10.80.080 - Denial of application.**

35
36 A. After review of the application, including the applicant's proposed operating plan
37 and all relevant information, the assembly will deny an application for a new license or
38 endorsement if the assembly finds that:

39
40 1. The application is not complete as required under the applicable standards
41 sections 10.80.020—10.80.056, or contains any false statement of material fact;

42
43 2. The license or endorsement would violate any restriction in section 10.80.010 or
44 10.80.011 or 3 AAC 306;

45
46 3. The license or endorsement would violate any restriction applicable to the
47 particular license type authorized under this chapter;

1
2 4. The license or endorsement is prohibited by municipal code;
3

4 5. The ~~assembly finds that the~~ applicant's actions or the operating plan does not
5 adequately demonstrate that the applicant will comply with applicable standards of
6 this chapter; ~~or~~

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7
8 6. Issuance of the license or endorsement will adversely impact the health, welfare
9 or public safety of the neighborhood in which the marijuana establishment is proposed
10 to be located, or otherwise would not be in the best interests of the public.
11

12 B. After review of the application and all relevant information, the assembly will
13 deny an application for renewal of a marijuana establishment license if the assembly
14 finds:

15 1. Any cause listed in subsection A. of this section;
16
17

18 2. ~~That the license has been revoked for any cause;~~

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19
20 3. That the license has been operated in violation of a condition or restriction the
21 assembly previously imposed; ~~or~~

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22
23 4. That the applicant is delinquent in the payment of taxes due in whole or in part
24 from operation of the licensed business.
25

26 ~~4. That the applicant has lost right to possession of the applicant's licensed~~
27 ~~premises.~~

28
29 C. After review of the application and all relevant information, the assembly may
30 deny an application for transfer of a license or transfer of a controlling interest in a
31 license if the assembly finds:

32 1. Any cause listed in subsection A. of this section;
33
34

35 2. That the transferor has not paid all debts or taxes arising from the operation of
36 the business licensed under this chapter unless the transferor gives security for the
37 payment of the debts or taxes satisfactory to the creditor or taxing authority;
38

39 3. That transfer of the license or of a controlling interest in the license would result
40 in violation of the standards of this chapter relating to identity of licensees and
41 financing of licensees; or
42

43 4. That a prospective transferee does not have the qualifications of an original
44 applicant required under this chapter.
45

46 D. If the assembly denies an application for a new license, renewal of a license,
47 transfer of a license, transfer of a controlling interest in a license, or a new or renewal

1 of an endorsement, the municipal clerk will, not later than 15 days after the meeting at
2 which the application was denied, furnish a written statement of issues to the
3 applicant, explaining the reason for the denial in clear and concise language, and
4 identifying any statute or regulation on which the denial is based. The notice of denial
5 will inform the applicant of the right to appeal under section 10.80.095.

6
7 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2018-96(S) , § 1, 11-7-18; AO No. 2019-66
8 , § 11, 6-18-19)

9
10 **10.80.095 - Appeals.**

11
12 An applicant or marijuana establishment license or endorsement holder aggrieved by
13 a final decision of the assembly regarding an application for a new license, a license
14 renewal, or a transfer may appeal to the superior court.

15
16 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2018-96(S) , § 1, 11-7-18; AO No. 2019-66
17 , § 12, 6-18-19)

18
19 **10.80.100 - Fees; refund.**

20
21 A. The non-refundable application fee for a new marijuana establishment license or
22 an application to transfer is \$0, provided the fee shall only be due as authorized by
23 AS 17.38.210 or another provision of state law.

24
25 B. The non-refundable application fee for a license renewal application is \$0,
26 provided the fee shall only be due as authorized by AS 17.38.210 or another provision
27 of state law; if a renewal application is delinquent as provided under section
28 10.80.036, an additional non-fundable late-renewal application fee is \$0, provided the
29 fee shall only be due as authorized by AS 17.38.210 or another provision of state law.

30
31 C. The non-refundable fee to request approval of a change in a licensed marijuana
32 establishment's business name, ownership, licensed premises diagram, operating
33 plan, or proposed new marijuana product is \$0, provided the fee shall only be due as
34 authorized by AS 17.38.210 or another provision of state law. A change fee does not
35 apply to an application for transfer of a license or a transfer of controlling interest to
36 another person.

37
38 D. The annual license or endorsement operating fee to be paid with each
39 application for a new marijuana establishment facility license or endorsement and
40 each license or endorsement renewal application is \$0, except as further described in
41 this subsection. If the state Marijuana Control Board fails to issue a timely response to
42 an application as described in AS 17.38.210(f), and the municipality acts on the
43 application, the applicant must pay an annual license or endorsement operating fee to
44 the municipality as follows:

45
46 1. For a new marijuana retailer license, and for a renewed retail marijuana store
47 license, \$0;

- 1
- 2 2. For an on-site consumption endorsement, \$0;
- 3
- 4 3. For a new marijuana cultivation facility license, and for a renewed marijuana
5 cultivation facility license \$0;
- 6
- 7 4. Reserved;
- 8
- 9 5. For a new marijuana product manufacturing facility license, and for a renewed
10 marijuana product manufacturing facility license, \$0;
- 11
- 12 6. For a new marijuana testing facility license, and for a renewed marijuana testing
13 facility license, \$0.

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14
15 E. Reserved.

16
17 F. If the assembly denies an application for a license or for renewal of a license, the
18 municipality will refund the annual license operating fee received with the denied
19 application for a license or renewal. The municipality will not refund a license
20 operating fee after the license has been issued.

Commented [HML29]: State has "annual license or endorsement fee". I can't remember where the operating fee came from? We thought about charging an operating fee because we are not allowed to charge a license fee?

21
22 G. Fees charged by municipal departments for inspections or other applicable
23 requirements shall be paid by the applicant.

24
25 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 11, 4-25-17; AO No. 2017-
26 95(S) , § 6, 5-1-17; AO No. 2018-96(S) , § 1, 11-7-18; AO No. 2019-66 , § 13, 6-18-
27 19)

28 29 **10.80.300 - Retail marijuana store license required.**

30
31 A. Except as permitted under AS 17.38.020, a person may not sell, give, distribute,
32 deliver, or offer to sell, give, distribute, or deliver marijuana or any marijuana product
33 to a consumer unless the person has obtained a retail marijuana store license from
34 the municipality in compliance with this chapter, or is an employee or agent acting for
35 a licensed retail marijuana store operating in compliance with this chapter. A person
36 seeking a retail marijuana store license must:

- 37
- 38 1. Submit an application for a retail marijuana store license containing the
39 information set out under sections 10.80.020, 10.80.0.21 and 10.80.315; and
- 40
- 41 2. Demonstrate, to the assembly's satisfaction, that the applicant will operate in
42 compliance with:
 - 43
 - 44 a. Each applicable provision of sections 10.80.300—10.80.371 and sections
45 10.80.700—10.80.755; and
 - 46
 - 47 b. Each applicable land use, public health, fire, safety, and tax law of the

1 municipality.

2
3 B. A licensee of any retail marijuana store, or an employee or agent of a retail
4 marijuana store, may not have an ownership interest in, or a direct or indirect financial
5 interest in a licensed marijuana testing facility.

6
7 (AO No. 2016-16(S), § 1, 2-9-16)

8
9 **10.80.305 - Retail marijuana store privileges.**

10
11 A. A licensed retail marijuana store is authorized to:

12
13 1. Sell marijuana purchased from a licensed marijuana cultivation facility, packaged
14 and labeled as required under section 10.80.345, 3 AAC 306.470, and 3 AAC
15 306.475, in an amount not exceeding the limit set out in section 10.80.355, to an
16 individual on the licensed premises for consumption off the licensed premises;

17
18 2. Sell a marijuana product purchased from a licensed marijuana product
19 manufacturing facility, packaged and labeled as required under section 10.80.345, 3
20 AAC 306.565 and 3 AAC 306.570, in a quantity not exceeding the limit set out in
21 section 10.80.355, to an individual on the licensed premises for consumption off the
22 licensed premises;

23
24 3. Store marijuana and marijuana products on the licensed premises in a manner
25 consistent with sections 10.80.710—10.80.720;

26
27 4. Apply for an on-site consumption endorsement under section 10.80.306.

28
29 B. This section does not prohibit a licensed marijuana retail store from refusing to
30 sell marijuana or a marijuana product to a consumer.

31
32 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2019-66 , § 14, 6-18-19)

33
34 **10.80.306 - On-site consumption endorsement for retail marijuana stores.**

35
36 A. Unless prohibited by local or state law, a freestanding licensed retail marijuana
37 store with an approved on-site consumption endorsement is authorized to:

38
39 1. Sell marijuana and marijuana products, excluding marijuana concentrates, to
40 patrons for consumption on the licensed premises at the time of purchase in
41 compliance with this section and section 21.05.055 or 21.50.420, as applicable.

42
43 2. Sell for consumption on the premises:

44
45 a. Reserved.

46
47 b. Edible marijuana products in quantities not to exceed ten mg of THC to any one

- 1 person per day.
2
3 3. Sell food or beverages not containing marijuana or alcohol for consumption on
4 the premises.
5
6 4. Allow a person to remove from the licensed premises marijuana or marijuana
7 product that has been purchased on the licensed premises for consumption under this
8 section, provided it is packaged in accordance with section 10.80.345.
9
10 B. A licensed retail marijuana store with an approved on-site consumption
11 endorsement may not:
12
13 1. Sell marijuana concentrate for consumption in the marijuana consumption area
14 or allow marijuana concentrate to be consumed in the marijuana consumption area;
15
16 2. Allow any licensee, employee, or agent of a licensee to consume marijuana or
17 marijuana product, including marijuana concentrate, during the course of a work shift;
18
19 3. Allow a person to consume tobacco or tobacco products in the marijuana
20 consumption area;
21
22 4. Allow a person to bring into or consume in the marijuana consumption area any
23 marijuana or marijuana product that was not purchased at the licensed retail
24 marijuana store;
25
26 5. Sell, offer to sell, or deliver marijuana or marijuana product at a price less than
27 the price regularly charged for the marijuana or marijuana product during the same
28 calendar week;
29
30 6. Sell, offer to sell, or deliver an unlimited amount of marijuana or marijuana
31 product during a set period of time for a fixed price;
32
33 7. Sell, offer to sell, or deliver marijuana or marijuana product on any one day at
34 prices less than those charged the general public on that day;
35
36 8. Encourage or permit an organized game or contest on the licensed premises that
37 involves consuming marijuana or marijuana product or the awarding of marijuana or
38 marijuana product as prizes; or
39
40 9. Advertise or promote in any way, either on or off the premises, a practice
41 prohibited under this section.
42
43 C. A marijuana consumption area shall have the following characteristics:
44
45 1. The consumption area shall be isolated from the other areas of the retail
46 marijuana store, separated by walls and a secure door, and shall have access only
47 from the retail marijuana store;

- 1
- 2 2. A smoke-free area for employees to monitor the marijuana consumption area;
- 3 and
- 4
- 5 3. If consumption by inhalation or smoking is to be permitted, a ventilation system
- 6 that directs air from the marijuana consumption area to the outside of the building
- 7 through a filtration system sufficient to remove visible smoke, consistent with all
- 8 applicable building codes and ordinances, and adequate to eliminate odor at the
- 9 property line.
- 10
- 11 **4. If outdoors, be found by the assembly to be compatible with uses in**
- 12 **the surrounding area through evaluation of:**
- 13
- 14 **a. neighboring uses;**
- 15
- 16 **b. the location of air intake vents on neighboring buildings;**
- 17
- 18 **c. a sight-obscuring wall or fence around the outdoor marijuana**
- 19 **consumption area;**
- 20
- 21 **d. objections of property owners, residents, and occupants within 250**
- 22 **linear feet or the notification distance required by the local government,**
- 23 **whichever is greater: and**
- 24
- 25 **e. any other information the assembly finds relevant.**
- 26
- 27 D. An applicant for an on-site consumption endorsement must file an application on
- 28 a form prescribed by the municipal clerk, including the documents and endorsement
- 29 fee set out in this section, which must include:
- 30
- 31 1. The applicant's operating plan, in a format the planning department prescribes,
- 32 describing the retail marijuana store's plan for:
- 33
- 34 a. Security, in addition to what is required for a retail marijuana store, including:
- 35
- 36 i. Doors and locks;
- 37
- 38 ii. Windows;
- 39
- 40 iii. Measures to prevent diversion; and
- 41
- 42 iv. Measures to prohibit access to persons under the age of 21;
- 43
- 44 b. Ventilation, if consumption by inhalation or smoking is to be permitted, ventilation
- 45 plans must be:
- 46
- 47 i. Signed and approved by a licensed mechanical engineer;
- 48
- 49 ii. Designed so there is no visible smoke in the retail area or at the lot line; and
- 50

Commented [HML30]: Is this included in Title
21?

- 1 iii. Consistent with all applicable building codes and ordinances;
2
3 c. If any of the marijuana consumption area is outdoors, compliance with section
4 21.05.055 or 21.50.420, as applicable;
5
6 d. Monitoring overconsumption;
7
8 e. Controlling unconsumed marijuana, by disposal or by packaging in accordance
9 with section 10.80.345; and
10
11 f. Preventing introduction into the marijuana consumption area of marijuana or
12 marijuana products not sold by the retail marijuana store, and marijuana or marijuana
13 products not sold specifically for on-site consumption.
14
15 E. The retail marijuana store holding an on-site consumption endorsement under
16 this chapter shall:
17
18 1. Destroy all unconsumed marijuana left abandoned or unclaimed in the marijuana
19 consumption area in accordance with the operating plan and section 10.80.740;
20
21 2. Monitor patrons in the marijuana consumption area at all times, including for
22 overconsumption;
23
24 3. Display all warning signs required under sections 10.80.360 and 10.80.365 within
25 the marijuana consumption area, visible to all consumers;
26
27 4. Provide written materials containing marijuana dosage and safety information for
28 each type of marijuana or marijuana product sold for consumption in the marijuana
29 consumption area at no cost to patrons;
30
31 5. Package and label all marijuana or marijuana product sold for consumption on
32 the premises as required in section 10.80.345; and
33
34 6. Comply with any conditions imposed by the assembly or placed on the
35 endorsement by the State Marijuana Control Board.
36
37 F. The holder of an on-site consumption endorsement must apply for renewal
38 annually at the time of renewal of the underlying retail marijuana store license.
39

40 (AO No. 2019-66 , § 15, 6-18-19)

41
42 **10.80.307 - Internet and phone orders; exterior window or curbside pickup.**

43
44 **(A) Notwithstanding 3 AAC 306.305(a) and 3 AAC 306.310(a)(5), a retail**
45 **marijuana store licensed under 3 AAC 306.300 may accept internet or telephonic**
46 **orders of marijuana or marijuana products from consumers if consumers intend to be**
47 **physically present at the time of purchase on the licensed premises or at the location**

1 designated for exterior window or curbside pickup before November 15, 2020.

2
3 (B) A retail marijuana store licensed under 3 AAC 306.300 may provide exterior
4 window or curbside pickup of marijuana and marijuana products sold at retail before
5 November 15, 2020, only if:

6
7 (1) the marijuana or marijuana product offered for sale does not exceed the
8 amounts set out under 3 AAC 306.355 and is packaged as required under 3 AAC
9 306.345;

10
11 (2) a holder of a marijuana handler permit completing the sale verifies the
12 requirements of 3 AAC 306.350 are satisfied and that the purchaser is not under the
13 influence as described under 3 AAC 306.310(a)(2);

14
15 (3) the licensee extends the video surveillance requirements of 3 AAC 306.720 to
16 include the area designated for exterior window or curbside pickup;

17
18 (4) the licensee submits, as applicable, a request for an operating plan change in
19 accordance with 3 AAC 306.703 or a request for licensed premises alteration in
20 accordance with 3 AAC 306.705, for which fees shall be waived, and the director
21 provides written approval of that change or alteration; and

22
23 (5) the licensee provides written assurance that the local government permits
24 the change or alteration.

25
26 (c) A licensee that offers marijuana or marijuana products for exterior window
27 or curbside pickup must consent to inspections of the areas designated for exterior
28 window or curbside pickup, excluding private vehicles, at all reasonable times and
29 in a reasonable manner by investigative personnel of the board or by other peace
30 officers acting in their official capacity. Nothing in this section limits the existing
31 powers of investigative personnel.

32
33 (d) For purposes of this section,

34
35 (1) "curbside pickup" means parking spots designated by a licensee for pickup
36 of marijuana or marijuana products or an area immediately adjacent to an
37 entrance to a licensee's business premises.

38
39 (2) "exterior window pickup" means a drive-through or sliding or opening
40 window of a marijuana retail store from which marijuana or marijuana products
41 may be purchased without consumers entering the licensed premises.

42
43 **10.80.310 - Acts prohibited at retail marijuana store.**

44
45 A. A licensed retail marijuana store may not sell, give, distribute, deliver, or offer to
46 sell, give, distribute, or deliver, marijuana or any marijuana product:
47

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AAC 306.995 made permanent)
Sunset now set for 11/15/20 Correct Dean??

- 1 1. To a person under the age of 21 years of age;
- 2
- 3 2. To a person that is under the influence of an alcoholic beverage, inhalant, or
- 4 controlled substance;
- 5
- 6 3. That is not labeled and packaged as required in section 10.80.345, 3 AAC
- 7 306.470 and 3 AAC 306.475 or 3 AAC 306.565 and 3 AAC 306.570;
- 8
- 9 4. In a quantity exceeding the limit set out in section 10.80.355;
- 10
- 11 5. Over the internet; a licensed retail marijuana store may only sell marijuana or a
- 12 marijuana product to a consumer who is physically present on the licensed premises;
- 13 or
- 14
- 15 6. After the expiration date shown on the label of the marijuana or marijuana
- 16 product.
- 17
- 18 B. A licensed retail marijuana store may not:
- 19
- 20 1. Conduct business on or allow a consumer to access the retail marijuana store's
- 21 licensed premises during times prohibited by title 21;
- 22
- 23 2. Allow a person to consume marijuana or a marijuana product on the retail
- 24 marijuana store's licensed premises except as authorized by a municipal
- 25 endorsement;
- 26
- 27 3. Allow overconsumption of marijuana or marijuana product in an authorized on-
- 28 site consumption area;
- 29
- 30 4. Offer or deliver to a consumer, as a marketing promotion or for any other reason,
- 31
- 32 a. Free marijuana or marijuana product, including a sample; or
- 33
- 34 b. Alcoholic beverages, free or for compensation; or
- 35
- 36 5. Allow intoxicated or drunken persons to enter the licensed premises.
- 37
- 38 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2019-66 , § 16, 6-18-19)
- 39
- 40 **10.80.311 - Acts additionally prohibited at retail marijuana store.**
- 41
- 42 A. In addition to the restrictions of section 10.80.310, a licensed retail marijuana
- 43 store may not:
- 44
- 45 1. Offer any type of military discount for an individual in the status of Active Duty,
- 46 Guard, or Reserves in any branch of the United States military. For purposes of this
- 47 subsection, "military discount" means any reduction in price or other special offer to

1 encourage sales based on the current Active Duty, Guard, or Reserve military status
2 of a potential customer.

3
4 a. The prohibition against offering a military discount for an individual in the status
5 of Active Duty, Guard, or Reserves in any branch of the United States military does
6 not extend to offering discounts to veterans no longer in Active, Guard, or Reserve
7 status.

8
9 b. The prohibition against offering a military discount for an individual in the status
10 of Active Duty, Guard, or Reserves in any branch of the United States military shall
11 sunset without further action by the Assembly upon the Department of Defense or the
12 United States Congress issuing guidance or changing the law to allow service
13 members to use cannabis and remain in Active, Guard, and Reserve status without
14 potential for discipline or administrative separation.

15
16 (AO No. 2017-16 , § 1, 2-14-17)

17
18 **10.80.315 - Application for retail marijuana store license.**

19
20 An applicant for a new retail marijuana store license must have submitted an
21 application to the State Marijuana Control Board for a state marijuana retail store
22 license deemed complete by the board, and must file with the municipal clerk a copy
23 of all materials the applicant submitted the Marijuana Control Board in accordance
24 with 3 AAC 306.315, and all information required by section 10.80.021.

25
26 (AO No. 2016-16(S), § 1, 2-9-16)

27
28 **10.80.320 - Marijuana handler permit required.**

29
30 A. A retail marijuana store shall ensure that:

31
32 1. Each ~~licensee, employee, or agent~~ who is required or permitted to be physically
33 present on the licensed premises at any time, ~~each licensee, and each employee~~
34 obtains a marijuana handler permit as provided in 3 AAC 306.700 before being
35 licensed or employed at a retail marijuana store; and

36
37 2. Each licensee, employee, or agent has that person's marijuana handler permit
38 card in that person's immediate possession, or a valid copy on file on the premises, at
39 all times when on the licensed premises of the retail marijuana store.

40
41 (AO No. 2016-16(S), § 1, 2-9-16)

42
43 **10.80.325 - Access restricted at marijuana retail store.**

44
45 A. A person under 21 years of age may not enter a retail marijuana store.

46
47 B. Each public entry to a retail marijuana store must be posted with a sign that says

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1 "No one under 21 years of age allowed." The sign must be not less than 12 inches
2 long and 12 inches wide, with letters at least one-half inch in height in high contrast to
3 the background of the sign.

4
5 C. An area of a retail marijuana store's licensed premises where marijuana or any
6 marijuana product is stocked for sale or dispensed for sale is a restricted access area.
7 The retail marijuana store must post signs, require identification, and escort visitors in
8 compliance with section 10.80.710.

9
10 D. If a retail marijuana store displays marijuana to a consumer for the purpose of
11 smelling the marijuana before purchase, the retail marijuana store shall package the
12 marijuana in a sample jar that is protected by a plastic, metal or other protective
13 mesh screen, and the jar must remain in the monitored custody of the retail marijuana
14 store during consumer inspection.

Commented [HML33]: Effective Date: 5/9/19

15
16 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 12, 4-25-17)

17
18 **10.80.330 - Marijuana inventory tracking system.**

19
20 A. A retail marijuana store shall use a marijuana inventory tracking system as
21 provided in section 10.80.730 to ensure all marijuana and marijuana product in the
22 retail marijuana store's possession is identified and tracked from the time the retail
23 marijuana store receives any batch of marijuana or lot of marijuana product through
24 the sale, transfer to another licensed marijuana establishment, or disposal of the
25 batch of marijuana or lot of marijuana product.

26
27 B. When marijuana from a marijuana cultivation facility or marijuana product from a
28 marijuana product manufacturing facility is delivered or transported to the licensed
29 premises of a retail marijuana store, the retail marijuana store shall immediately enter
30 identification information for that batch of marijuana or lot of marijuana product into
31 the retail marijuana store's marijuana inventory tracking system. A retail marijuana
32 store may not accept marijuana or a marijuana product that does not have a valid
33 transport manifest generated from the marijuana inventory tracking system of the
34 marijuana establishment that originated the delivery.

35
36 C. A retail marijuana store shall reconcile each transaction from the retail marijuana
37 store's point-of-sale system and current marijuana inventory to its inventory tracking
38 system at the close of business each day.

39
40 D. A retail marijuana store shall account for any variance in the quantity of
41 marijuana or marijuana product the retail marijuana store received and the quantity
42 sold, transferred, or disposed of.

43
44 (AO No. 2016-16(S), § 1, 2-9-16)

45
46 **10.80.335 - Health and safety requirements.**

47

1 A retail marijuana store must comply with each applicable health and safety
2 requirement of the Anchorage Municipal Code, including, without limitation, those set
3 out in section 10.80.735.

4
5 (AO No. 2016-16(S), § 1, 2-9-16)
6

7 **10.80.340 - Testing required for marijuana and marijuana products.**
8

9 A retail marijuana store may not sell, give, distribute, deliver, or offer to sell, give,
10 distribute, or deliver, marijuana or a marijuana product until all laboratory testing
11 required under 3 AAC 306.645 has been completed, and the label required under 3
12 AAC 306.475 or 3 AAC 306.570 is affixed.

13
14 (AO No. 2016-16(S), § 1, 2-9-16)
15

16 **10.80.345 - Packaging and labeling.**
17

18 A. A retail marijuana store shall assure that
19

20 1. Marijuana sold on its licensed premises is packaged and labeled in compliance
21 with 3 AAC 306.470 and 3 AAC 306.475;
22

23 2. Any marijuana product sold on its licensed premises is packaged and labeled in
24 compliance with 3 AAC 306.565 and 3 AAC 306.570, except that section 3 AAC
25 306.565(b)(2) does not apply to the packaging of wholesale marijuana products that
26 are not edible marijuana products; and
27

28 3. Marijuana or a marijuana product sold at a retail marijuana store must be
29 packaged in opaque, resealable, child-resistant packaging when the purchaser leaves
30 the retail section of the licensed premises; the packaging must be designed or
31 constructed to be significantly difficult for children under five years of age to open, but
32 not normally difficult for adults to use properly.
33

34 B. In addition to labeling requirements provided in subsection A. of this section, a
35 retail marijuana store shall affix a label to each package of marijuana or marijuana
36 product that:
37

38 1. Identifies the retail marijuana store selling the marijuana product by name or
39 distinctive logo and marijuana establishment license number;
40

41 2. States the total estimated amount of THC in the labeled product; and
42

43 3. Contains each of the following statements:
44

45 a. "Marijuana has intoxicating effects and may be habit forming and addictive.";
46

47 b. "Marijuana impairs concentration, coordination, and judgment. Do not operate a

1 vehicle or machinery under its influence.";

2
3 c. "There are health risks associated with consumption of marijuana.";

4
5 d. "For use only by adults twenty-one and older. Keep out of the reach of children.";
6 and

7
8 e. "Marijuana should not be used by women who are pregnant or breast feeding.".

9
10 (AO No. 2016-16(S), § 1, 2-9-16)

11
12 **10.80.350 - Identification requirement to prevent sale to person under 21.**

13
14 A. A retail marijuana store shall refuse to sell marijuana or a marijuana product to a
15 person who does not produce a form of valid photographic identification showing that
16 person is 21 years of age or older.

17
18 B. A valid form of photographic identification includes, but is not limited to:

19
20 1. An unexpired, unaltered passport;

21
22 2. An unexpired, unaltered driver's license; instruction permit, or identification card
23 of a state or territory of the United States, the District of Columbia, or a province or
24 territory of Canada;

25
26 3. An identification card issued by a federal or state agency authorized to issue a
27 driver's license or identification card.

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

30
31 **10.80.355 - Limit on quantity sold.**

32
33 A. A retail marijuana store may not sell to any one person per day:

34
35 1. More than one ounce of usable marijuana;

36
37 2. More than seven grams of marijuana concentrate for inhalation; or

38
39 3. Marijuana or marijuana products, if the total amount of marijuana, marijuana
40 products, or both marijuana and marijuana products sold contains more than 5,600
41 milligrams of THC.

42
43 B. These limits include marijuana or marijuana product sold for on-site consumption
44 under subsection 10.80.306A.2.

45
46 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2019-66 , § 17, 6-18-19)
47

Commented [HML34]: State: more than 5,600 milligrams of THC in combined sales of marijuana and marijuana products.

Commented [HML35]: Effective Date: 10/18/20

~~10.80.360 – Restriction on advertising of marijuana and marijuana products.~~

Commented [HML36]: Repealed 10/17/18 - New section as 3 AAC 306.770

~~A. Reserved.~~

~~B. An advertisement for marijuana or a marijuana product may not contain a statement or illustration that:~~

~~1. Is false or misleading;~~

~~2. Promotes excessive consumption;~~

~~3. Represents that the use of marijuana has curative or therapeutic effects;~~

~~4. Depicts a person under 21 years of age consuming marijuana; or~~

~~5. Includes an object or character, including a toy, a cartoon character, or any other depiction designed to appeal to a person under 21 years of age, that promotes consumption of marijuana.~~

~~C. A retail marijuana store may not place an advertisement for marijuana or a marijuana product, except as provided in subsection A. of this section:~~

~~1. Within 1,000 feet of the perimeter of any child-centered facility, including a school, a child care facility or other facility providing services to children, a playground or recreation center, a public park, a library, or a game arcade that is open to persons under 21 years of age;~~

~~2. On or in a public transit vehicle or public transit shelter;~~

~~3. On or in a publicly owned or operated property;~~

~~4. Within 1,000 feet of a substance misuse or treatment facility; or~~

~~5. On a campus for postsecondary education.~~

~~D. A retail marijuana store may not use giveaway coupons as promotional materials, or conduct promotional activities such as games or competitions to encourage sale of marijuana or marijuana products.~~

~~E. All advertising for marijuana or any marijuana product must contain each of the following warnings:~~

~~1. "Marijuana has intoxicating effects and may be habit forming and addictive";~~

~~2. "Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence";~~

1 ~~3. "There are health risks associated with consumption of marijuana";~~

2
3 ~~4. "For use only by adults twenty one and older. Keep out of the reach of children";~~
4 ~~and~~

5
6 ~~5. "Marijuana should not be used by women who are pregnant or breast feeding".~~

7
8 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2020-24 , § 1, 3-10-20)

9
10 **10.80.361 - Restriction on advertising of marijuana and marijuana products—**
11 **Supplemental provisions.**

12
13 In addition to the requirements of section 10.80.360, a retail marijuana store's signs
14 must comply with chapter 21.12 of the Anchorage Municipal Code. The municipality
15 may enforce the standards of section 10.80.360 on or off premises. To the extent of
16 any conflict between this chapter and the requirements of chapter 21.12, the more
17 restrictive requirements shall apply.

18
19 (AO No. 2016-16(S), § 1, 2-9-16)

20
21 **10.80.362 - Local restrictions on advertising of marijuana and marijuana**
22 **products.**

23
24 A. In addition to the restrictions of section 10.80.360, an advertisement for
25 marijuana or a marijuana product may not contain a statement or illustration that:

26
27 1. Advertises any type of military discount for an individual in the status of Active
28 Duty, Guard, or Reserves in any branch of the United States military. For purposes of
29 this section, "military discount" means any reduction in price or other special offer to
30 encourage sales based on the current Active Duty, Guard, or Reserve military status
31 of a potential customer.

32
33 a. The prohibition against advertising a military discount for an individual in the
34 status of Active Duty, Guard, or Reserves in any branch of the United States military
35 shall sunset without further action by the Assembly upon the Department of Defense
36 or the United States Congress issuing guidance or changing the law to allow service
37 members to use cannabis and remain in Active, Guard, and Reserve status without
38 potential for discipline or administrative separation.

39
40 (AO No. 2017-16 , § 2, 2-14-17)

41
42 *Editor's note— Ord. No. 2017-16 , § 2, effective February 14, 2017, set out provisions*
43 *intended for use as § 10.80.361. However, for purposes of clarity, and at the editor's*
44 *discretion, these provisions have been included as § 10.80.362.*

45
46 **10.80.365 - Required consumer notices for retail marijuana stores.**
47

1 A. A marijuana retail store must post, in a conspicuous location visible to
2 customers, the following notices:

- 3
4 1. "Consumption of marijuana in public is prohibited by law."
5
6 2. "Transportation or carriage of marijuana or marijuana products on Alaska
7 waterways, including cruise ships, or by air carrier is prohibited by federal law."
8
9 3. "Transportation or shipment of marijuana or marijuana products outside of the
10 State of Alaska is prohibited by federal law."
11
12 4. "Providing marijuana to persons under the age of 21 is prohibited by law."

13
14 B. Notification signs required by this section must be at least 11 inches by 14
15 inches in size. Lettering must be at least one-half inch in height and in colors that
16 contrast with the sign background color.

17
18 (AO No. 2017-17(S), § 13, 4-25-17)

19
20 **10.80.366 - Retail Marijuana Store Product Testing Program.**

21
22 A. Required sample submission. The municipality may require a retail marijuana
23 store to submit a sample of marijuana, marijuana concentrate or marijuana product it
24 possesses to the municipality or a licensed marijuana testing facility at any time and
25 without notice.

26
27 1. The municipality may require samples collected pursuant to this rule to be tested
28 for potency and contaminants which may include, but are not limited to, herbicides,
29 pesticides, fungicides, molds, mildew, filth, metals, residual solvents, harmful
30 chemicals and adulterants.

31
32 2. Samples shall be submitted at no cost to the municipality or the marijuana testing
33 facility; the cost of the laboratory tests shall be borne by the marijuana retail store.

34
35 3. The marijuana retail store may select the licensed marijuana testing facility that
36 will perform the analyses.

37
38 4. Chain of custody procedures in 3 AAC 306.650 must be followed by the licensed
39 marijuana testing facility conducting the sampling and analyses.

40
41 5. The municipality may require the submission of additional samples for analysis
42 by a licensed marijuana testing facility of its choosing to assess inter-laboratory
43 variation. Required samples shall be transported at no cost to the municipality; the
44 costs of the laboratory analyses are the responsibility of the municipality.

45
46 B. Methods for determining required testing.
47

1 1. Random testing. The municipality may require samples to be submitted for
2 testing through any one or more of the following processes: random process, risk-
3 based process or other internally developed process.

4
5 2. Inspection or enforcement tests. The municipality may require a retail marijuana
6 store to submit a sample for testing if the municipality has reasonable grounds to
7 believe that marijuana, marijuana concentrate or marijuana product is contaminated
8 or mislabeled.

9
10 3. Laboratory procedures. The municipality may determine the specific laboratory
11 procedures to be utilized in analyses, consistent with 3 AAC 306.600—3 AAC
12 306.675.

13
14 4. Chain of custody. The municipality shall establish chain of custody procedures to
15 be used for samples it requires to be submitted directly to the municipality consistent
16 with 3 AAC 306.650.

17
18 C. Failure of samples.

19
20 1. Potency testing for edible products. A sample is considered to fail the potency
21 test if:

22
23 a. Maximum THC. An individually packaged edible marijuana packaged edible retail
24 marijuana product is determined to have more than 50 mg of THC within it.

25
26 b. Homogeneity. If the total THC content of each serving in a multi-unit package is
27 not within 20 percent of the labeled total THC content of the serving.

28
29 2. Pesticide contamination. A sample of marijuana, marijuana concentrate or
30 marijuana product is considered to fail the pesticide contamination test if the
31 contamination is detected above the acceptable levels specified below:

Analyte	Chemical Abstract Services Registry Number	Maximum Allowable Level (parts per million)
Abamectin	71751-41-2	0.5
Acephate	30560-19-1	0.4
Acequinocyl	57960-19-7	2
Acetamiprid	135410-20-7	0.2
Aldicarb	116-06-3	0.4
Azoxystrobin	131860-33-8	0.2
Bifenazate	149877-41-8	0.2
Bifenthrin	82657-04-3	0.2
Boscalid	188425-85-6	0.4
Carbaryl	63-25-2	0.2
Carbofuran	1563-66-2	0.2

Commented [HML37]: Do we need to check with the AHD to see if there have been any changes to these?

Chlorantraniliprole	500008-45-7	0.2
Chlorfenapyr	122453-73-0	1
Chlorpyrifos	2921-88-2	0.2
Clofentezine	74115-24-5	0.2
Cyfluthrin	68359-37-5	1
Cypermethrin	52315-07-8	1
Daminozide	1596-84-5	1
DDVP (Dichlorvos)	62-73-7	0.1
Diazinon	333-41-5	0.2
Dimethoate	60-51-5	0.2
Ethoprophos	13194-48-4	0.2
Etofenprox	80844-07-1	0.4
Etoxazole	153233-91-1	0.2
Fenoxycarb	72490-01-8	0.2
Fenpyroximate	134098-61-6	0.4
Fipronil	120068-37-3	0.4
Flonicamid	158062-67-0	1
Fludioxonil	131341-86-1	0.4
Hexythiazox	78587-05-0	1
Imazalil	35554-44-0	0.2
Imidacloprid	138261-41-3	0.4
Kresoxim-methyl	143390-89-0	0.4
Malathion	121-75-5	0.2
Metalaxyl	57837-19-1	0.2
Methiocarb	2032-65-7	0.2
Methomyl	16752-77-5	0.4
Methyl parathion	298-00-0	0.2
MGK-264	113-48-4	0.2
Myclobutanil	88671-89-0	0.2
Naled	300-76-5	0.5
Oxamyl	23135-22-0	1
Paclbutrazol	76738-62-0	0.4
Permethrins ¹	52645-53-1	0.2
Phosmet	732-11-6	0.2
Piperonyl_butoxide	51-03-6	2
Prallethrin	23031-36-9	0.2
Propiconazole	60207-90-1	0.4
Propoxur	114-26-1	0.2
Pyrethrins ²	8003-34-7	1
Pyridaben	96489-71-3	0.2
Spinosad	168316-95-8	0.2

Spiromesifen	283594-90-1	0.2
Spirotetramat	203313-25-1	0.2
Spiroxamine	118134-30-8	0.4
Tebuconazole	80443-41-0	0.4
Thiacloprid	111988-49-9	0.2
Thiamethoxam	153719-23-4	0.2
Trifloxystrobin	141517-21-7	0.2

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11

1. Permethrins should be measured as cumulative residue of cis- and trans-permethrin isomers (CAS numbers 54774-45-7 and 51877-74-8 respectively).
2. Pyrethrins should be measured as the cumulative residues of pyrethrin 1, cinerin 1, and jasmolin 1 (CAS numbers 121-21-1, 25402-06-6, and 4466-14-2, respectively).
3. Microbial contamination. A sample of marijuana, marijuana concentrate or marijuana product is considered to fail the microbial contamination test if the contamination is detected above the acceptable levels specified below:

Analyte	Acceptable Level (colony forming unit per gram)
Shiga-toxin producing Escherichia coli (STEC) - bacteria	<1
Salmonella species - bacteria	<1
Aspergillus fumigatus, Aspergillus flavus, Aspergillus niger - fungus	<1

12
13
14
15
16

4. Residual solvent contamination. A sample of marijuana, marijuana concentrate or marijuana product is considered to fail the residual solvent exceeds the acceptable levels specified below:

Analyte	Acceptable Level (parts per million)
Butanes	<800
Heptanes	<500
Benzene	<1
Toluene	<1
Hexane	<10
Total xylenes (m,p,o-xylenes)	<1
Any other solvent	Not detected

17
18
19
20
21
22
23

5. Other contamination. A sample of marijuana, marijuana concentrate or marijuana product is considered to fail the test for other contamination if, in the opinion of the Director of the Anchorage Health Department, the levels of metals, herbicides, fungicides, harmful chemicals, or filth pose a danger to public health.
- D. Failed materials, retests.

1
2 1. If a sample tested by a marijuana testing facility does not pass the required tests
3 based on the standards set out in this section, the municipality may require all retail
4 marijuana stores within the Municipality of Anchorage to:

5
6 a. Dispose of all marijuana, marijuana concentrate or marijuana product from the
7 harvest batch or production lot from which the sample was taken or embargo the
8 product until further testing can be conducted;

9
10 b. If the municipality requires the disposal of the sample, all marijuana retail stores
11 with the failed harvest batch or production lot in their inventory must document the
12 disposal of the marijuana using its marijuana inventory control system.

13
14 2. If a sample of marijuana fails a required test the municipality may approve a
15 request to allow the lot of marijuana that failed the required test to be returned to a
16 marijuana product manufacturing facility to make a C02 or solvent-based extract.
17 After processing, the C02 or solvent-based extract must pass all required tests.

18
19 3. If a retail marijuana store or the marijuana cultivation or marijuana product
20 manufacturing facility that produced the product for the retail marijuana store petitions
21 for a retest of marijuana or a marijuana product that failed a required test, the
22 municipality may authorize a retest of the harvest batch or production lot to validate
23 the test results. The retail store, marijuana cultivation facility or a marijuana product
24 manufacturing facility that petitioned for a retest must pay all costs of such retest.

25
26 4. The Director of the Anchorage Health Department shall review the results of the
27 retest and determine whether the marijuana product is acceptable for sale.

28
29 E. Reporting; verification.

30
31 1. A marijuana testing facility must report the result of each required laboratory test
32 directly into its marijuana inventory control system within 24 hours after the test is
33 completed. A marijuana testing facility must provide the final report:

34
35 a. To the facility that submitted the sample in a timely manner; and

36
37 b. To the municipal clerk within 72 hours when results of tested samples exceed
38 allowable levels.

39
40 2. A marijuana testing facility shall establish procedures to ensure that reported
41 result are accurate, precise, and scientifically valid. To ensure reported results are
42 valid, a marijuana testing facility must include in all final reports:

43
44 a. The name and location of the marijuana testing facility;

45
46 b. The unique sample identifier assigned by the testing facility;

47

- 1 c. The marijuana establishment or other person that submitted the testing sample;
- 2
- 3 d. The sample identifier provided by the person that submitted the testing sample;
- 4
- 5 e. The date the facility received the sample;
- 6
- 7 f. The chain of custody identifier;
- 8
- 9 g. The date of report;
- 10
- 11 h. The type of product tested;
- 12
- 13 i. The test results;
- 14
- 15 j. The units of measure; and
- 16
- 17 k. Any other information or qualifiers needed for interpretation of the test method
- 18 and the results being reported, including any identified and documented discrepancy.
- 19

20 3. A marijuana testing facility may amend a final report for clerical purposes except
21 that test results may not be amended.

22
23 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2018-118 , § 2, 1-1-19)

24 **10.80.371 - Prevention of Clostridium botulinum in marijuana concentrates.**

25
26
27 A. All marijuana concentrates intended for non-smoking oral consumption must be
28 maintained at a temperature of 41 degrees F or lower after extraction process is
29 completed.

30
31 1. Retail marijuana stores may not sell marijuana concentrates intended for oral
32 consumption if there is reason to believe that the product has not been consistently
33 maintained at a temperature of 41 degrees or lower since the extraction process was
34 completed at the manufacturing facility.

35
36 2. All marijuana concentrates intended for non-smoking oral consumption must
37 contain a label stating: "This product must be refrigerated."

38
39 B. The Director of the Anchorage Health Department may waive the requirements
40 in subsection A of this section upon review of written procedures and scientific
41 evidence submitted by the manufacturer that demonstrates that the procedures used
42 to produce the marijuana concentrate results in a product that does not require
43 refrigeration.

44
45 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2018-118 , § 2, 1-1-19)

46
47 **10.80.400 - Marijuana cultivation facility license required.**

1
2 A. Except as provided under AS 17.38.020, a person may not plant, propagate,
3 cultivate, harvest, trim, dry, cure, package, or label marijuana grown at a place under
4 that person's control or sell marijuana grown at a place under that person's control to
5 a marijuana establishment unless the person has obtained a marijuana cultivation
6 facility license from the municipality in compliance with this chapter or is an employee
7 or agent acting for a licensed marijuana cultivation facility. The municipality will
8 license marijuana cultivation facilities with the privileges and subject to the
9 prohibitions set out in sections 10.80.405—10.80.410.

10
11 B. A person seeking a marijuana cultivation facility license as provided in
12 subsection A. of this section must:

13
14 1. Submit an application for the applicable marijuana cultivation facility license on a
15 form the municipal clerk prescribes, including the information set out under sections
16 10.80.020, 10.80.021, and 10.80.420; and

17
18 2. Demonstrate to the assembly's satisfaction that the applicant will operate in
19 compliance with:

20
21 a. Each applicable provision of sections 10.80.400—10.80.460 and sections
22 10.80.700—10.80.755; and

23
24 b. Each applicable land use, public health, fire safety and tax law of the
25 municipality.

26
27 C. A licensee of a marijuana cultivation facility, or an employee or agent of a
28 marijuana cultivation facility, may not have an ownership interest in, or a direct or
29 indirect financial interest in a licensed marijuana testing facility.

30
31 (AO No. 2016-16(S), § 1, 2-9-16)

32
33 **10.80.405 - Marijuana cultivation facility: privileges and prohibited acts.**

34
35 A. A licensed marijuana cultivation facility is authorized to:

36
37 1. Propagate, cultivate, harvest, prepare, cure, package, store, and label marijuana;

38
39 2. Sell marijuana only to a licensed retail marijuana store, to another licensed
40 marijuana cultivation facility, or to a licensed marijuana product manufacturing facility;

41
42 3. Provide samples to a licensed marijuana testing facility for testing;

43
44 4. Store inventory on the licensed premises; any stored inventory must be secured
45 in a restricted access area and accounted for in the marijuana cultivation facility's
46 marijuana inventory tracking system as required under section 10.80.730;

47

- 1 5. Transport marijuana in compliance with section 10.80.750;
- 2
- 3 6. Conduct in-house testing for the marijuana cultivation facility's own use;
- 4
- 5 7. Provide marijuana samples to a licensed retail marijuana store or marijuana
- 6 product manufacturing facility for the purpose of negotiating a sale.
- 7
- 8 8. begin initial operations at the time of preliminary inspection by an employee
- 9 or agent of the board with
- 10
- 11 a. 12 or fewer mature, non-flowering plants, designated and used as
- 12 mother plants;
- 13
- 14 b. any number of immature plants; and
- 15
- 16 c. any number of seeds for cultivation on the licensed premises;
- 17
- 18 9. Introduce a new strain after written approval by the director on a form
- 19 prescribed by the board, by
- 20
- 21 a. receiving not more than six clones or cuttings from a person 21 years
- 22 of age or older, without compensation; or
- 23
- 24 b. receiving not more than 10 seeds from a person 21 years of age or
- 25 older, without compensation, for cultivation on the licensed premises.
- 26
- 27 B. A licensed marijuana cultivation facility may also apply for a marijuana product
- 28 manufacturing facility license and a retail marijuana store license. A marijuana
- 29 cultivation facility that obtains any other marijuana establishment license shall:
- 30
- 31 1. Conduct any product manufacturing or retail marijuana store operation in a room
- 32 completely separated from the marijuana cultivation facility by a secure door when co-
- 33 located; and
- 34
- 35 2. Comply with each provision of this chapter that applies to any other type of
- 36 marijuana establishment license that the marijuana cultivation facility licensee obtains.
- 37
- 38 C. A licensed marijuana cultivation facility may not:
- 39
- 40 1. Sell, distribute, or transfer marijuana or a marijuana product to a consumer, with
- 41 or without compensation;
- 42
- 43 2. Allow any person, including a licensee, employee, or agent, to consume
- 44 marijuana or a marijuana product on the licensed premises or within 20 feet of the
- 45 exterior of any building on the licensed premises;
- 46
- 47 3. Treat or otherwise adulterate marijuana with any organic or nonorganic chemical

1 or other compound to alter the color, appearance, weight, or odor of the marijuana;

2
3 4. Except as permitted under a marijuana product manufacturing facility license,
4 extract marijuana concentrate, using any process described in 3 AAC 306.555, at the
5 licensed premises;

6
7 5. Sell marijuana that is not packaged and labeled in compliance with 3 AAC
8 306.470 and 3 AAC 306.475.

9
10 (AO No. 2016-16(S), § 1, 2-9-16)

11
12 **10.80.420 - Application for marijuana cultivation facility license.**

13
14 An applicant for a new retail cultivation facility license must have submitted an
15 application the State Marijuana Control Board for a state marijuana cultivation facility
16 license deemed complete by the board, and must file with the municipal clerk a copy
17 of all materials the applicant submitted to board in accordance with 3 AAC 306.420
18 and all information required by section 10.80.021.

19
20 (AO No. 2016-16(S), § 1, 2-9-16)

21
22 **10.80.425 - Marijuana handler permit required.**

23
24 A. A marijuana cultivation facility shall ensure that each ~~licensee, employee, or~~
25 ~~agent~~ who is required or permitted to be physically present on the licensed premises
26 at any time, ~~each licensee, and each employee:~~

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27
28 1. Obtains a marijuana handler permit as provided in 3 AAC 306.700 before being
29 ~~licensed~~ ~~present~~ or employed at the marijuana cultivation facility's licensed premises;
30 and

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31
32 2. Has that person's marijuana handler permit card in that person's immediate
33 possession, or a valid copy on file on the premises, at all times while on the marijuana
34 cultivation facility's licensed premises.

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

37
38 **10.80.430 - Restricted access area.**

39
40 A. A marijuana cultivation facility shall conduct any operation in a restricted access
41 area in compliance with section 10.80.710 and this section.

42
43 B. A marijuana cultivation facility shall conduct any marijuana growing operation
44 within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and
45 doors.

46
47 ~~1. Outdoor production may take place in non-rigid greenhouses, other structures, or~~

1 an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure
2 public view of the premises, outdoor production must be enclosed by a sight-
3 obscuring wall or fence at least six feet high.

Commented [HML39]: Allowed by state.
Intentionally prohibited by muni?

4
5 C. A marijuana cultivation facility shall ensure that any marijuana at the marijuana
6 cultivation facility:

- 7
8 1. Cannot be observed by the public from outside the cultivation facility; and
9
10 2. Does not emit an odor that is detectable by the public from outside the marijuana
11 cultivation facility, except as allowed by special land use permit for marijuana.
12

13 D. A marijuana cultivation facility shall have full video surveillance of the licensed
14 premises as required under section 10.80.720, including any area where marijuana is
15 grown, processed, packaged, or stored, or where marijuana waste is destroyed.
16

17 (AO No. 2016-16(S), § 1, 2-9-16)

18 **10.80.435 - Marijuana inventory tracking system.**

19
20
21 A. A marijuana cultivation facility shall use a marijuana inventory tracking system in
22 compliance with section 10.80.730 to ensure all marijuana propagated, grown, or
23 cultivated on the marijuana cultivation facility's premises is identified and tracked from
24 the time the marijuana is propagated through transfer to another licensed marijuana
25 establishment or destruction. The marijuana cultivation facility shall assign a tracking
26 number to each plant over eight inches tall and each package of marijuana to be
27 transferred to another facility. A package of marijuana may not exceed 10 pounds.
28 The marijuana cultivation facility shall also assign a plant batch name or number to
29 each batch of clones or cuttings. A batch may not consist of more than 50 clones or
30 cuttings. ~~When harvested, bud and flowers, clones or cuttings, or leaves and trim~~
31 may be combined in harvest batches of distinct strains, not exceeding five pounds.
32 Each harvest batch must be given an inventory tracking number. Clones or cuttings
33 must be limited to 50 or fewer plants and identified by a batch tracking number.]
34

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35 B. A marijuana cultivation facility shall record each sale and transport of any plants
36 or seeds and each package~~batch~~ in its marijuana inventory tracking system, and
37 shall generate a valid transport manifest to accompany any transported plants and
38 seeds and each transported package~~batch~~.
39

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40 C. A marijuana cultivation facility shall record in its marijuana inventory tracking
41 system all marijuana used to provide a sample authorized under section 10.80.460 for
42 the purpose of negotiating sales, including:
43

- 44 1. The amount of each sample;
45
46 2. The retail marijuana store or marijuana product manufacturing facility that
47 received the sample; and

1
2 3. The disposal of any expired or outdated promotional sample returned to the
3 marijuana cultivation facility.

4
5 (AO No. 2016-16(S), § 1, 2-9-16)
6

7 **10.80.440 - Health and safety requirements.**

8
9 A. A marijuana cultivation facility shall comply with all applicable health and safety
10 requirements set out in section 10.80.735 and the additional requirements set out in
11 this section.

12
13 B. A marijuana cultivation facility shall ensure that any licensee, employee, or agent
14 who is present at the marijuana cultivation facility and in contact with any marijuana:

15
16 1. Wears clean clothing appropriate for the duties that person performs;
17

18 2. Wears protective apparel, such as head, face, hand, and arm coverings, as
19 necessary to protect marijuana from contamination; and
20

21 3. Practices good sanitation and health habits.
22

23 (AO No. 2016-16(S), § 1, 2-9-16)
24

25 **10.80.450 - Production of marijuana concentrate prohibited.**

26
27 A. A marijuana cultivation facility may not produce or possess marijuana
28 concentrate that was extracted using any process described in 3 AAC 306.555 on the
29 marijuana cultivation facility's licensed premises. An abutting marijuana product
30 manufacturing facility with a manufacturing facility license must be in a separate room
31 that:

32
33 1. Is physically separated by a secure door from any cultivation area; and
34

35 2. Has a sign that clearly identifies the room as a marijuana concentrate production
36 area, and warns unauthorized persons to stay out; and
37

38 3. Comply with all applicable standards of sections 10.80.500—10.80.570.
39

40 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 14, 4-25-17)
41

42 **10.80.460 - Samples.**

43
44 A. A marijuana cultivation facility may provide a free sample of marijuana to a retail
45 marijuana store if packaged in a sample jar containing not more than three and one-
46 half grams of marijuana and protected by a plastic or metal mesh screen to allow ~~the~~
47 ~~retail marijuana store~~ ~~customers~~ to smell the product before purchase.

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1
2 B. A marijuana cultivation facility may provide a free sample of marijuana to a retail
3 marijuana store or marijuana product manufacturing facility as follows:

4
5 1. A sample provided for the purpose of negotiating a sale may be not more than
6 one ounce;

7
8 2. A marijuana cultivation facility may not provide any one licensed retail marijuana
9 store or marijuana product manufacturing facility with more than one ounce of
10 marijuana per month free-of-charge for the purpose of negotiating a sale.

11
12 C. A retail marijuana store that receives a marijuana sample may not sell the
13 marijuana sample to a customer, and shall either:

14
15 1. Return the marijuana sample to the marijuana cultivation facility that provided the
16 sample, or

17
18 2. Destroy anything that remains of the marijuana sample after use and document
19 the use and destruction in the marijuana store's marijuana inventory control system.

20
21 D. A marijuana cultivation facility may provide a sample of marijuana to an
22 employee of the facility, who is in possession of a valid marijuana handler card for the
23 purpose of quality control only if:

24
25 1. samples provided to employees for quality control do not exceed a cumulative
26 total of one ounce per 30-day period;

27
28 2. each sample is registered and tracked using the marijuana inventory tracking
29 system in accordance with 3 AAC 306.730;

30
31 3. consumption of marijuana does not occur on the licensed premises;

32
33 4. no sample provided under this subsection is sold or given to another licensee
34 or consumer;

35
36 5. each employee who receives a marijuana sample for the purpose of quality
37 control completes a quality control form approved by the board for each sample;

38
39 6. the licensee maintains copies of completed forms required under (5) of this
40 subsection in accordance with 3 AAC 306.755; and

41
42 7. samples that leave the licensed premises are packaged in opaque, resealable,
43 child-resistant packaging and clearly marked or labeled "For Quality Control" and the
44 packaging is designed or constructed to be significantly difficult for children under five
45 years of age to open, but not normally difficult for adults to use properly.

46
47

1 (AO No. 2016-16(S), § 1, 2-9-16)
2

3 **10.80.500 - Marijuana product manufacturing facility license required.**
4

5 A. A person may not extract marijuana concentrate for sale or formulate or
6 manufacture any marijuana product for sale unless that person has obtained a
7 marijuana product manufacturing facility license from the municipality in compliance
8 with this chapter, or is an employee or agent acting for a licensed marijuana product
9 manufacturing facility.
10

11 B. A person seeking a marijuana product manufacturing facility license must:
12

13 1. Submit an application for a marijuana product manufacturing facility license on a
14 form the municipal clerk prescribes, including the information set out under section
15 10.80.020, section 10.80.021, and section 10.80.520; and
16

17 2. Demonstrate to the assembly's satisfaction that the applicant will operate in
18 compliance with:
19

20 a. Each applicable provision of sections 10.80.500—10.80.545 and sections
21 10.80.700—10.80.755; and
22

23 b. Each applicable land use, public health, fire, safety, and tax law of the
24 municipality.
25

26 C. A licensee of a marijuana product manufacturing facility, or an employee or
27 agent of a marijuana product manufacturing facility, may not have an ownership
28 interest in or a direct or indirect financial interest in a licensed marijuana testing
29 facility.
30

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

33 **10.80.505 - Marijuana product manufacturing facility privileges.**
34

35 A. A licensed marijuana product manufacturing facility, including a marijuana
36 concentrate manufacturing facility, is authorized to:
37

38 1. Purchase marijuana from a marijuana cultivation facility or from another
39 marijuana product manufacturing facility;
40

41 2. Extract marijuana concentrate in compliance with 3 AAC 306.555;
42

43 3. Manufacture, refine, process, cook, package, label, and store marijuana products
44 approved under 3 AAC 306.525, including:
45

46 a. Marijuana concentrate;
47

- 1 b. Any product intended for consumption or use on the body that is comprised of
2 marijuana and other ingredients, including edible products, ointments, salves,
3 patches, or tinctures;
4
- 5 4. Sell, distribute, or deliver marijuana extract or any marijuana product only to a
6 licensed retail marijuana store or to another licensed marijuana product
7 manufacturing facility;
8
- 9 5. Provide and transport samples of marijuana concentrate or other marijuana
10 product to a licensed marijuana testing facility for testing;
11
- 12 6. Provide a sample of marijuana concentrate or a marijuana product approved
13 under 3 AAC 306.525 to a licensed retail marijuana store for the purpose of
14 negotiating a sale;
15
- 16 7. Store inventory in a restricted access area on the licensed premises as provided
17 in section 10.80.535;
18
- 19 8. Transport marijuana in compliance with section 10.80.750;
20
- 21 9. Conduct in-house testing for the marijuana product manufacturing facility's own
22 use.
23

24 (AO No. 2016-16(S), § 1, 2-9-16)
25

26 **10.80.510 - Acts prohibited at marijuana product manufacturing facility.**
27

- 28 A. A licensed marijuana product manufacturing facility, including a licensed
29 marijuana concentrate manufacturing facility, may not:
30
- 31 1. Sell, deliver, distribute, or transfer marijuana, marijuana concentrate, or a
32 marijuana product directly to a consumer, with or without compensation;
33
- 34 2. Sell marijuana, marijuana concentrate, or a marijuana product that is not
35 manufactured, packaged, and labeled in compliance with 3 AAC 306.500—3 AAC
36 306.570;
37
- 38 3. Allow any person, including a licensee, employee, or agent, to consume
39 marijuana, marijuana concentrate, or a marijuana product on the licensed premises;
40 and
41
- 42 4. Manufacture or sell any product that:
43
- 44 a. Is an adulterated food or drink;
45
- 46 b. Closely resembles a familiar food or drink item including candy; or
47

1 c. Is packaged to look like candy, or in bright colors or with cartoon characters or
2 other pictures or images that would appeal to children.

3
4 B. A licensed marijuana product manufacturing facility may not accept any
5 marijuana from a marijuana cultivation facility or another marijuana product
6 manufacturing facility unless:

7
8 1. All marijuana in the shipment is properly identified with a label generated in the
9 marijuana inventory tracking system of the facility that provided the marijuana; and

10
11 2. A valid transport manifest showing the source and destination of the marijuana is
12 attached to the shipment.

13
14 C. In this section, "closely resemble" or "look like" means the product or its
15 packaging has a shape, color, markings, or decorative patterns that are familiar to the
16 public from a widely distributed branded food product, so that the marijuana product
17 could reasonably be mistaken for that branded product, especially by children.

18
19 (AO No. 2016-16(S), § 1, 2-9-16)

20
21 **10.80.520 - Application for marijuana product manufacturing facility license.**

22
23 An applicant for a new marijuana product manufacturing facility license must have
24 submitted an application to the State Marijuana Control Board for a state marijuana
25 product manufacturing license deemed complete by the Board, and must file with the
26 municipal clerk a copy of all materials the applicant submitted the Marijuana Control
27 Board in accordance with 3 AAC 306.520, and section 10.80.021.

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

30
31 **10.80.530 - Marijuana handler permit and food safety worker training.**

32
33 A. A marijuana product manufacturing facility shall ensure that each ~~licensee,~~
34 ~~employee, or agent, each licensee, and each employee:~~

35
36 1. Obtains a marijuana handler permit as provided in 3 AAC 306.700 before being
37 present or employed at the marijuana product manufacturing facility's licensed
38 premises; and

39
40 2. Has the marijuana handler permit card in the person's immediate possession, or
41 a valid copy on file on the premises, at all times while on the marijuana product
42 manufacturing facility's licensed premises.

43
44 B. A licensee, employee, or agent of a marijuana product manufacturing facility who
45 handles marijuana at the facility shall obtain a food worker card in compliance with 18
46 AAC 31.330 and keep that card in that person's possession at all times while on the
47 licensed premises of the marijuana product manufacturing facility.

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1
2 (AO No. 2016-16(S), § 1, 2-9-16)
3

4 **10.80.535 - Restricted access and storage areas.**
5

6 A. A marijuana product manufacturing facility shall conduct any extraction or
7 product manufacturing operation in a restricted access area in compliance with
8 section 10.80.710.
9

10 B. A marijuana product manufacturing facility shall have full video surveillance of
11 the licensed premises as provided in section 10.80.720, including each area where:
12

- 13 1. Marijuana concentrate is produced;
14
15 2. Any operation involved in manufacturing any product containing marijuana
16 occurs;
17
18 3. Marijuana or a marijuana product is stored or stockpiled; or
19
20 4. Marijuana waste is destroyed.

21
22 C. Any area where marijuana or a marijuana product is stored must be moisture-
23 and-temperature controlled and protected from pests and vermin.
24

25 (AO No. 2016-16(S), § 1, 2-9-16)
26

27 **10.80.540 - Marijuana inventory tracking system.**
28

29 A. A marijuana product manufacturing facility shall use a marijuana inventory
30 tracking system as provided in section 10.80.730 to ensure that the marijuana product
31 manufacturing facility identifies and tracks any marijuana or marijuana product from
32 the time the marijuana or marijuana product is received, through:
33

- 34 1. Use of the marijuana or marijuana product in manufacturing any other marijuana
35 product;
36
37 2. Sale or transfer of the marijuana or marijuana product originally received, or any
38 marijuana product manufactured at that marijuana product manufacturing facility to
39 another licensed marijuana establishment; and
40
41 3. Disposal of any expired or outdated marijuana or marijuana product that is not
42 sold or transferred to another licensed marijuana establishment.
43

44 B. When marijuana from a marijuana cultivation facility or a marijuana product from
45 another marijuana product manufacturing facility is delivered or transported to the
46 licensed premises of a marijuana product manufacturing facility, the marijuana
47 product manufacturing facility shall immediately enter tracking information for that

1 marijuana or marijuana product into the marijuana inventory tracking system. A
2 marijuana product manufacturing facility may not accept any marijuana or marijuana
3 product that does not have a valid transport manifest generated from the marijuana
4 inventory tracking system of the licensed marijuana establishment that supplies the
5 marijuana or marijuana product.
6

7 C. A marijuana product manufacturing facility shall track any received marijuana or
8 marijuana product to its use in a marijuana product, and shall reconcile each
9 transaction to the marijuana product manufacturing facility's marijuana inventory
10 tracking system at the close of business each day.
11

12 D. A marijuana product manufacturing facility shall account for any variance in the
13 quantity of marijuana or marijuana product the facility received, and the quantity the
14 facility sold, transferred, or disposed of.
15

16 (AO No. 2016-16(S), § 1, 2-9-16)
17

18 **10.80.545 - Health and safety standards.**
19

20 A. A marijuana product manufacturing facility shall comply with the health and
21 safety standards set out in section 10.80.735 and at chapter 16.60 (Anchorage Food
22 Code), if applicable.
23

24 B. A marijuana product manufacturing facility is subject to inspection by the
25 municipal clerk, Anchorage Police Department, Municipal Code Enforcement,
26 Municipal Health Department or any other local agency with health and safety
27 responsibilities.
28

29 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 15, 4-25-17)
30

31 **10.80.546 - Prevention of Clostridium botulinum in marijuana concentrates.**
32

33 A. All marijuana concentrates intended for non-smoking oral consumption must be
34 maintained at a temperature of 41 degrees F or lower after extraction process is
35 completed.
36

37 B. Marijuana product manufacturing facilities may not sell marijuana concentrates
38 intended for oral consumption to other marijuana facilities if there is reason to believe
39 that the product has not been consistently maintained at a temperature of 41 degrees
40 or lower since the extraction process was completed at the manufacturing facility.
41

42 C. The Director of the Anchorage Health Department may waive the requirements
43 in subsections A. and/or B. of this section upon review of written procedures and
44 scientific evidence submitted by the manufacturer that demonstrates that the
45 procedures used to produce the marijuana concentrate results in a product that does
46 not require refrigeration.
47

1 (AO No. 2017-71(S) , § 16, 4-25-17; AO No. 2018-118 , § 2, 1-1-19)

2
3 **10.80.600 - Applicability.**

4
5 A. The standards of sections 10.80.600—10.80.675 apply to a person offering a
6 service testing, analyzing, or certifying potency, moisture content, pesticide or solvent
7 residue, mold, mildew, bacteria, or other contaminants in marijuana or a marijuana
8 product to another person including a marijuana establishment or a member of the
9 public, whether for compensation or not, as an independent or third-party testing
10 facility.

11
12 B. The standards of sections 10.80.600—10.80.675 do not apply to a licensed
13 marijuana establishment that controls marijuana testing equipment used solely for its
14 own in-house testing of its own cultivated crop, of products produced or manufactured
15 at its own facility, or of retail products placed or offered for sale in its retail marijuana
16 retail store.

17
18 (AO No. 2016-16(S), § 1, 2-9-16)

19
20 **10.80.605 - Marijuana testing facility license required.**

21
22 A. A person may not offer or provide a marijuana testing service or test results
23 unless the person has obtained a marijuana testing facility license from the
24 municipality in compliance with this chapter, or is an employee or agent acting for a
25 licensed marijuana testing facility.

26
27 B. A person seeking a marijuana testing facility license must:

28
29 1. Submit an application for a marijuana testing facility license on a form the
30 municipal clerk prescribes, including the information set out under section 10.80.020,
31 section 10.80.021, and section 10.80.615; and

32
33 2. Demonstrate to the assembly's satisfaction that the applicant:

34
35 a. Will operate in compliance with each applicable provision of sections
36 10.80.600—10.80.675, and sections 10.80.700-3—10.80.755; and

37
38 b. Will operate in compliance with each applicable public health, fire, safety, and tax
39 code and ordinance of the state and the Municipality of Anchorage.

40
41 c. Does not hold a marijuana establishment license in Alaska other than a
42 marijuana testing facility license, or have a financial interest in common with a person
43 who is a licensee of a marijuana establishment in Alaska other than a marijuana
44 testing facility license; and

45
46 d. Meets the assembly's standards for approval as set out in sections 10.80.600—
47 10.80.675.

1
2 C. A licensee of a marijuana testing facility, or an employee or agent of a licensed
3 marijuana testing facility, may not have an ownership interest in or a direct or indirect
4 financial interest in another type of licensed marijuana establishment, other than a
5 marijuana testing facility.

6
7 (AO No. 2016-16(S), § 1, 2-9-16)
8

9 **10.80.610 - Marijuana testing facilities: privileges and prohibitions.**
10

11 A. A licensed marijuana testing facility may have any amount of marijuana and
12 marijuana products on its premises at any given time if the marijuana testing facility's
13 marijuana inventory tracking system and other records document that all marijuana
14 and marijuana products are on the premises only for the testing purposes described
15 in sections 10.80.600—10.80.675 or 3 AAC 306.600—3 AAC 306.675.
16

17 B. A licensed marijuana testing facility may not:

- 18
19 1. Have a licensee, employee, or agent who holds a type of marijuana
20 establishment license other than a marijuana testing facility license issued under this
21 chapter;
22
23 2. Sell, deliver, distribute, or transfer marijuana or a marijuana product to a
24 consumer, with or without compensation; or
25
26 3. Allow a person to consume marijuana or a marijuana product on its licensed
27 premises.
28

29 (AO No. 2016-16(S), § 1, 2-9-16)
30

31 **10.80.615 - Application for marijuana testing facility license.**
32

33 An applicant for a new marijuana testing facility license must file an application on a
34 form the municipal clerk prescribes, including:
35

36 A. The information required under section 10.80.020; and
37

38 B. The proposed marijuana testing facility's operating plan, including, in addition to
39 the information required under section 10.80.020 and section 10.80.021:
40

- 41 1. Each test the marijuana testing facility will offer;
42
43 2. The marijuana testing facility's standard operating procedure for each test the
44 marijuana testing facility will offer; and
45
46 3. The acceptable range of results for each test the marijuana testing facility will
47 offer.

1
2 C. The assembly will approve a marijuana testing facility license if, after the
3 municipality has examined the qualifications and procedures of the marijuana testing
4 facility license applicant and documented the conclusion of the examination in a
5 written report, the assembly find them generally in compliance with good laboratory
6 practices and that the application meets the requirements of this section. Nothing in
7 this chapter constitutes a guarantee that a licensed marijuana testing facility can or
8 will protect the public from all potential hazards of marijuana including microbials,
9 poisons, or toxins, residual solvents, pesticides, or other contaminants.

Commented [HML43]: Part of 3 AAC 306.620, not included in original AO. Keep here?

10
11 (AO No. 2016-16(S), § 1, 2-9-16)

12
13 **10.80.622 – Marijuana handler permit required.**

14
15 A marijuana testing facility shall ensure that each agent who is required or permitted
16 to be physically present on the licensed premises at any time, each licensee, and
17 each employee:

18
19 1. obtains a marijuana handler permit as provided in 10.80.700 before being
20 licensed or employed at the marijuana testing facility's licensed premises; and

21
22 2. has the marijuana handler permit card in the person's immediate possession,
23 or a valid copy on file on the premises, at all times while on the marijuana testing
24 facility's licensed premises.

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25
26 **10.80.655 - Marijuana inventory tracking system.**

27
28 A marijuana testing facility shall use a marijuana inventory tracking system as
29 provided in section 10.80.730 to ensure all marijuana transported to the marijuana
30 testing facility's premises is identified and tracked from the time the marijuana arrives
31 at the marijuana testing facility to the use and destruction of the marijuana in testing,
32 or disposal in compliance with section 10.80.740.

33
34 (AO No. 2016-16(S), § 1, 2-9-16)

35
36 **10.80.660 - Failed materials, retests.**

37
38 A. If a sample tested by a marijuana testing facility does not pass the required tests
39 based on the standards set out in 3 AAC 306.645, including a visual foreign matter
40 inspection, the marijuana establishment that provided the sample shall:

41
42 1. Dispose of the entire harvest batch or production lot from which the sample was
43 taken; and

44
45 2. Document the disposal of the sample using the marijuana establishment's
46 marijuana inventory tracking system.
47

1 B. Reserved.

2
3 C. Reserved.

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

6
7 **10.80.665 - Supplemental marijuana quality testing.**

8
9 A. The municipal clerk may at any time determine that the interests of the public
10 require random supplemental testing of marijuana or a marijuana product. When the
11 municipal clerk requires random supplemental testing, the municipal clerk shall direct
12 the marijuana cultivation facility that produced the marijuana, the marijuana product
13 manufacturing facility that manufactured the product, or the retail establishment that
14 offered the product for sale, to submit a specified sample, batch, or packaged product
15 to a designated marijuana testing facility. The material must be packaged in a manner
16 that ensures the marijuana testing facility will be able to confirm that it has received
17 and is testing the correct supplemental sample.

18
19 B. When a marijuana testing facility receives a sample for random supplemental
20 testing under this section, the marijuana testing facility shall:

21
22 1. Perform any required laboratory test the assembly or municipal clerk requests;
23 and

24
25 2. Report its results to:

26
27 a. The municipal clerk; and

28
29 b. The facility that provided the sample.

30
31 C. A marijuana testing facility that conducts laboratory testing under this section
32 shall bill all costs directly to the marijuana cultivation facility or the marijuana product
33 manufacturing facility that provided the samples for testing.

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

36
37 **10.80.670 - Reporting, verification.**

38
39 A. A marijuana testing facility shall report the result of each required laboratory test
40 directly into its marijuana inventory tracking system not later than 24 hours after the
41 test is completed. A marijuana testing facility shall provide the final report:

42
43 1. In a timely manner to the marijuana establishment that submitted the sample;
44 and

45
46 2. To the municipal clerk not later than 72 hours after the marijuana testing facility
47 determines that results of tested samples exceed allowable levels.

Commented [HML46]: Do we want to keep this requirement? (Not been receiving.)

1
2 B. A marijuana testing facility shall establish procedures to ensure that reported
3 result are accurate, precise, and scientifically valid. To ensure reported results are
4 valid, a marijuana testing facility shall include in a final report:

- 5
6 1. The name and location of the marijuana testing facility;
7
8 2. The unique sample identifier assigned by the marijuana testing facility;
9
10 3. The marijuana establishment or other person that submitted the testing sample;
11
12 4. The sample identifier provided by the marijuana establishment or other person
13 that submitted the testing sample;
14
15 5. The date the facility received the sample;
16
17 6. The chain of custody identifier;
18
19 7. The date of the report;
20
21 8. The type of marijuana or marijuana product tested;
22
23 9. The test results;
24
25 10. The units of measure; and
26
27 11. Any other information or qualifiers needed for interpretation of the test method
28 and the results being reported, including any identified and documented discrepancy.
29

30 C. A marijuana testing facility may amend a final report for clerical purposes except
31 that test results may not be amended.

32
33 (AO No. 2016-16(S), § 1, 2-9-16)
34

35 **10.80.675 - Records retention.**
36

37 A. A marijuana testing facility shall maintain the business records required under
38 section 10.80.755 for the period of time specified in that section. The books and
39 records required under section 10.80.755A.1. include:

- 40
41 1. Test results;
42
43 2. Quality control and quality assurance records;
44
45 3. Standard operating procedures;
46
47 4. Chain-of-custody records;

- 1
- 2 5. Proficiency testing records;
- 3
- 4 6. Analytical data to include printouts generated by the instrumentation;
- 5
- 6 7. Accession numbers;
- 7
- 8 8. Specimen type;
- 9
- 10 9. Raw data of calibration standards and curves, controls, and subject results;
- 11
- 12 10. Final and amended reports;
- 13
- 14 11. Acceptable reference range parameters;
- 15
- 16 12. The identity of the analyst; and
- 17
- 18 13. The date of the analysis.

19
20 (AO No. 2016-16(S), § 1, 2-9-16)

21
22 **10.80.700 - Marijuana handler permit.**

23
24 A. ~~Each~~ Any marijuana establishment and each licensee, employee, or agent of
25 the marijuana establishment who sells, cultivates, manufactures, tests or transports
26 marijuana or a marijuana product, or who checks the identification of a consumer or
27 visitor, and each licensee and employee must obtain a marijuana handler permit
28 pursuant to State of Alaska regulation 3 AAC 306.700 before being licensed or
29 beginning employment at a marijuana establishment.

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30
31 B. A licensee, employee, or agent of a marijuana establishment must keep the
32 marijuana handler permit card issued pursuant to 3 AAC 306.700(c) in that person's
33 immediate possession or a valid copy on file on the premises at all times when on the
34 licensed premises of the marijuana establishment.

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35
36 C. A licensee, employee, or agent of a marijuana establishment shall keep the
37 marijuana handler permit card, as described in 3 AAC 306.700(c), in that person's
38 immediate possession or a valid copy on file on the premises at all times when on the
39 licensed premises of the marijuana establishment.

40
41 (AO No. 2016-16(S), § 1, 2-9-16)

42
43 **10.80.703 – Operations.**

44
45 A licensed marijuana establishment shall operate in accordance with the operating
46 plan approved by the assembly. The licensee may request an operating plan change
47 in accordance with 10.80.100(c).

1
2 (AUTHORITY?)
3

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4 **10.80.705 - Licensed premises alteration.**
5

6 A. A marijuana establishment license will be issued for specific licensed premises.
7 A specific licensed premises must constitute a place clearly designated in a license
8 application and described by a line drawing submitted with the license application.
9 The licensed premises must:

- 10
11 1. Have adequate space for its approved operations, including growing,
12 manufacturing, processing, packaging, or storing marijuana or marijuana products;
13 and
14
15 2. Be located and constructed to facilitate cleaning, maintenance, and proper
16 operation.
17

18 B. A marijuana establishment's municipal license must be posted in a conspicuous
19 place within the licensed premises.
20

21 C. A holder of a marijuana establishment license may alter the functional floor plan
22 or reduce or expand the area of the licensed premises in accordance with section
23 21.03.105.
24

25 (AO No. 2016-16(S), § 1, 2-9-16)
26

27 **10.80.711 - No overlapping licenses.**
28

29 The municipality will issue only one marijuana establishment license for a single
30 premises.
31

32 (AO No. 2016-16(S), § 1, 2-9-16)
33

34 **10.80.710 - Restricted access areas.**
35

36 A. A marijuana establishment shall restrict access to any part of the licensed
37 premises where marijuana or a marijuana product is grown, processed, tested,
38 stored, or stocked.
39

40 B. Except as provided in section 10.80.325 for a retail marijuana store, each
41 entrance to a restricted access area must be marked by a sign that says, "Restricted
42 access area. Visitors must be escorted." A marijuana establishment shall limit the
43 number of visitors to not more than five visitors for each licensee, employee, or agent
44 of the licensee who is actively engaged in supervising those visitors.
45

46 C. In a restricted access area, a licensee, employee, or agent of the marijuana
47 establishment shall wear a current identification badge bearing the person's

1 photograph. A person under 21 years of age may not enter a restricted access area.
2 Any visitor to the restricted access area must:

- 3
- 4 1. Show identification as required in section 10.80.350 to prove that person is 21
5 years of age or older;
- 6
- 7 2. Obtain a visitor identification badge before entering the restricted access area;
8 and
- 9
- 10 3. Be escorted at all times by a licensee, employee or agent of the marijuana
11 establishment.
- 12

13 (AO No. 2016-16(S), § 1, 2-9-16)

14
15 **10.80.715 - Security alarm systems and lock standards.**

16
17 A. Each license employee, or agent of a marijuana establishment shall display an
18 identification badge issued by the marijuana establishment at all times when on the
19 marijuana establishment's licensed premises.

20
21 B. The licensed premises of a marijuana establishment must have:

- 22
- 23 1. Exterior lighting to facilitate surveillance;
- 24
- 25 2. A security alarm system on all exterior doors and windows; and
- 26
- 27 3. Continuous video monitoring as provided in section 10.80.720.
- 28

29 C. A marijuana establishment shall have policies and procedures that:

- 30
- 31 1. Are designed to prevent diversion of marijuana or marijuana product;
- 32
- 33 2. Prevent loitering;
- 34
- 35 3. Describe the use of any additional security device, such as a motion detector,
36 pressure switch, and duress, panic, or hold-up alarm to enhance security of the
37 licensed premises; and
- 38
- 39 4. Describe the actions to be taken by a licensee, employee, or agent of the
40 marijuana establishment when any automatic or electronic notification system alerts a
41 local law enforcement agency of an unauthorized breach of security.
- 42

43 D. A marijuana establishment shall use commercial grade, non-residential door
44 locks on all exterior entry points to the licensed premises.

45
46 (AO No. 2016-16(S), § 1, 2-9-16)

47

1 **10.80.720 - Video surveillance.**

2
3 A. A marijuana establishment shall install and video system must cover:

4
5 1. Each restricted access area and each entrance to a restricted access area within
6 the licensed premises;

7
8 2. Each entrance to the exterior of the licensed premises; and

9
10 3. Each point-of-sale (POS) area.

11
12 B. At a marijuana establishment, a required video camera must be placed in a way
13 that produces a clear view adequate to identify any individual inside the licensed
14 premises, or within 20 feet of each entrance to the licensed premises. Both the
15 interior and the exterior of each entrance to the facility must be recorded by a video
16 camera.

17
18 C. Any area where marijuana is grown, cured, or manufactured, or where marijuana
19 waste is destroyed, must have a camera placement in the room facing the primary
20 entry door, and in adequate fixed positions, at a height that will provide a clear,
21 unobstructed view of the regular activity without a sight blockage from lighting hoods,
22 fixtures, or other equipment, in order to allow for the clear and certain identification of
23 any person and activity in the area at all times.

24
25 D. Surveillance recording equipment and video surveillance records must be
26 housed in a locked and secure area or in a lock box, cabinet, closet or other secure
27 area that is accessible only to a marijuana establishment licensee or authorized
28 employee, and to law enforcement personnel. A marijuana establishment may use an
29 offsite monitoring service and offsite storage of video surveillance records if security
30 requirements at the offsite facility are at least as strict as onsite security requirements
31 as described in this section.

32
33 E. Each surveillance recording must be preserved for a minimum of 40 days, in a
34 format that can be easily accessed for viewing. All recorded images must clearly and
35 accurately display the time and date, and must be archived in a format that does not
36 permit alteration of the recorded image, so that the images can readily be
37 authenticated. After 40 days, a marijuana establishment may erase video recordings,
38 unless the licensee knows or should know of any pending criminal, civil, or
39 administrative investigation for which the video recording may contain relevant
40 information.

41
42 (AO No. 2016-16(S), § 1, 2-9-16)

43
44 **10.80.725 - Inspection of licensed premises.**

45
46 A. A marijuana establishment or an applicant for a marijuana establishment license
47 under this chapter shall, upon request, make the licensed premises or the proposed

1 licensed premises, including any place for storage, immediately available for
2 inspection by an official charged with the enforcement of this chapter, the Anchorage
3 Police Department, the Anchorage Fire Department, the Municipal Code Enforcement
4 Department, the Municipal Health Department or any other local official with health
5 and safety responsibilities.
6

7 B. Inspection under this section includes inspection of the premises, facilities,
8 qualifications of personnel, methods of operation, business and financial records,
9 marijuana inventory tracking system, policies, and purposes of any marijuana
10 establishment and of any applicant for a marijuana establishment license.
11

12 (AO No. 2016-16(S), § 1, 2-9-16)
13

14 **10.80.730 - Marijuana inventory tracking system.**
15

16 A. A marijuana establishment shall use a marijuana inventory tracking system
17 capable of sharing information with the system implemented by the State Marijuana
18 Control Board in accordance with 3 AAC 306.730.
19

20 B. Marijuana delivered to a marijuana establishment must be weighed on a scale in
21 compliance with section 10.80.745.
22

23 (AO No. 2016-16(S), § 1, 2-9-16)
24

25 **10.80.735 - Health and safety standards.**
26

27 A. A marijuana establishment is subject to inspection by the Anchorage Fire
28 Department, a Municipal building inspector, or code enforcement officer to confirm
29 that no health or safety concerns are present and the establishment is in compliance
30 with all municipal codes.
31

32 B. A marijuana establishment shall take all reasonable measures and precautions
33 to ensure that:
34

35 1. Any person who has an illness, an open sore or infected wound, or other
36 potential source of infection does not come in contact with marijuana or a marijuana
37 product while the illness or source of infection persists;
38

39 2. The licensed premises have:
40

41 a. Adequate and readily accessible toilet facilities that are maintained in good repair
42 and sanitary condition; and
43

44 b. Convenient handwashing facilities with running water at a suitable temperature;
45 the marijuana establishment shall require employees to wash or sanitize their hands,
46 and shall provide effective hand-cleaning, sanitizing preparations, and drying devices;
47

- 1 3. Each person working in direct contact with marijuana or a marijuana product
2 conforms to good hygienic practices while on duty, including:
 - 3
 - 4 a. Maintaining adequate personal cleanliness; and
 - 5
 - 6 b. Washing hands thoroughly in an adequate hand washing area before starting
7 work, after using toilet facilities, and at any other time when the person's hands may
8 have become soiled or contaminated;
 - 9
- 10 4. Litter, waste, and rubbish are properly removed; the waste disposal equipment
11 must be maintained and adequate to:
 - 12
 - 13 a. Avoid contaminating any area where marijuana or any marijuana product is
14 stored, displayed, or sold; and
 - 15
 - 16 b. Prevent causing odors or attracting pests;
 - 17
- 18 5. Floors, walls, and ceilings are constructed to allow adequate cleaning, and are
19 kept clean and in good repair;
- 20
- 21 6. Adequate lighting is installed in any area where marijuana or a marijuana product
22 is stored, displayed, or sold, and where any equipment or utensil is cleaned;
- 23
- 24 7. Screening or other protection adequately protects against the entry of pests;
- 25
- 26 8. Each building, fixture, and other facility is maintained in sanitary condition;
- 27
- 28 9. Each toxic cleaning compound, sanitizing agent, and pesticide chemical is
29 identified and stored in a safe manner to protect against contamination of marijuana
30 or a marijuana product and in compliance with any applicable local, state, or federal
31 law;
- 32
- 33 10. Adequate sanitation principles are used in receiving, inspecting, transporting,
34 and storing marijuana or a marijuana product; and
- 35
- 36 11. Marijuana or a marijuana product is held in a manner that prevents the growth
37 of bacteria, microbes, or other undesirable microorganisms.
- 38
- 39 C. A marijuana establishment shall ensure that any marijuana or marijuana product
40 that has been stored beyond its usable life, or was stored improperly, is not salvaged
41 and returned to the marketplace. In this subsection, "stored improperly" means being
42 exposed to extremes in temperature, humidity, smoke, fumes, pressure, or radiation
43 due to a natural disaster, fire, accident, or equipment failure.
- 44
- 45 D. If a marijuana establishment does not have reliable information about the age or
46 storage conditions of marijuana or a marijuana product in its possession, the
47 marijuana establishment may salvage the marijuana only if:

- 1
- 2 1. A licensed marijuana testing facility determines from quality assurance testing
- 3 that the marijuana or marijuana product meets all applicable standards of moisture,
- 4 potency, and contaminants;
- 5
- 6 2. Inspection of the premises where a disaster or accident occurred shows that the
- 7 marijuana or marijuana product stored there was not adversely affected by the
- 8 disaster or accident; and
- 9
- 10 3. The marijuana establishment maintains a record of the salvaged marijuana or
- 11 marijuana product in its marijuana inventory tracking system, including the name, lot
- 12 number, and final disposition.
- 13

14 (AO No. 2016-16(S), § 1, 2-9-16)

15 **10.80.740 - Waste disposal.**

- 16
- 17
- 18 A. A marijuana establishment shall store, manage, and dispose of any solid or
- 19 liquid waste, including wastewater generated during marijuana cultivation production,
- 20 processing, testing, or retail sales, in compliance with applicable federal, state, and
- 21 local code, ordinances and regulations.
- 22
- 23 B. Marijuana waste must be rendered unusable for any purpose for which it was
- 24 grown or produced before it leaves a marijuana establishment. Marijuana waste
- 25 includes:
- 26
- 27 1. Marijuana plant waste, including stalks, leaves, and stems that have not been
- 28 processed with solvent, but excluding roots;
- 29
- 30 2. Solid marijuana sample plant waste in the possession of a marijuana testing
- 31 facility;
- 32
- 33 3. Marijuana or a marijuana product that has been found by the licensee unfit for
- 34 sale or consumption;
- 35
- 36 4. Expired marijuana products; and
- 37
- 38 5. Other waste as determined by the municipality.
- 39
- 40 C. A marijuana establishment shall:
- 41
- 42 1. Reserved; and
- 43
- 44 2. Record the waste in the marijuana inventory tracking system required under
- 45 section 10.80.730; and
- 46
- 47 3. Keep a record through the marijuana inventory tracking system of the final

1 destination of marijuana waste made unusable.
2

3 D. Marijuana plant waste must be made unusable by grinding the marijuana plant
4 waste and mixing it with at least an equal amount of other compostable or non-
5 compostable materials. A marijuana establishment may use another method to make
6 marijuana waste unusable if the State Marijuana Control Board approves the method
7 in advance. Material that may be mixed with the marijuana waste includes:
8

9 1. Compostable materials including food waste, yard waste, or vegetable based
10 grease or oils, when the mixed material can be used as compost feedstock or in
11 another organic waste method such as an anaerobic digester; or
12

13 2. Non-compostable materials including paper waste, cardboard waste, plastic
14 waste, or oil, when the mixed material may be delivered to a permitted solid waste
15 facility or incinerator.
16

17 E. If marijuana or a marijuana product is found by, or surrendered to, a law
18 enforcement officer including a peace officer or an airport security officer, the officer
19 may dispose of the marijuana or marijuana product as provided in this section or by
20 any method that is allowed under municipal code, including title 7.
21

22 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2018-102 , § 1, 11-20-18)
23

24 **10.80.745 - Standardized scales.**
25

26 A. A marijuana establishment shall use registered scales in compliance with AS
27 45.75.080, (Weights and Measures). A marijuana establishment shall:
28

29 1. Maintain registration and inspection reports of scales registered under AS
30 45.75.080 and 17 AAC 90.920—17 AAC 90.935; and
31

32 2. Upon request by the municipal clerk or designee, provide a copy of the
33 registration and inspection reports of the registered scales to the municipal clerk or
34 designee for review.
35

36 (AO No. 2016-16(S), § 1, 2-9-16)
37

38 **10.80.750 - Transportation.**
39

40 A. Marijuana or a marijuana product may only be transported to a licensed
41 marijuana establishment by a licensee or an agent or employee of a licensee.
42

43 B. A marijuana establishment from which a shipment of marijuana or marijuana
44 product originates is responsible for preparing, packaging, and securing the marijuana
45 or marijuana product during shipment, for recording the transfer in the marijuana
46 inventory tracking system, and for preparing the transport manifest. A individual
47 transporting marijuana in compliance with this section shall have a marijuana handler

1 permit required under section 10.80.700, and shall the permit in the person's
2 immediate possession when transporting marijuana.

3
4 C. When marijuana or a marijuana product is transported, the marijuana
5 establishment that originates the transport shall use the marijuana inventory tracking
6 system to record the type, amount and weight of marijuana or marijuana product
7 being transported, the name of the transporter, the time of departure and expected
8 delivery, and the make, model, and license plate number of the transporting vehicle. A
9 complete printed transport manifest on a form prescribed by the board must be kept
10 with the marijuana or marijuana product at all times.

11
12 D. During transport, the marijuana or marijuana product must be in a sealed
13 package or container and in a locked, safe, and secure storage compartment in the
14 vehicle transporting the marijuana or marijuana product. The sealed package may not
15 be opened during transport. A vehicle transporting marijuana or a marijuana product
16 must travel directly from the shipping marijuana establishment to the receiving
17 marijuana establishment, and may not make unnecessary stops in between except to
18 deliver or pick up marijuana or a marijuana product at another licensed marijuana
19 establishment.

20
21 E. When a marijuana establishment receives marijuana or a marijuana product
22 transported in compliance with this section, the recipient of the shipment shall use the
23 marijuana inventory tracking system to report the type, amount, and weight of
24 marijuana or marijuana product received. The recipient shall refuse to accept any
25 shipment of marijuana or marijuana product that is not accompanied by the transport
26 manifest.

27
28 F. A marijuana establishment shall keep records of all marijuana or marijuana
29 products shipped from or received at that marijuana establishment as required under
30 section 10.80.755.

31
32 G. A marijuana establishment may transport marijuana or a marijuana product to
33 and from a trade show or similar industry event in accordance with 10.80.760 and this
34 section.

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35
36 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-150 , § 1, 10-11-17)

37
38 **10.80.755 - Business records.**

39
40 A. A marijuana establishment shall maintain in a format that is readily understood
41 by a reasonably prudent business person the following information:

42
43 1. All books and records necessary to fully account for each business transaction
44 conducted under its license for the current year and three preceding calendar years;
45 records for the last six months must be maintained on the marijuana establishment's
46 licensed premises. Older records may be archived on or off premises;

47

- 1 2. A current employee list setting out the full name and marijuana handler permit
2 number of each licensee, employee, and agent who works at the marijuana
3 establishment;
- 4
- 5 3. The business contact information for vendors that maintain video surveillance
6 systems and security alarm systems for the licensed premises;
- 7
- 8 4. Records related to advertising and marketing;
- 9
- 10 5. A current diagram of the licensed premises including each restricted access
11 area;
- 12
- 13 6. A log recording the name, and date and time of entry of each visitor permitted in
14 a restricted access area;
- 15
- 16 7. All records normally retained for tax purposes;
- 17
- 18 8. Accurate and comprehensive inventory tracking records that account for all
19 marijuana inventory activity from seed or immature plant stage until the retail
20 marijuana or retail marijuana product is sold to a consumer, to another marijuana
21 establishment, or destroyed; and
- 22
- 23 9. Transportation records for marijuana and marijuana products as required under
24 section 10.80.750F.

25
26 B. A marijuana establishment shall provide any record required to be kept on the
27 licensed premises to the municipal clerk or designee upon request. Any record kept
28 off premises must be provided to the municipal clerk or designee not later than three
29 business days after a request for the record.

30
31 C. A marijuana establishment shall exercise due diligence in preserving and
32 maintaining all required records. Loss of records and data, including electronically
33 maintained records, does not excuse a violation of this section. Failure to retain
34 records required under this section may be interpreted by the municipality as a
35 license violation affecting public safety.

36
37 (AO No. 2016-16(S), § 1, 2-9-16)

38
39 **10.80.760 - Trade Shows**

40
41 A. Licensed marijuana establishments must comply with this section when
42 participating in trade shows and similar industry events.

43
44 B. A licensed cultivation facility may bring one plant to the trade show or event for
45 display. The removal from and return of the plant to the licensed premises must be
46 tracked in the inventory tracking system. Any marijuana removed from the plant at the
47 event must be retained by the licensee and returned to the licensed premises.

1
2 C. A licensed cultivation facility and a licensed retail facility may bring up to one
3 ounce of marijuana to the trade show or event for display. The removal from and
4 return of the marijuana to the licensed premises must be tracked in the marijuana
5 inventory tracking system. The marijuana shall be contained so that the marijuana
6 may not be removed from the display's immediate vicinity by a member of the public.

7
8 D. A licensed product manufacturing facility and a licensed retail facility may bring
9 one sample package of each marijuana product made or sold by the facility to the
10 event for display. The removal from and return of the marijuana product to the
11 licensed premises must be tracked in the marijuana inventory tracking system. The
12 marijuana product must remain packaged in the approved packaging throughout the
13 duration of the event.

14
15 E. A licensed testing facility may not perform required tests on samples from a
16 licensed facility at any trade show or similar event.

17
18 F. No marijuana or marijuana product may be sold or distributed by a licensee at
19 the event.

20
21 G. Marijuana and marijuana product displayed at an event by a licensee must be
22 handled only by a licensee, or employee or agent of a licensee, who holds a valid
23 marijuana handler permit.

24
25 H. Advertising or promotions displayed or distributed at the event by a licensee
26 shall comply with the requirements of this chapter.

27
28 **10.80.770 - Signs, merchandise, advertisements, and promotions**

29
30 A. Business cards and merchandise, including t-shirts, hats, and stickers, that are
31 distributed by a licensed marijuana establishment and contain only the business
32 name and logo, license name, and location and contact information, are not
33 advertising or promotions.

34
35 B. A licensed marijuana establishment may have not more than three signs that
36 are visible to the general public from the public right-of-way. Two of the three signs
37 may only be placed in the marijuana facility's window or attached to the outside of the
38 licensed premises. The size of each sign may not exceed 4,800 square inches. A sign
39 meeting these requirements is not advertising or promotions.

40
41 C. An advertisement for a licensed marijuana establishment and for marijuana or
42 a marijuana product must include the business name and license number.

43
44 D. An advertisement for a licensed marijuana establishment is exempt from
45 providing the warning statement in (g) of this section if:

46
47 1. the advertisement contains only the business name, logo, business type,

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1 contact information, location, and hours of operation; and

2
3 2. the advertisement does not contain any written information about marijuana or
4 a marijuana product or any photographic or illustrative depictions of marijuana or a
5 marijuana product, other than depictions contained within the established business
6 name font and logo.

7
8 E. A logo or an advertisement for a licensed marijuana establishment and for
9 marijuana or a marijuana product may not contain a statement or illustration that:

10
11 1. is false or misleading;

12
13 2. promotes excessive consumption;

14
15 3. represents that the use of marijuana has curative or therapeutic effects;

16
17 4. depicts a person under 21 years of age consuming marijuana; or

18
19 5. includes any object or character, including a toy, a cartoon character, or any
20 other depiction that appeals to a person under 21 years of age.

21
22 F. An advertisement for a licensed marijuana establishment and for marijuana or
23 a marijuana product may not be placed:

24
25 1. within 1,000 feet of the perimeter of any child-centered facility, including a
26 school, a child care facility or other facility providing services to children, a playground
27 or recreation center, a public park, a library, or a game arcade that is open to persons
28 under 21 years of age, except when included in an established publication intended
29 for general readership;

30
31 2. on or in a public transit vehicle or public transit shelter;

32
33 3. on or in a publicly owned or operated property;

34
35 4. within 1,000 feet of a substance abuse or treatment facility; or

36
37 5. on a campus for postsecondary education.

38
39 G. An advertisement for marijuana or any marijuana product must contain each of
40 the following warnings, that must be plainly visible and at least half the font size of an
41 advertisement on a sign, and no smaller than size nine font when the advertisement is
42 in printed form; warnings in audio advertisements must be intelligible and played at
43 the same speed as the advertisement;

44
45 1. "Marijuana has intoxicating effects and may be habit forming and addictive.";

46
47 2. "Marijuana impairs concentration, coordination, and judgment. Do not operate

1 a vehicle or machinery under its influence.”;
2

3 3. “There are health risks associated with consumption of marijuana.”;
4

5 4. “For use only by adults twenty-one and older. Keep out of the reach of
6 children.”;
7

8 5. “Marijuana should not be used by women who are pregnant or breast feeding.”
9

10 H. A licensed marijuana establishment that advertises by means of a web page
11 must utilize appropriate measures to ensure that individuals visiting the web page are
12 21 years of age or older.
13

14 I. A licensed marijuana establishment may not engage in advertising by means
15 of marketing directed towards location-based devices, including cellular phones,
16 unless the marketing is a mobile device application installed on the device by the
17 owner of the device who is 21 years of age or older and the application includes a
18 permanent and easy opt-out feature.
19

20 J. As long as no more than 30 percent of the event’s participants and audience is
21 reasonably expected to be under 21 years of age, a licensed marijuana establishment
22 may sponsor:
23

24 1. an industry trade show;
25

26 2. a charitable event;
27

28 3. a sports event or competition;
29

30 4. a concert; or
31

32 5. any other even approved in advance by the board.
33

34 K. A licensed marijuana establishment may not encourage the sale of marijuana
35 or a marijuana product
36

37 1. by using giveaway coupons for marijuana or a marijuana product as
38 promotional materials;
39

40 2. by conducting games or competitions related to the consumption of marijuana
41 or a marijuana product;
42

43 3. by providing promotional materials or activities of a manner or type that
44 would be especially appealing to children; or
45

46 4. by holding promotional activities outside of the licensed premises.
47

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1 **10.80.800 - Inspection and investigation.**

2
3 A. The municipal clerk, a sworn Peace Officer, a Code Enforcement Officer, a
4 Health Department Officer, or a designee of the municipal clerk, may:

5
6 1. Inspect the licensed premises of a marijuana establishment, including any
7 marijuana and marijuana product on the premises, equipment used in cultivating,
8 processing, testing, or storing marijuana, the marijuana establishment's marijuana
9 inventory tracking system, business records, and computers, at any reasonable time
10 and in a reasonable manner;

11
12 2. Issue a report or notice as provided in section 10.80.805; ~~and~~

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13
14 3. ~~seize or place an administrative hold on marijuana or any marijuana product as~~
15 ~~provided in 3 AAC 306.830; and~~

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16
17 4. Exercise peace officer powers and take any other action the municipality
18 determines is necessary.

19
20 B. A marijuana establishment, and any licensee, employee, or agent in charge shall
21 cooperate with the municipal clerk, a sworn Peace Officer, a Code Enforcement
22 Officer, a Health Department Officer, or a designee of the municipal clerk, to enforce
23 the laws related to marijuana, including:

24
25 1. Permitting entry upon and inspection of the licensed premises; and

26
27 2. Providing access to business records at reasonable times when requested by the
28 municipal clerk, a sworn Peace Officer, a Code Enforcement Officer, or a Health
29 Department Officer.

30
31 (AO No. 2016-16(S), § 1, 2-9-16)

32
33 **10.80.805 - Report or notice of violation.**

34
35 A. The municipal clerk, a sworn Peace Officer, a Code Enforcement Officer, or a
36 Health Department Officer may issue an inspection report, an advisory report, or a
37 notice of violation before taking action to initiate suspension or revocation of a
38 marijuana establishment license or endorsement.

39
40 B. An inspection report documents an investigator's inspection of licensed
41 premises.

42
43 C. The municipal clerk, a sworn Peace Officer, a Code Enforcement Officer, or a
44 Health Department Officer may issue an advisory notice when an incident occurs or a
45 defect is noted that could result in a violation of the Anchorage Municipal Code. An
46 advisory notice may result from an inspection report, but is not a basis for
47 administrative action unless the incident or defect continues or is not corrected.

1
2 D. The municipal clerk, a sworn Peace Officer, a Code Enforcement Officer, or a
3 Health Department Officer may issue a notice of violation if an inspection report or
4 other credible information shows a marijuana establishment is in violation of AS
5 17.38, this chapter, or other provision of the Anchorage Municipal Code. The notice of
6 violation must be delivered to the marijuana establishment at its licensed premises.
7 The notice must describe any violation, and cite applicable standards of law or
8 conditions of approval. A marijuana establishment that receives a notice of violation
9 may respond to the notice orally or in writing, and may, not later than ten days after
10 receiving the notice, request an opportunity to appear before the Administrative
11 Hearing Officer. A notice of violation may be the basis of a proceeding to suspend or
12 revoke a marijuana establishment's license as provided under section 10.80.810.

13
14 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 19, 4-25-17; AO No. 2019-
15 66 , § 18, 6-18-19)

16
17 **10.80.810 - Suspension or revocation of license or endorsement, certain civil**
18 **finances.**

19
20 A. The municipal clerk will suspend or revoke a marijuana establishment license or
21 endorsement issued under this chapter if any licensee is convicted of violating any
22 provision of law listed in section 10.80.010D.2., or if the municipal clerk becomes
23 aware that a licensee did not disclose a previous such conviction.

24
25 B. The assembly may, in addition to other provisions of this chapter setting forth
26 grounds for such action, suspend, revoke, or otherwise restrict a license or
27 endorsement issued under this chapter for the reasons set forth in this section.
28 Except where summary suspension or revocation is provided for in this chapter, no
29 decision of the assembly to suspend, revoke, or otherwise limit or restrict a license
30 granted under this chapter shall be effective until the person holding that license is
31 first given an opportunity to be heard before the decision is made. The assembly may
32 impose a civil fine contemporaneously with a suspension, revocation or license
33 restriction proceeding. The assembly may hold hearings or refer hearings to the
34 Administrative Hearings Officer to conduct as the assembly's designee. If referred to
35 an administrative hearings officer, the hearing officer shall conduct the hearing and
36 prepare recommended findings, conclusions, and civil fines, if any. The administrative
37 hearings officer shall forward the record of proceedings and the recommendations to
38 the assembly for adoption, rejection or modification, and issuance of a final order or
39 decision by the assembly. If the assembly modifies the hearing officer's
40 recommended order or decision, the reasons shall be stated in the record before
41 issuance of the final order or decision. The grounds for suspension, revocation or
42 restriction of a marijuana establishment license include, but are not limited to, when
43 the assembly finds a licensee.

44
45 1. Misrepresented a material fact on an application for a marijuana establishment
46 license, or an affidavit, report, or signed statement under AS 17.38 or this chapter; or
47

1 2. Is following any practice or procedure that is contrary to the best interests of the
2 public, including:

3
4 a. Using any process not approved by the State Marijuana Control Board for
5 extracting or manufacturing marijuana concentrate or products; or

6
7 b. Selling or distributing any marijuana concentrate or product that has not been
8 approved by the State Marijuana Control Board;

9
10 3. Failed, within a reasonable time after receiving a notice of violation, to correct
11 any defect that is the subject of the notice of violation of:

12
13 a. AS 17.38 or this chapter;

14
15 b. A condition or restriction imposed by the assembly, including a condition on a
16 special land use permit for marijuana; or

17
18 c. Other applicable law;

19
20 4. Knowingly allowed an employee or agent to violate AS 17.38, this chapter, or a
21 condition or restriction imposed by the assembly, including a condition on a special
22 land use permit for marijuana;

23
24 5. Failed to comply with any applicable land use, public health, fire, safety, or tax
25 law or regulation in the municipality; or

26
27 6. Used the licensed premises for an illegal purpose including gambling,
28 possession or use of narcotics other than marijuana, prostitution, or sex trafficking.

29
30 C. If the municipality obtains evidence that a marijuana establishment has violated
31 a provision of AS 17.38, this chapter, or a condition the assembly has imposed on the
32 marijuana establishment, including a condition on a special land use permit for
33 marijuana, it shall so notify the State Marijuana Control Board.

34
35 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 20, 4-25-17; AO No. 2019-
36 66 , § 19, 6-18-19)

37
38 **10.80.815 - Suspension or revocation based on act of employee.**

39
40 A. If, in a proceeding to suspend or revoke a marijuana establishment license under
41 sections 10.80.810 and 10.80.820, or an endorsement, evidence shows that an
42 employee or agent of a licensed marijuana establishment was responsible for an act
43 that would justify suspension or revocation of the marijuana establishment's license if
44 committed by a licensee, the Administrative Hearings Officer may find that licensee
45 knowingly allowed the act if:

46
47 1. The licensee:

- 1
- 2 a. Was physically present when the violation occurred; and
- 3
- 4 b. Knew or should have known the violation was occurring; and
- 5
- 6 c. Took no action to stop the violation;
- 7
- 8 2. The licensee failed to adequately supervise the agent or employee;
- 9
- 10 3. The licensee failed to adequately train the agent or employee in the requirements
- 11 of AS 17.38 and this chapter relating to marijuana; or
- 12
- 13 4. The licensee was reckless or careless in hiring the agent or employee.
- 14

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

16
17 **10.80.821 - Procedure for action on license or endorsement suspension or**
18 **revocation.**

19
20 Except for the municipal clerk's action set forth in subsection 10.80.810A. or section
21 10.80.825, a proceeding to suspend or revoke a license or endorsement must be
22 initiated by service of an accusation on the marijuana establishment in compliance
23 with section 3.60.025 and conducted in accordance with chapter 3.60 of the
24 Anchorage Municipal Code.

25
26 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 21, 4-25-17; AO No. 2019-
27 66 , § 21, 6-18-19)

28
29 **10.80.825 - Summary suspension to protect public health, safety, or welfare.**

30
31 A. If the municipal clerk finds that a person holding a marijuana establishment
32 license or endorsement has acted and appears to be continuing to act in a way that
33 constitutes an immediate threat to the public health, safety or welfare, the municipal
34 clerk may issue an order immediately suspending the license of that person, and
35 ordering an immediate stop to the activity that constitutes the threat to the public
36 health, safety, or welfare.

37
38 B. When the municipal clerk issues a summary suspension under this section, the
39 municipal clerk shall immediately give the marijuana establishment subject to the
40 summary suspension order notice of the reasons for the summary suspension, and of
41 the time and place for an expedited hearing before the Administrative Hearings
42 Officer. Unless the marijuana establishment subject to the summary suspension order
43 requests a delay, the hearing will be held not later than five days after the municipal
44 clerk gives notice of the reasons for the summary suspension and the scheduled
45 hearing.

46
47 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2019-66 , § 22, 6-18-19)

1
2 **10.80.830 - Seizure of marijuana or marijuana product.**
3

Commented [HML53]: Readopted 12/6/20

4 A. The municipal clerk, a sworn Peace Officer, a Code Enforcement Officer, or a
5 Health Department Officer may seize marijuana or any marijuana product from a
6 licensed marijuana establishment if the marijuana establishment has:

7
8 1. Any marijuana or marijuana product not properly logged into the marijuana
9 establishment's marijuana inventory tracking system;

10
11 2. Any adulterated marijuana food or drink product prohibited under section
12 10.80.510A.;

13
14 3. Any marijuana or marijuana product that is not properly packaged and labeled as
15 provided in:

16
17 a. 3 AAC 306.470 and 3 AAC 306.475; or

18
19 b. 3 AAC 306.565 and 3 AAC 306.570; or

20
21 4. Not renewed its license as required under section 10.80.036, except when a
22 renewal application was filed on or before August 31 and a decision on the application
23 is pending; or

24
25 5. Operated in violation of this chapter.

26
27 B. If the municipal clerk, a sworn Peace Officer, a Code Enforcement Officer, or a
28 Health Department Officer seizes marijuana or a marijuana product under this
29 section, the municipal clerk, a sworn Peace Officer, a Code Enforcement Officer, or a
30 Health Department Officer shall so notify the director of the State Marijuana Control
31 Board and ensure that the seized items are stored in a reasonable manner, as set
32 forth below. The agent seizing the marijuana or marijuana product shall immediately
33 give the marijuana establishment from which the marijuana or marijuana product was
34 seized notice of the reasons for the seizure and the time and place of a hearing
35 before the Administrative Hearings Officer. Unless the marijuana establishment from
36 which the marijuana or marijuana product was seized requests a delay, the hearing
37 will be held not later than ten days after the municipal clerk, sworn Peace Officer,
38 Code Enforcement Officer, or Health Department Officer gives notice of the reasons
39 for seizure and the scheduled hearing. If the seizure occurs in connection with a
40 summary suspension under section 10.80.825, the hearing will be combined with a
41 hearing on the summary suspension.
42

43 C. If the marijuana establishment from which the marijuana or marijuana product
44 was seized does not request or participate in a hearing under this section, or if after a
45 hearing the Administrative Hearings Officer finds that seizure of the marijuana or
46 marijuana product was justified, the marijuana or marijuana product will be destroyed
47 by burning, crushing, or mixing with other material to make the marijuana or

1 marijuana product unusable as provided in section 10.80.740, or chapter 7.25.

2
3 D. Seized marijuana and marijuana product, including marijuana plants, shall be
4 inventoried by the licensee and the official authorized to seize, and shall then be
5 either removed by the official authorized to seize, or secured on the licensed
6 premises pending the hearing. The seizure order may direct a marijuana cultivation
7 facility to continue care of marijuana plants until the hearing. No marijuana or
8 marijuana product, once seized and secured, shall be transferred, sold, or involved in
9 any other commercial activity.

10
11 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 22, 4-25-17; AO No. 2017-
12 95(S) , § 7, 5-1-17)

13
14 **10.80.835 - Hearing.**

15
16 A. Except as provided in section 10.80.825 or section 10.80.830, a person
17 aggrieved by an action of the municipal clerk, sworn Peace Officer, Code
18 Enforcement Officer, or Health Department Officer may request a hearing in
19 accordance with chapter 3.60 of the Anchorage Municipal Code.

20
21 B. The Office of Administrative Hearings will conduct the hearing in accordance
22 with chapter 3.60 of the Anchorage Municipal Code.

23
24 (AO No. 2016-16(S), § 1, 2-9-16)

25
26 **10.80.840 - Civil fines.**

27
28 A. The Administrative Hearings Officer may, in addition to any other penalties
29 imposed under this title, impose a civil fine on a marijuana establishment, licensee, or
30 person that the Administrative Hearings Officer determines to have violated a
31 provision of AS 17.38 or this chapter.

32
33 B. A civil fine imposed by the Administrative Hearings Officer may not to exceed the
34 amount listed on the fine schedule set out in section 14.60.030.

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

37
38 **10.80.846 - Appeal.**

39
40 A person aggrieved by a final decision of the Assembly suspending, revoking, or
41 restricting a license or endorsement under this chapter, or imposing a civil fine under
42 this chapter, or upholding as justified an administrative hold on or the seizure of
43 marijuana or a marijuana product, may appeal to the superior court.

44
45 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 23, 4-25-17; AO No. 2019-
46 66 , § 23, 6-18-19)

Commented [HML54]: Effective Date: 12/6/20

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1 **10.80.850 - Surrender or destruction of license or endorsement.**

2
3 A license or endorsement issued under this chapter must be surrendered to the
4 municipal clerk, sworn Peace Officer, Code Enforcement Officer, or Health
5 Department Officer if the municipal clerk or Administrative Hearings Officer so orders.
6 A license or endorsement issued under this chapter must be surrendered not later
7 than ten days after the marijuana establishment loses or vacates the licensed
8 premises. If a license is destroyed, the marijuana establishment shall promptly notify
9 the municipal clerk.

10
11 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2019-66 , § 24, 6-18-19)

12
13 **10.80.905 - Public records.**

14
15 A. Marijuana establishment applications are public records. The municipal clerk, in
16 consultation with the Municipal Attorney, may, at the request of any applicant,
17 designate materials confidential if they:

- 18
19 1. Contain proprietary information including trade secrets **and security system**
20 **configurations**; or
21
22 2. Are required to be kept confidential by any federal or state law or regulation.

23
24 (AO No. 2016-16(S), § 1, 2-9-16)

25
26 **10.80.911 - Refusal to sell marijuana.**

27
28 Nothing in this chapter prohibits a licensee from refusing to sell marijuana or
29 marijuana products to any person unless that refusal is in violation of Title 5 of the
30 Anchorage Municipal Code.

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

33
34 **10.80.915 - Exercise of authority.**

35
36 Until a marijuana establishment surrenders its license to the municipal clerk, and so
37 long as business is conducted under the license on the licensed premises, the person
38 holding the license, whether an individual, a partnership, a limited liability company, a
39 corporation, or a local government, is responsible and liable for the conduct of the
40 business. Any individual exercising actual authority over the conduct of business on
41 the licensed premises must be the holder of the marijuana establishment license, or
42 an agent or employee of that person unless the assembly has approved a transfer of
43 the license to a different person.

44
45 (AO No. 2016-16(S), § 1, 2-9-16)

46
47 **10.80.920 - Death of licensee.**

Commented [HML55]: Commented [GDT27]: To reflect our practice of not disclosing security camera location diagram

1
2 A. If an individual who is the sole licensee of a marijuana establishment dies, the
3 marijuana establishment shall cease operation. A personal representative appointed
4 by the superior court for the estate of the deceased licensee may submit to the
5 municipal clerk a written request to reopen the business, along with a copy of the
6 court order appointing the personal representative. If the licensed marijuana
7 establishment is in good standing, and the personal representative is not a person
8 prohibited from holding a marijuana establishment license by AS 17.38.200(i) or
9 section 10.80.011, the municipal clerk shall grant permission to the personal
10 representative to operate the business on the licensed premises subject to subsection
11 B of this section. In this section, a marijuana establishment is in "good standing" if the
12 marijuana establishment:

- 13
14 1. Has a valid current license;
15
16 2. Has paid all fees due under this chapter and all local taxes due; and
17
18 3. Has no unresolved suspension or revocation proceedings against it.
19

20 B. A personal representative authorized to operate a marijuana establishment
21 under subsection A of this section must submit an application for a transfer of
22 ownership to another person in compliance with section 10.80.045 not later than 90
23 days after obtaining the municipal clerk's approval to operate. The municipal clerk
24 may extend the time allowed in this section for another 90 days if the personal
25 representative requests the additional time.
26

27 C. This section does not authorize the transfer of a marijuana establishment license
28 unless the assembly approves the personal representative's application for transfer of
29 license to another person.
30

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

33 **10.80.931 - Designation of Local Regulatory Authority.**
34

35 Pursuant to AS 17.38.210(c), the municipal clerk is designated as the local regulatory
36 authority for the municipality.
37

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

40 **10.80.990 - Definitions.**
41

42 A. In this chapter:
43

44 ~~"Affiliate" means a person that directly or indirectly through one or more~~
45 ~~intermediaries controls, or is controlled by, or is under common control with, a~~
46 ~~partnership, limited liability company, or corporation subject to this chapter;~~
47

Commented [HML56]: Repealed 10/20/18

- 1 "Assisting" does not include:
2
3 a. Using, displaying, purchasing, or transporting marijuana in excess of the amount
4 allowed in AS 17.38.020;
5
6 b. Possessing, growing, processing, or transporting marijuana plants in excess of
7 the number allowed in AS 17.38.020;
8
9 c. Growing marijuana plants for another person in a place other than:
10
11 i. That other person's primary residence; or
12
13 ii. A garage, shed, or similar place under the other person's control;
14 "Delivering":
15
16 a. Means handing to a person who purchases the product on licensed premises
17 only;
18
19 b. Does not include transferring or transporting to a consumer off licensed
20 premises;
21
22 "Flowering" means a marijuana plant that has visible crystals, buds, or flowers, or for
23 which the exposure to light is scheduled with the intent to produce crystals, buds, or
24 flowers;
25
26 "Immature" means a marijuana plant with no visible crystals, buds, or flowers, and in
27 which the exposure to light is scheduled with the intent to prevent formation of
28 crystals, buds, or flowers;
29
30 "In public":
31
32 a. Means in a place to which the public or a substantial group of people has access;
33 and
34
35 b. Includes highways, transportation facilities, schools, laces of amusement or
36 business, parks, playgrounds, prisons, and hallways, lobbies and other portions of
37 apartment houses and hotels not constituting rooms or apartments designed for
38 actual residence;
39
40 "Municipal Clerk" means the Municipal Clerk or the Clerk's designate.
41
42 "Personal cultivation" does not include:
43
44 a. Using, displaying, purchasing, or transporting marijuana in excess of the amount
45 allowed in AS 17.38.020;
46
47 b. Possessing, growing, processing, or transporting marijuana plants in excess of

- 1 the number allowed in AS 17.38.020;
2
3 c. Growing marijuana plants for another person in a place other than:
4
5 i. That other person's primary residence; or
6
7 ii. A garage, shed, or similar place under the other person's control;
8
9 "Possess" means having physical possession or control over property;
10
11 "Registration" means licensure or license;
12
13 B. In this chapter, unless the context requires otherwise:
14
15 "Adulterated food or drink product":
16
17 a. Means a product that is intended to be consumed orally and that existed without
18 marijuana in a form ready for consumption before marijuana was added by any
19 process;
20
21 b. Does not include raw ingredients that are combined with marijuana in a
22 manufacturing process;
23
24 "Agent":
25
26 a. Means a representative who is authorized to act for a licensee, the assembly, or
27 the municipal clerk, as context requires;
28
29 b. Includes a contractor or subcontractor;
30
31 "Batch" or "harvest batch" means a specifically identified quantity of bud and flower,
32 plant trim, leaf, and other usable product from marijuana plants that are uniform in
33 strain, cultivated in one place and under the same conditions, using the same medium
34 and agricultural chemicals including pesticides and fungicides, and harvested at the
35 same time;
36
37 "Bud and flower" means the hairy, sticky, or crystal-covered parts of mature female
38 marijuana plants generally harvested for their high potency content;
39
40 "Business day" means a day other than a Saturday, Sunday, or a state holiday;
41
42 "CBD" means cannabidiol;
43
44 "CBDA" means CBD Acid;
45
46 "CBN" means cannabinol;
47

Commented [HML57]: Effective Date: 3/13/20

1 "Clones" or "cuttings" means small starter plants:

- 2
3 a. Shorter than eight inches tall; and
4
5 b. Used to propagate marijuana plants;

6
7 "Compensation":

- 8
9 a. Means money, bartered objects or services, or anything else of value, whether
10 given as payment or voluntarily as a donation, when accepted by a person who gives,
11 distributes, or delivers marijuana to another;
12
13 b. Includes a cover charge, a delivery charge, and a packaging charge;

14
15 "Concentrate" or "marijuana concentrate" means resin, oil, wax, or any other
16 substance produced by extracting or isolating cannabinoids, THC, or other
17 components from a marijuana plant or from materials harvested from a marijuana
18 plant;

19
20 "Consumer":

- 21
22 a. Means an individual who purchases and uses marijuana or a marijuana product;
23 and
24
25 b. Does not include a marijuana establishment that resells marijuana or
26 incorporates marijuana into a manufactured product;

27
28 "Consumption" has the meaning given in AS 17.38.900(3);

29
30 "Contaminant" means one or more of the following:

- 31
32 a. Harmful microbials, including Escherichia coli (E. coli), or Salmonella species;
33
34 b. Residual solvents;
35
36 c. Poisons or toxins;
37
38 d. Harmful chemicals, including pesticides;
39
40 e. Dangerous molds, mildew, or filth;

41
42 "Controlling interest" means ownership or control of:

- 43
44 a. 50 percent or more of the ownership interest or voting shares of a corporation; or
45
46 b. Less than 50 percent if a person and family members jointly exert actual control
47 as demonstrated by:

- 1
2 i. Making decisions for the corporation without independent participation of other
3 owners;
4
5 ii. Exercising day-to-day control over the corporation's affairs;
6
7 iii. Disregarding formal legal requirements;
8
9 iv. Using corporation funds for personal expenses or investments, or intermingling
10 corporation finances with personal finances; or
11
12 v. Taking other actions that indicate the corporation is a mere instrumentality of the
13 individual;

14
15 "Distribute" means spread out or pass out among several or many members of a
16 group;

17
18 "Drunken person" has the meaning given in AS 04.21.080(b)(9);

19
20 "Edible" and "edible marijuana product":

21
22 a. Means a marijuana product that is intended to be consumed orally, whether as
23 food or drink;

24
25 b. Does not include an adulterated food or drink product;

26
27 "Extraction" or "marijuana extraction" means production of marijuana concentrate by
28 any water-based, food-based, or solvent-based method;

29
30 "Freestanding" has the meaning given in AS 18.35.301(i)(1);

31
32 "Homogenous" means a component or quality, such as THC, is spread evenly
33 throughout the product, or can be found in equal amounts in each part of a multi-
34 serving unit;

35
36 "Individual" means a natural person;

37
38 "In-house testing":

39
40 a. Means laboratory testing as provided in 3 AAC 306.635 and that does not meet
41 the requirements of 3 AAC 306.645;

42
43 b. Does not include consumption of any marijuana or marijuana product on the
44 licensed premises;

45
46 "Intoxicated" has the meaning given in AS 11.81.900(b)(35);
47

- 1 "Licensed":
2
3 a. Means holding a current and valid license that the municipal clerk has issued
4 under this chapter;
5
6 b. Does not include holding a formerly valid license that has expired or that has
7 been suspended or revoked;
8
9 "Licensee" means each individual identified in 3 AAC 306.020 who must be listed in
10 an application for a marijuana establishment license under this chapter;
11
12 "Licensed premises" means any or all designated portions of a building or structure,
13 or rooms or enclosures in the building or structure, at the specific address for which a
14 marijuana establishment license is issued, and used, controlled, or operated by the
15 marijuana establishment to carry out the business for which it is licensed;
16
17 "Lot" or "production lot" means a group of marijuana products that were prepared at
18 the same time from the same batch of marijuana, using the same recipe or process;
19
20 "Marijuana" has the meaning given in AS 17.38.900;
21
22 "Marijuana consumption area" means a designated area within the licensed premises
23 of a retail marijuana store that holds a valid on-site consumption endorsement, where
24 marijuana and marijuana products, excluding marijuana concentrates, may be
25 consumed;
26
27 "Marijuana cultivation facility" has the meaning given in AS 17.38.900;
28
29 "Marijuana infused product":
30
31 a. Means a product that contains marijuana or marijuana concentrate and is
32 intended for human use;
33
34 b. Does not include bud and flower marijuana;
35
36 "Marijuana plant" means a living organism of the genus Cannabis capable of
37 absorbing water and inorganic substances through its roots, and synthesizing
38 nutrients in its leaves by photosynthesis;
39
40 "Marijuana product" has the meaning given in AS 17.38.900;
41
42 "Marijuana product manufacturing facility" has the meaning given in AS 17.38.900;
43
44 "Overconsumption" means, in relation to consumption of marijuana or marijuana
45 product, (1) more than the amount allowed for on-site consumption under section
46 10.80.306A.2., or (2) consumption of an amount that results in the person being
47 affected by marijuana or marijuana products to the point where the person's physical

- 1 or mental conduct is substantially impaired;
2
3 "Peace officer" has the meaning given in AS 01.10.060;
4
5 "Person" has the meaning given in AS 01.10.060;
6
7 "Process" or "processing" means harvesting, curing, drying, or trimming of a
8 marijuana plant;
9
10 "Propagate" means to cause a marijuana plant to grow by planting clones or cuttings,
11 and nurturing them into viable plants up to eight inches in height;
12
13 "Recreation or youth center" means a building, structure, athletic playing field, or
14 playground:
15
16 a. Run or created by a local government or the state to provide athletic,
17 recreational, or leisure activities for persons under 21 years of age; or
18
19 b. Operated by a public or private organization licensed to provide shelter, training,
20 or guidance for minors;
21
22 "Retail marijuana store" has the meaning given in AS 17.38.900;
23
24 "Retail marijuana store premises" means an area encompassing both the retail
25 marijuana store and any marijuana consumption area;
26
27 "Square feet under cultivation":
28
29 a. Means an area of the licensed premises of a marijuana cultivation facility that is
30 used for growing marijuana, measured from the perimeter of the floor or growing
31 space for marijuana;
32
33 b. Does not include a processing or storage area, an equipment storage area, an
34 office, a hallway, or another area, if that area is not used for growing marijuana;
35
36 "THC" means tetrahydrocannabinol, the main psychoactive substance found in
37 marijuana;
38
39 "THCA" means THC Acid;
40
41 ~~"Total CBD" means the sum of CBD and (0.877)*(CBDA);~~
42
43 ~~"Total THC" means the sum of THC and (0.877)*(THCA);~~
44
45 ~~"THC" means tetrahydrocannabinol, the main psychoactive substance found in~~
46 ~~marijuana;~~
47

Commented [HML58]: Effective Date: 5/9/19

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~~"THCA" means THC Acid;~~

"Transaction" means one single occurrence in which marijuana or a marijuana product not exceeding the limits set out in section 10.80.355 is passed from a licensed marijuana establishment to another person.

(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; AO No. 2019-66 , § 25, 6-18-19)

PASSED AND APPROVED by the Anchorage assembly this _____ day of _____, 2020.

Chair of the Assembly

ATTEST:

Municipal Clerk